### **COUNCIL WORK SESSION**

Tuesday, June 13, 2017, 4:30 p.m. Casper City Hall Council Meeting Room

### AGENDA

- 1. Mobile Work Session Council Tours the Casper Events Center
- 2. Wonder Bar Bump-Out Patio on Center Street Proposal (Cercy Family Holdings)
- 3. Gaming / Gambling in a C-2 Zoning District (Craig Collins)
- 4. Federal Legislation Governing Cell Towers (Wallace Trembath)
- 5. Council Discussion Regarding Public Comment Process for Public Hearings
- 6. Council Discussion Regarding Board Appointments (Terms, Process for Filling Openings, Publication, Applications, etc.)
- 7. City Manager Report
- 8. Future Agenda Review
- 9. Council Around the Table

MEMO TO: Liz Becher, Interim City Manager

FROM: Craig Collins, AICP, City Planner Aaron Kloke, Planner I

SUBJECT: Request from Cercy Investments, LLC

Meeting Type & Date: Regular Council Work Session, June 13, 2017.

Action Type: Information Only.

**Recommendation:** That Council provide City staff with direction on the feasibility of a proposal from Cercy Investments, LLC to remove five (5) public parking spaces in front of the former Wonder Bar, on South Center Street, to create an outdoor seating area for their establishment.

**Summary:** Background and Analysis – The City has received a request from Cercy Investments, LLC to vacate and remove five (5) public parking spaces to create a private outdoor seating area for their establishment on South Center Street, in front of the former Wonder Bar.

In that public parking in the downtown is a sensitive issue, staff suggested acquiring letters of support from the Downtown Development Authority and the Downtown Casper Business Association prior to approaching the City Council with their request. Several letters of support have been provided (attached). Cercy Investments, LLC has also provided a preliminary design (attached), and has performed an initial engineering analysis of drainage and utilities in the area; however, a final design and landscaping/improvement plan would need to be provided to the City Engineer, should the City Council support the proposal. It should be noted that Cercy Investments, LLC has agreed to pay any and all costs for the proposed improvements.

The proposed designs show an extension of the Wonder Bar, as a fenced seating area immediately adjacent to the building, which would be created by the elimination of five (5) public parking spaces along Center Street. Patio space such as this proposal tends to arise in areas where outdoor public space may be lacking, which is evident in many areas in the downtown. They also tend to be encouraged by business owners looking to beautify the space in front of their businesses and often help attract more foot traffic. In this case, since the patio is immediately adjacent to the business, sale and consumption of alcohol could be allowed as long as a permanent barrier or fence is installed along the perimeter of the patio, located on the licensed premises, and approved by Council.

While the proposed patio increases the amount of space for customers to enjoy "street life" in the downtown area, parking spaces must be removed to implement the proposal. This can be of

concern to downtown business owners and those that live and work in downtown. Concerns over parking management and parking availability in downtown Casper have been expressed by City staff, among others, in the past. The most recent downtown parking study, performed in the fall of 2000, found that a common perception is that there is a need for additional parking in the downtown area and that the downtown garage needs to be better utilized. It should be noted that the applicant intends to acquire the remaining forty (40) parking spaces in the public parking garage for use solely by their patrons. In addition to parking challenges, the proposal redirects the pedestrian way (sidewalk) and narrows the width of the walkable portion of the sidewalk.

Although outdoor public spaces are something that many believe should be encouraged to increase downtown vibrancy and enhance downtown businesses, the request does convert public space (parking) to limited private use. This does not only pose philosophical challenges regarding the sanctity of public property for use by all people of Casper, it poses legal obstacles for the same reason.

Outdoor seating can take many forms legally, physically, and programmatically. Another option that was presented to the applicant in this case is to create a "parklet." A parklet is an outdoor public seating area that uses space traditionally reserved for vehicular parking. This was an alternative suggested to the Cercy Group by City staff as being easier to accomplish, legally, because the public parking/sidewalk would not be transformed into a limited use, privately leased/licensed status, and would remain in public use. It should also be noted that given the current regulations on liquor licensing, the parklet concept would not be considered to be part of the Wonder Bar's "premises," because it would be located on the other side of the sidewalk from the building and would therefore be unusable for outdoor serving/consumption of alcohol. This alternative was dismissed by the Cercy Group due to the inability to serve alcohol.

