

AGENDA
PLANNING AND ZONING MEETING
September 15, 2016
6:00 P.M.
COUNCIL CHAMBERS
CITY HALL, 200 NORTH DAVID

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

PLANNING AND ZONING POLICY
PUBLIC STATEMENTS

1. Use of Cellular telephones is not permitted, and such telephones shall be turned off or otherwise silenced during the Planning and Zoning Meeting.
2. Speaking to the Planning and Zoning Commission (These guidelines are also posted at the podium in the Council Chambers).
 - Clearly state your name and address.
 - Please keep your remarks pertinent to the issue being considered by the Planning and Zoning Commission.
 - Please do not repeat the same statements that were made by a previous speaker.
 - Please speak to the Planning and Zoning Commission as you would like to be spoken to.
 - Please do not address Applicants or other audience members directly.
 - Please make your comments at the podium and directed to the Planning and Zoning Commission.
3. The City of Casper Planning and Zoning Commission is a volunteer body composed of members of the Casper Community, and appointed by the Casper City Council. The Commission acts as a quasi-judicial panel, making final decisions on some specific items, and recommendations to the City Council on others as dictated by law. The Commission may only consider evidence about any case as it relates to existing law. The Commission cannot make or change planning or zoning laws, regulations, policies or guidelines.

AGENDA

- I. CALL TO ORDER**
- II. MINUTES: August 18, 2016 Meeting**
- III. PUBLIC HEARINGS:**

- A. **PLN-16-033-R** – *(Tabled July 21, 2016)* A petition to vacate and replat Lots 23-29, all of Tracts B, C, D, and E, of the Back Nine, a subdivision of the City of Casper, to create The Back Nine, Lots 30-72 and Tracts G & H, comprising 18.61-acres, more or less, generally located south of West 29th Street and east of Casper Mountain Road. Applicant: Becker Development, LLC.

- B. **PLN-16-037-C** – *(Continued August 18, 2016)* Petition for a Conditional Use Permit for the construction of a detached accessory building (garage) in a C-2 (General Business) zoning district with 14’ high walls, in excess of the 12’ maximum wall height permitted in a C-2 (General Business) zoning district; and with a lot coverage which exceeds the 15% maximum permitted (896 square foot building), on the west 40’ of Lots 13 and 14, Block 82, Butler’s Addition, located at 1441 East 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

- C. **PLN-16-040-C** – Petition for a Conditional Use Permit for the placement of a 100’ monopole cell tower, and associated equipment, in a PH (Park Historic) zoning district, on the SW1/4SW1/4SW1/4 of Section 16, T33N, R79W, of the 6th P.M., Natrona County, located at 795 College Drive (adjacent to BMX track in Mike Sedar Park). Applicant: City of Casper/Verizon Wireless.

- D. **PLN-16-041-Z** – Petition for a Zone Change of Lots 1 - 3, Block 3; Lot 1, Block 4; and Lot 1 Block 2; Harmony Hills Addition No. 2 – Phase 2; located at 1725, 1625, 1575, 1525, and 4911 Yesness Court, from C-2 (General Business) to R-2 (One Unit Residential). Applicant: Mountain View Builders, Inc. & Harmony Development, LLC, & Success Properties, LLC.

VI. COUNCIL ACTIONS:

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

V. SPECIAL ISSUES:

VI. COMMUNICATIONS:

- A. Commission
- B. Community Development Director
 - 1) Old Business Items
 - 2) New Business Items

- C. Council Liaison**
- D. Other Communications**

VII. ADJOURNMENT

**PLANNING AND ZONING MEETING
THURSDAY, AUGUST 18, 2016
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 Thursday, August 18, 2016, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Bob King
 James Holloway
 Susan Frank
 Fred Feth
 Ryan Waterbury
 Randy Hein

Absent Members: Don Redder

Others present: Craig Collins, City Planner
 Aaron Kloke, Planner I
 Dee Hardy, Administrative Support Technician
 Wallace Trembath, Assistant City Attorney
 Steve Cathey, Council Liaison
 Dennis Baker, 550 North Poplar Street
 Kristian Kelly, 9518 I-25 Frontage Road, Longmont, CO

II. MINUTES OF THE PREVIOUS MEETING

Chairman King asked if there were additions or corrections to the minutes of the July 21, 2016 Planning & Zoning Commission meeting.