This proposal is a proxy for a larger conversation in downtown Casper regarding the balance of land uses for automobiles, pedestrians, and public/private space. Tradeoffs exist and by creating more space for pedestrians, public seating, and overall space for people, a reduction in space for parking and vehicles will occur. Because of this, and as downtown sees an expansion of restaurant and bar development, Planning Division staff recommends that a comprehensive and long term view is taken into account. While the subject proposal is desirable and physically possible (although legally questionable), other similar proposals are likely to come forward, and not every location where proposed may be appropriate or suitable. A comprehensive downtown planning effort to develop standards for parking management and public space is the best approach, long term, and will ensure future equity of infrastructure, efficiency of space, and overall effectively meeting the needs of our growing downtown.

### **Previous Council/Commission/Board Actions** – N/A.

### **Communication Efforts** – N/A.

Financial Considerations: None.

**Oversight/Project Responsibility:** Public Services Department and the Planning Division.

Attachments:Letter from Western Heritage Consulting & Engineering<br/>Preliminary layout plan<br/>Letters of support<br/>Outdoor Patio example photos<br/>Parklet example photos

# **Outdoor Private Patio Examples**

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Lincoln, NE







# **Public Parklet Examples**

## Parklets constructed with "quicker" and cheaper methods





Examples of more permanent improvements





# caeda

May 2, 2017

City of Casper Andrew Beamer, Public Services Director 200 N David Street Casper, WY 82601

### RE: Letter of Support for the C85 - Wonder Bar External Service Area

Dear Mr. Beamer:

The Casper Area Economic Development Alliance Board of Directors is pleased to write this letter of support for the Wonder Bar improvements proposed by C85 leadership and owners. This proposal provides a critical capability and enjoyment for the citizen consumers and guests of our fine city that is offered in other downtowns across America. We understand the impact to on-street parking, but recognize and offer that the underutilized City of Casper Parking Structure is directly across the street and readily accessible and convenient. Projects like this one offer multiple benefits to our downtown: 1) investment and modernization of important landmarks; 2) establishment of exciting new hospitality outlets; 3) growth of property and sales tax revenue; 4) diversification of our downtown economic portfolio; 5) improvement of quality of life and; 6) shores up our competitive positioning with other communities in Wyoming.

As the economic development entity for the city and county, we see the value in a diversified approach to economic development as identified in our strategic plan. This project certainly addresses that objective as outlined in the Local Foods, Local Places goals; promotion and expansion of economic opportunities for local farmers and business, improvement of access to healthy local foods and creation of walkable, healthy, economically vibrant downtown. We believe these initiatives are of great value to our local residents and to those who will travel here. We see additional growth in those companies that will provide support for successful community local food efforts, including the hospitality sector, health sectors, and others that will provide more direct support towards a healthy robust lifestyle.

In summary, this private sector initiated project is the opportunity for the city to firmly and confidently demonstrate its support for this and future similar projects that influence the growth and diversification of our hospitality industry. We would encourage the City of Casper to consider this improvement in the most positive manner. Of course we are available to answer questions or provide more information about our support of this project.

Best Regards,

Charles T. Walsh President/CEO

CAEDA/Forward Casper Draft, 2017

Casper Area Economic Development Alliance Inc. 300 South Wolcott, Suite No. 300, Casper, WY 82601 (800) 634-5012 ph (307) 577-7011 Px (307) 577-7014



April 24, 2017

City of Casper Andrew Beamer, Public Services Director 200 N. David Street Casper, Wyoming 82601

Dear Mr. Beamer:

The Downtown Development Authority (DDA) Board of Directors is proud to support C-85 at The Wonder Bar in their pursuit of a sidewalk patio area in front of their establishment on Center Street. Between many downtown stakeholders, we have often discussed the need for patio seating in our downtown but never had a property or project ready and calling for implementation. As a board, we fully understand the implications of the request and have discussed the primary concerns: 1) Loss of five (5) on street public parking spaces 2) Potential for alcohol consumption beyond the front door

We have met with the owners of this project and thoroughly reviewed their plans. It is our belief that this proposal helps downtown and our community, rather than hinders it. The measures taken by C-85 ownership to address parking have been well thought out and impressive. These measures include securing private parking lots, as well as the plan to offer valet services. The proposal also includes plans to better utilize the bought and paid for city asset that is the downtown Parking Garage located directly across the street.

To address the possible concern of having alcoholic beverages beyond the front door, we would cite nearly every community and downtown across the country who currently allows this. We believe the model of creating a defined area, bordered with a control barrier, such as a wrought-iron fence, would address this concern. We would also look to city leadership to create the new ordinance, including rules and permitting, where it may be approved and regulated. Our hope is that we could work together as a community with city staff and downtown stakeholders to identify items of particular importance that need to be addressed, such as: unobstructed walking space between curb and rail, patio curfew, licensing, and maintenance concerns.

The impact of having people visible downtown is essential to the energy within the downtown. Continued investment in the downtown core is critical to the efforts to create a flourishing and vibrant district; an atmosphere that remains attractive to further private investment. We understand more than anything that parking is and will always be an issue for all downtowns. In order to help absorb the burden on other downtown merchants due to the loss of five (5) street spaces and to address the anticipated increase in downtown patrons, the DDA would propose to change the Parking Garage rules to allow for the first hour to be *free* to the public. We believe this would not only address parking issues for C-85 but for their Center Street neighbors, as well as all of downtown. Additionally, continued enforcement of the existing 2-Hour parking rule in downtown, especially along Midwest, would help discourage use by business owners and employees, and free up countless spaces for the general public to utilize.

We are extremely proud of our amazing downtown and very excited to see the new energy and investment taking place after years of hard work. As a board, we fully support the proposal brought forward by C-85 at The Wonder Bar and would be happy to discuss in greater detail if given the opportunity. Thank you for your time and consideration.

Respectfully submitted,

Kevin Hawley Executive Director



April 28, 2017

Mayor of the City of Casper The City of Casper 200 N. David Street Casper, WY 82601

Dear Mayor Humphrey and Members of City Council,

The Casper Area Convention and Visitors Bureau (CACVB) is pleased to offer this letter of support for C-85 at The Wonder Bar in their desire to establish a sidewalk patio area in front of their location on Center Street. As an entity responsible for driving tourism in Natrona County, we believe outdoor dining options will not only enhance the perception of Casper as a leisure destination, but it will drive visitor spending and economic impact in our area.

According to a 2014 study conducted by Study Hall Research, 82 percent of full-service restaurant diners said they enjoyed outdoor dining more often when on vacation. In addition to potentially increasing visitor spend and length of stay, al fresco dining options such as the one proposed by C-85 in the downtown core can also positively impact the number of jobs in our area along with local sales tax collections. A 2016 Wyoming Travel Impacts Study conducted by Dean Runyan & Associates shows that nearly 23% of total tourism spending in Natrona County goes to the restaurant, food and beverage category.

After reviewing the first draft of the Generation Casper Comprehensive Plan, C-85's proposed plan also supports our community's desire for a vibrant urban center, unique public character, rich culture and enhanced quality of life.

We strongly encourage the City to consider C-85 at The Wonder Bar's proposed sidewalk patio area. We fully support this project and would welcome the opportunity to discuss in greater detail if appropriate. Thank you for your time and consideration.

In appreciation,

Brook Kreder, CEO, CTA Casper Area Convention & Visitors Bureau April 27, 2017

Mayor of the City of Casper The City of Casper 200 N David Street Casper, WY 82601

Dear Mayor Humphrey and Members of the City Council:

My name is Maegan Wittke and I am the owner of Rubenesque, a small boutique in downtown Casper. I am writing this letter in support of C-85 at The Wonder Bar and their pursuit of a sidewalk patio area in front of the business on Center Street. This will be a great asset to downtown and hopefully ramp up the night life in downtown Casper. Drawing more people to downtown will be a great benefit to all of the small businesses down here.

I have reviewed the plans, and although we would be losing 5 parking spots downtown, I feel that the benefits of getting people here outweigh the risks of losing those 5 spots. I believe if we all work hard, we can encourage people to use the downtown parking garage.

I think the plan will bring energy and vitality to downtown, which will only encourage more traffic, more spending, and an increased economic improvement. I am excited to see the new energy and excitement that C-85 at The Wonder Bar will bring to downtown Casper.

Best Regards,

MUHATA

Maegan Wittke Owner Rubenesque

May 5, 2017

The Honorable Kenyne Humphrey Mayor of the City of Casper 200 N. David Street Casper, WY 82601

### Re: C-85 Wonder Bar Patio Seating

Dear Mayor Humphrey:

Casper Redevelopment Company, LLC is proud to support and encourage C-85 at the Wonder Bar's pursuit of a sidewalk patio area as part of their establishment. The benefits of having an outdoor eating area far exceed the disadvantages. We are all working to build on the atmosphere and vibrancy in Downtown and the Old Yellowstone District. We perceive outdoor eating as a desirable and necessary component of this significant effort.