Chairman King called for a motion to approve the minutes of the July 21, 2016 Planning & Zoning Commission meeting.

Mr. Hein made a motion to approve the minutes of the July 21, 2016 meeting. The motion was seconded by Mr. Feth. All those present voted aye. Minutes approved.

III. PUBLIC HEARING

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

PLN-16-031-ARZ – *(Continued from July 21, 2016)* Petition to annex and plat portions of SE1/4SW1/4 and SW1/4SE1/4 of Section 8, NE1/4NW1/4 and NW1/4NE1/4 of Section 17, T33N, R78W, 6th P.M., Natrona County Wyoming, to create Eastgate Ranch Addition, comprising 10.60-acres, more or less, located east of the intersection of Venture Way and Morado Drive; and establish the zoning of the proposed Eastgate Ranch Addition as City Zoning Classification AG (Urban Agriculture). Applicant: Eastgate Ranch, LLC.

Aaron Kloke, Planner I, presented the staff report and recommended that the Planning and Zoning Commission acknowledge withdrawal of the case by the applicant.

Chairman King entertained a motion to acknowledge withdrawal of Case No. PLN-16-031-ARZ.

Mr. Feth made a motion to acknowledge withdrawal of Case No. PLN-16-031-ARZ. The motion was seconded by Mr. Hein. All those present voted aye. Motion passed.

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

PLN-16-036-Z – Petition for a Zone Change of Lots 5 & 6, Standard Oil Co. Subdivision, located at 911 CY Avenue and 1535 South Poplar Street, from R-2 (One Unit Residential) to C-2 (General Business). Applicant: Cornerstone Commercial Partners, LLC.

Aaron Kloke, Planner I, presented the staff report, stating that if after the required public hearing, the Planning and Zoning Commission finds that the requested rezone meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff recommends that the Planning and Zoning Commission approve the rezone and forward it to the City Council with a “do pass” recommendation.

Mr. Kloke entered five (5) exhibits into the record for this case.

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

The applicant or a designated representative were not in attendance to explain their case.

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

Dennis Baker, 550 North Poplar Street, spoke in favor of this case.

There being no others to speak, Chairman King entertained a motion to approve, deny, or table PLN-16-036-Z, regarding rezoning of 911 CY Avenue and 1535 South Poplar Street to C-2 (General Business).

Ms. Frank made a motion to approve case PLN-16-036-Z regarding the rezoning of 911 CY Avenue and 1535 South Poplar Street to C-2 (General Business), and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Waterbury. All those present voted aye. Motion carried.

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

PLN-16-037-C – Petition for a Conditional Use Permit for the construction of a detached accessory building (garage) in a C-2 (General Business) zoning district, with 14’ high walls, in excess of the 12’ maximum wall height permitted in a C-2 (General Business) zoning district, on the west 40’ of Lots 13 and 14, Block 82, Butler’s Addition, located at 1441 East 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

Aaron Kloke, Planner I, presented the staff report and recommended that the Planning and Zoning Commission continue **Case # PLN-16-037-C** to the regularly scheduled September 15, 2016 Planning and Zoning Commission public hearing.

Chairman King entertained a motion to continue Case No. PLN-16-037-C to the September 15, 2016 Planning and Zoning Commission public hearing.

Mr. Holloway made a motion to continue Case No. PLN-16-037-C to the September 15, 2016 Planning and Zoning Commission meeting. The motion was seconded by Mr. Feth. All those present voted aye. Motion passed.

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

PLN-16-038-C – Petition for a Conditional Use Permit for an oversized accessory building (detached garage) with a building footprint of 1,800 square feet, in excess of the 1,500 square foot maximum permitted; and with exterior walls 16’ in height, in excess of 12’ maximum wall height permitted, in an R-1 (Residential Estate) zoning district, on Lot 34, Block 20, Paradise Valley Addition, located at 305 Upper Aster Road. Applicant: Jake Hoopes.

Aaron Kloke, Planner I, presented the staff report and stated that if after the required public hearing, the Planning and Zoning Commission finds that the requested Conditional Use Permit meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, staff recommends that the Planning and Zoning Commission articulate its findings in the staff report, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval.