The energy and investment in Downtown and Old Yellowstone District is obvious as one walks around these areas. The growing number of outdoor activities taking place in the Downtown and Old Yellowstone District is a testament to that vibrancy and desire for Casperites to enjoy those amenities. It is a natural extension of that atmosphere to accommodate patio seating at C-85 at the Wonder Bar. We fully support the plans of C-85 to build patio seating and ask you to consider doing the same. Thank you in advance for your consideration.

Very truly yours,

Cary E. Brus Manager

Edie Holmes Operations Manager



"Serving our western heritage, enhancing our natural resources"

May 5, 2017 revised May 24, 2017

City of Casper Andrew Beamer, Public Services Director 200 N David Street Casper, WY 82601

RE: Cercy Investments LLC, C85 @ The Wonder Bar Civil Engineering Letter 256 S. Center Street Casper, WY 82601

### Mr. Andrew Beamer:

This letter, sent on behalf of Cercy Investments LLC, addresses Civil Engineering components for the proposed construction of a bulb-out sidewalk/patio area at the Wonder Bar located at 256 S. Center Street in Casper, WY. The purpose of this letter is to compare the existing conditions and the proposed improvements to the site access, stormwater drainage and utilities. This project would be designed to improve pedestrian and common ground areas adjacent to the Wonder Bar, with the intent of establishing a lease or conveyance of use of a portion of the improvements to the property owner for use in restaurant commerce.

### **Property Description:**

The property is one parcel. The proposed improvements are situated outside and east of the parcel. The parcel includes the building structure of the subject property. The specific area of the improvements does contain public utilities. The applicant is pursuing approval of a bulb-out sidewalk/patio area and associated curb and gutter, with installation of fencing and lighting to for an outside seating area. Further details of the existing and proposed improvements of the access and associated drainage are described below.

### Site Access:

The site is located on the west side of Center Street. There is on-street parking, curb and gutter and sidewalk owned by the City of Casper on the east side of the property. No new access points are proposed with this project. The proposed improvements will impact the traffic volumes in the area during construction, but will have minimal impacts to vehicular volumes post construction. The proposed improvements would promote pedestrian use of the area, but would eliminate five parking spaces.

The existing conditions of the curb and gutter are typical to old curb and gutter with low spots holding water at various locations. The adjoining sidewalk includes a grade break that incorporates non-ADA compliant slopes along with a settled water service trench in front of the House of Sushi restaurant which occupies the adjacent lot to the south. These drainage, ADA compliance and poor concrete conditions would be corrected with the proposed improvements.

Wyoming Phone: 307-215-7430 Colorado Phone: 970-245-4133 E-mail: info@westernhce.com

# WESTERN HERITAGE

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### Drainage:

The drainage of the area is surface drainage on paved surfaces directing stormwater to an existing inlet area drain approximately fifteen feet north of the proposed improvements. There are two areas where ponding occurs in the gutter along the improvement area. Both of these would be corrected with the incorporation of these improvements. The new curb and gutter and sidewalk would not affect existing drainage basin areas significantly with a 75 square foot adjustment. Drainage away from the building would be maintained on the surface of the sidewalk to the curb and gutter, but the steep, non-ADA compliant slope of the eastern 3.5 feet of existing sidewalk would be eliminated and replaced with ADA compliant sidewalk.

There would be no addition of impervious area that would require other drainage improvements to manage increased runoff.

Temporary erosion control facilities and BMPs would be utilized to manage stormwater runoff during the construction process. These would include sediment blocking covers or straw wattles at the existing inlet area drain. The total area of disturbance for this project would be approximately 2,400 square feet (0.06 acres). Because this is less than 1 acre, a State of Wyoming Department of Environmental Quality Water Quality Division Stormwater Management Plan (SWMP) will not be required.

### **Utilities:**

The only anticipated effect of these improvements to utilities would be adjustment, and potential replacement, of curb stop boxes for the water service shutoffs to the Wonder Bar and House of Sushi.

### Proposed improvements:

The proposed improvements include the replacement of the curb, gutter and sidewalk, and placement of concrete for the new sidewalk bulb. The public improvements would also include lighting, seating benches, bike rack, and safety bollards. The Wonder Bar would install, in accordance to a lease or license agreement with the city, separation fencing, lighting, seating, and lighting for use by its patrons. An example of which is attached from Billings Montana Brewing, the ownership team is currently seeking examples of the lease agreement in place between Montana Brewing and the City if Billings for your reference.

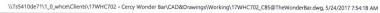
Please consider this letter with the letters of support for the improvement of this site. Feel free to contact us if additional information or clarification is needed.

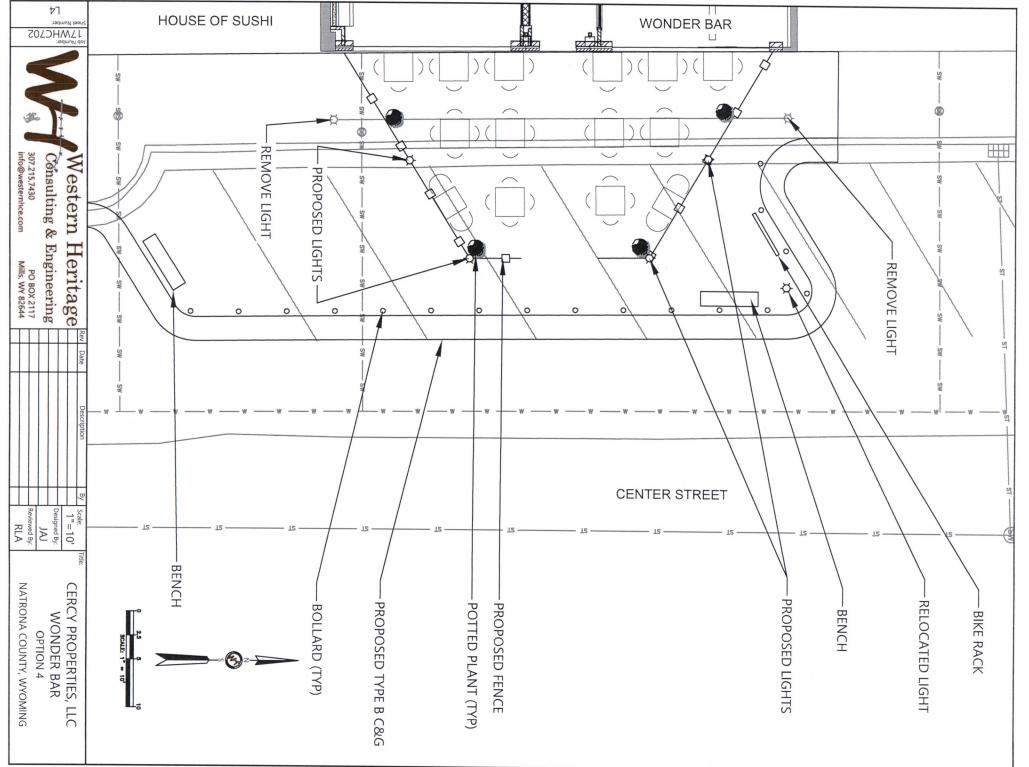
Western Heritage Engineering & Consulting