1. The accessory building (garage) shall be similar in design to the principal residential structure and surrounding neighborhood buildings, with comparable exterior residential siding materials and a similar roof pitch.
2. The accessory building (garage) shall be completed within one (1) year from the date of approval of the Conditional Use Permit. If said accessory building is not completed within a year, the Conditional Use Permit shall become null and void.

Mr. Kloke entered five (5) exhibits into the record for this case.

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

Kristian Kelly, 9518 I-25 Frontage Road, Longmont, CO, spoke, on behalf of the applicant, in favor of this case.

Chairman King inquired if materials had changed for the proposed garage from the original application in 2014.

Mr. Kelly replied that he was not part of the original 2014 case, but that comparable siding would be used and he would match roof pitch of the residence.

Chairman King asked if the Conditions listed in the staff report were acceptable.

Mr. Kelly replied that the Conditions listed in the staff report were acceptable.

Mr. Holloway asked if the roof pitch would be similar to the existing structure and what type of roofing material would be used.

Mr. Kelly advised that there would be a metal roof. He asked if the roofing material had to be comparable to existing materials.

Mr. Collins advised that the materials should be comparable to the existing structure as well as the surrounding area.

Mr. Hein asked Mr. Kelly if he knew the pitch of the roof on the existing house.

Mr. Kelly stated that he did not know the roof pitch of the house, he had not been on site to take measurements. He advised that the pitch of the proposed structure would match the pitch of the existing residence.

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

There being no others to speak, Chairman King closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table PLN-16-038-C, Conditional Use Permit for an accessory building (detached garage) with a building footprint of 1,800 square feet, in excess of the 1,500 square foot maximum permitted; and with exterior walls 16' in height, in excess of 12' maximum wall height permitted, in an R-1 (Residential Estate) zoning district, on Lot 34, Block 20, Paradise Valley Addition, located at 305 Upper Aster Road.

Mr. Holloway made a motion to approve case PLN-16-038-C for the construction of an accessory building (detached garage) with a building footprint of 1,800 square feet, in excess of the 1,500 square foot maximum permitted; and with exterior walls 16' in height, in excess of 12' maximum wall height permitted, in an R-1 (Residential Estate) zoning district, on Lot 34, Block 20, Paradise Valley Addition, located at 305 Upper Aster Road, with Conditions #1-2, listed in the staff report, for the following two (2) 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; and 2) The Conditional Use is designed to be compatible with adjacent land uses and the area of its location; and with findings A-F: a) The oversized footprint and height of the detached accessory building are mitigated by the larger-than-average size of the applicant's property. At approximately one hundred sixty (160) feet, the setback of the building from Upper Aster Road is larger than the twenty-five (25) foot minimum required. The nearest adjacent residences are approximately sixty (60) and ninety (90) feet away from the proposed accessory building. b) The proposed use, as a detached garage, is a permitted accessory use in the R-1 (Residential Estate) zoning district, and will not affect the area's density or be detrimental to the neighborhood. 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 oversized accessory building, as determined by the City Engineer and the

Community Development Director. e) To the best of the planning staff's knowledge, there has not been any Conditional Use Permits issued for oversized accessory buildings within three hundred (300) feet of the subject property, with the exception of the applicant's previous permit, which expired in 2015. f) There are no other criteria, affecting public health, safety, and welfare, as provided for by written rules of the Commission. The motion was seconded by Mr. Hein. All those present voted aye. Motion carried.

IV. COUNCIL ACTIONS:

There were none.

V. SPECIAL ISSUES:

There were none.

VI. COMMUNICATIONS:

A. Commission:

There were none.

B. Community Development Director:

Aaron Kloke, Planner I, gave an update, on the progress of the Comprehensive Land Use Plan. He advised that the first survey received 281 responses, and that he was very pleased to get that many. He stated that public engagement included attending neighborhood and community events, and this weekend they would be at back to school and river fest. He challenged the Planning and Zoning Commissioners to invite him to attend an event to talk about the Comprehensive Land Use Plan. He mentioned examples of Rotary, Elks Club, and Kiwanis. He advised that through emails, on the Generation Casper web page, 627 had subscribed to receive the newsletter. He stated that his goal by the end of August was to have 750 signed up for the newsletter.

C. Other Communications:

There were none.