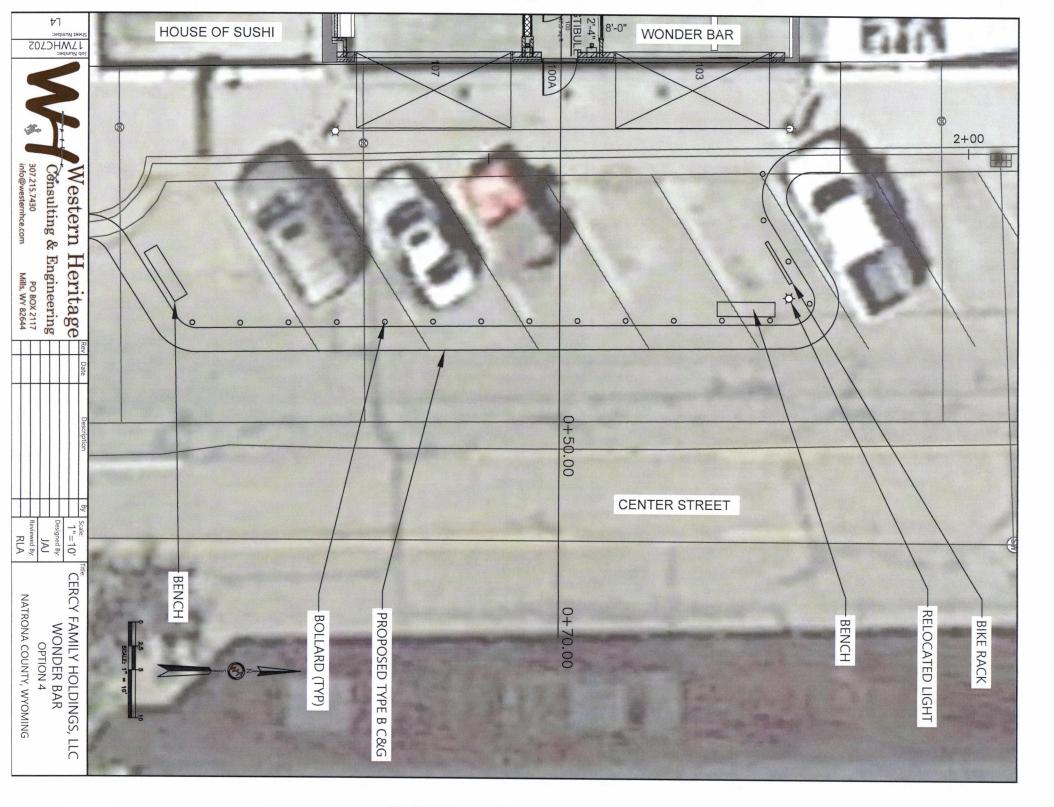
Bul. Ada

Ryan Altenburg

Wyoming Phone: 307-215-7430 Colorado Phone: 970-245-4133 E-mail: info@westernhce.com







MEMO TO: Liz Becher, Interim City Manager

FROM: Pete Meyers, Assistant Support Services Director Craig Collins, AICP, City Planner

SUBJECT: Gaming/Gambling in a C-2 (General Business) zoning district.

Meeting Type & Date: Regular Council Work Session, June 13, 2017.

Action Type: Information Only.

**<u>Recommendation</u>**: That Council provide City staff with direction on amending the City's gaming/gambling regulations.

<u>Summary:</u> Background and Analysis – Staff was recently contacted by Preston Pilant, Executive Director of The Pet Ring Foundation. Mr. Pilant desires to install gaming/gambling machines at his establishment located at 2877 East  $2^{nd}$  Street (Old Godfather's Pizza). The purpose of the gaming/gambling machines would be to financially support his charitable foundation. The subject property is zoned C-2 (General Business), and gaming/gambling is listed as a conditional use in the C-2 zoning district, provided the use is located in excess of three hundred (300) feet from any school or church use. In this particular case, there is a church property located approximately eighty (80) feet from his property line, to the east; therefore, the approval of a conditional use permit is not an option.

The first question before Council regarding gaming/gambling regulations is whether the current restriction on location should be amended. There are several options available, and they are:

- Do nothing, and leave the three hundred (300) foot prohibition in place;
- Reduce the distance restriction from three hundred (300) feet to a shorter distance;
- Clarify the method that separations are measured, i.e. property line to property line vs. building to building;
- Change gaming/gambling from a conditional use to a permitted use, by right, in the C-2 zoning district;
- Amend all commercial and industrial zoning districts which have zoning restrictions on the location of gaming/gambling uses regarding proximity to schools and churches. This would include the C-2, C-3, C-4, M-1, and M-2 zoning districts.

The second question before Council regarding gaming/gambling involves licensed liquor establishments. The Planning and Zoning Commission is considering a conditional use permit to allow Off Track Betting at Galloway's Pub on CY Avenue at its meeting on June 15, 2017. Sections 5.08.290(D) and 5.08.340 of the Casper Municipal Code currently prohibit

gaming/gambling within a bar; therefore, even if the Planning and Zoning Commission approves the requested conditional use permit, the applicants would still be prohibited from operating Off Track Betting under the City's current regulations.

The State of Wyoming recently amended their liquor licensing regulations, removing the prohibition on gaming/gambling in liquor establishments; however, the City has not yet made the amendments to the Municipal Code to mirror the State's regulations. The City Council has recently passed, on first and second reading, several amendments to the City's liquor laws. Prior to third and final reading/approval, the Council may wish to amend the ordinance to allow for gaming/gambling within liquor establishments, if so desired.

**Previous Council/Commission/Board Actions** – N/A.

**Communication Efforts** – N/A.

Financial Considerations: None.

**Oversight/Project Responsibility:** Pete Meyers, Support Services Department and Craig Collins, Community Development Department.

Attachments: - N/A

June 5, 2017

Liz Becher, Interim City Manager **MEMO TO:** 

- **FROM:** Wallace Trembath, Assistant City Attorney *W.T.* William C. Luben, City Attorney
- **SUBJECT:** Wireless Telecommunication Facilities in City Rights of Way

### Meeting Type & Date

Council Work Session on Tuesday, June 13, 2017

### **Action Type**

Professional services contract

### Recommendation

That Council considers entering into a professional services contract with River Oaks Communications Corporation to revise the City's telecommunication ordinances, provide technical expertise, and build stakeholder consensus to accommodate wireless telecommunication facilities.

### **Summary**

The demand for good cellular coverage and seamless connection to wireless broadband continues to grow. In response, wireless service providers estimate that next year alone, at least 150,000 new wireless telecommunication facilities will be installed nationwide, and more than 500,000 will be installed the following year to keep up with consumer demand for data and to deploy 5g networks.

The City has already been approached by one company who desires to locate its "mini-cell towers" in City rights of way. The Telecommunications Act of 1996 states that local governments cannot "prohibit or have the effect of prohibiting wireless facilities," but also preserves local zoning authority over the "placement, construction, and modification of wireless facilities." Several other layers of law apply, and it appears clear that wireless telecommunication providers may locate in public rights of way.

While these new technologies are valuable to the community, City staff has concerns about preserving the integrity of the community and protecting its valuable property rights in its rights of way. Additionally, several factors make these new mini-towers different from traditional cell towers including: (1) location in City rights of way, instead of on leased or licensed public and

private property; (2) the granting of utility status to distributed antenna system ("DAS") contractors; (3) public safety concerns, and (4) the speed with which deployment is occurring.

The City needs to quickly update its telecommunications ordinances to allow for the new technology in accordance with federal law, while concurrently balancing the public interests in City rights of way. Because each City is different in its size, zoning code, district, topography and character, using ordinances written for another municipality is impractical, and could have negative, unintended consequences.

Because time is of the essence in getting our City ordinances revised, and the City needs expertise about the DAS, mini-cellular and other wireless technologies that may be deployed, the City has been in contact with Bob Duchen, the Co-founder, Vice President and Senior Counsel of River Oaks Communications Corporation. River Oaks Communications Corporation provides strategic consulting and team management services to assist cities with rewriting and updating their telecommunications ordinances, and in getting buy-in from major stakeholders (e.g., service providers) during the process.

In March and April, River Oaks Communications assisted the City of Cody, Wyoming, in getting a new telecommunications ordinance in place, and has also worked extensively in North Dakota, New Mexico, Idaho and Colorado doing the same work. Bob Duchen is a key note speaker about this subject at the WAM convention in Gillette, Wyoming, on May 31 – June 2, 2017.

### **Financial Considerations**

Bob Duchen has provided our office with a not-to-exceed budget of \$10,000, plus costs to be performed under a professional services agreement with River Oaks Communications Corporation. A total budget figure of \$15,000 should cover all the services needed.

### **Oversight/Project Responsibility**

City Attorney's Office

### **Attachments**

None

### June 6, 2017

TO:	Honorable Mayor and Members of the Casper City Council
FROM:	Liz Becher, Interim City Manager
SUBJECT:	Discussion Concerning Consistency Among Boards and Commissions When Filling Vacancies

### Meeting Type & Date

Work Session, June 13, 2017.

### Action Type

Not applicable, information only.

### Recommendation

Provide direction to staff to bring consistency in how the boards and commissions fill openings.

### **Summary**

The City of Casper has various boards and commissions that assist the City Council with many agencies by providing oversite and accountability. Currently there are different protocols among the boards to fill board/commission vacancies; specifically applications, advertising, and term limits. The City Council interviews for the following four (4) boards: Amoco Reuse Agreement Joint Powers Board, Civil Service Commission, Leisure Services Advisory Board, and the Planning and Zoning Commission. The other boards are responsible for interviewing to fill an open position. A consistent process would help to alleviate confusion for the boards, staff and the citizens as well.

### **Financial Considerations**

Not applicable.

### **Oversight/Project Responsibility**

Interim City Manager Liz Becher

### **Attachments**

None.