D. Council Liaison:

Steve Cathey advised that the first survey for the Comprehensive Land Use Plan had closed, and the second survey starts tomorrow, Friday, August 19, 2016. He encouraged everyone in attendance to take the survey. He advised that Council had passed a Zone Change for a portion of the Old Yellowstone District, South Poplar Corridor area, and in a future work session Council would review the OYDSPC zoning district to determine if there may be a need for more rezoning.

VII. ADJOURNMENT

Chairman King called for a motion for the adjournment of the meeting. A motion was made by Ms. Frank and seconded by Mr. Waterbury to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 6:48 p.m.

Chairman

Secretary

September 9, 2016

MEMO TO: Bob King, 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-16-037-C** – *(Continued August 18, 2016)* Petition for a Conditional Use Permit for the construction of a detached accessory building (garage) with fourteen (14) foot high walls, in excess of the twelve (12) foot maximum wall height permitted, in a C-2 (General Business) zoning district; and with a lot coverage which exceeds the fifteen percent maximum permitted (896 square foot building), on the west 40' of Lots 13 and 14, Block 82, Butler's Addition, located at 1441 East 2nd Street. Applicant: Gregory S. Cunningham and Patricia J. Cunningham.

Recommendation:

If, after the public hearing, the Planning and Zoning Commission finds that the requested Conditional Use Permit meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, as outlined below, staff recommends that the Planning and Zoning Commission articulate its findings, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval:

1. Per Section 17.12.121(F)(6) of the Casper Municipal Code, the accessory building, once completed, shall be similar in exterior design, with comparable exterior residential materials and roof pitch, to the principal residential building and surrounding neighborhood residential structures. In addition, vertical metal siding is expressly prohibited.
2. The accessory building (garage) shall be completed within one (1) year from the date of approval of the Conditional Use Permit. If said accessory building is not completed within a year, the Conditional Use Permit shall become null and void.

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 application.

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:

Gregory and Patricia Cunningham have applied for a Conditional Use Permit to allow for the construction of an accessory detached garage with in fourteen (14) foot high walls, and with a lot coverage which exceeds the fifteen percent (15%) maximum permitted. The subject property is zoned C-2 (General Business) zoning district, is occupied by a single-family residence, and is located at 1441 East 2nd Street. Surrounding land uses in the immediate area include commercial, offices, medical facilities, and single-family residential.

While, garages that are attached to the main structure do not have height or size limitations and are constrained only by minimum setbacks and building code separation requirements, detached accessory structures like the one proposed are limited to a maximum footprint and height. The proposed structure has fourteen (14) foot high walls. Section 17.12.121(G) of the Casper Municipal Code states that a Conditional Use Permit is required for detached accessory buildings (garages) that exceed twelve (12) feet in exterior wall height.

Section 17.12.121(F)(4) of the Casper Municipal Code requires a Conditional Use Permit for any detached garage that exceeds either fifteen percent (15%) of the lot area, or a maximum of 1,500 square feet in size. The subject property is 4,477 square feet in size. The proposed detached garage is 896 square feet in size, covering approximately twenty percent (20%) of the surface of the property. The City's Geographic Information System (GIS) was utilized to obtain approximate footprints of detached accessory buildings in the same block. The footprints of the surrounding detached garages ranged between 300 and 663 square feet. Based on the size of the lot, the fifteen (15) percent size limitation for a detached garage on the subject property equates to 672 square feet.

As stated in the Code Compliance section of this staff report, the Planning and Zoning Commission should base its decision on whether to approve or deny the requested Conditional Use Permit based on the two (2) findings and six (6) considerations outlined in Section 17.12.240 (G) and (H). These two (2) findings and six (6) considerations are meant, in simplified terms, to ensure that the request is compatible with the surrounding area. Should the Planning and Zoning Commission decide to approve the Conditional Use Permit; staff has provided two (2) recommended conditions of approval for consideration. The Planning and Zoning Commission can amend the conditions; impose additional conditions, or remove conditions, provided the conditions are not explicit code requirements. For illustrative purposes, staff has provided a sample motion to assist the Planning and Zoning Commission with making a proper motion to approve the Conditional Use Permit, if the Commission so desires.

Illustrative Recommended Motion to approve:

That case number **PLN-16-037-C**, a Conditional Use Permit for the construction of a detached accessory building (garage) with fourteen (14) foot high walls; and with a lot coverage which exceeds the fifteen (15) percent maximum permitted (896 square foot building); be granted with

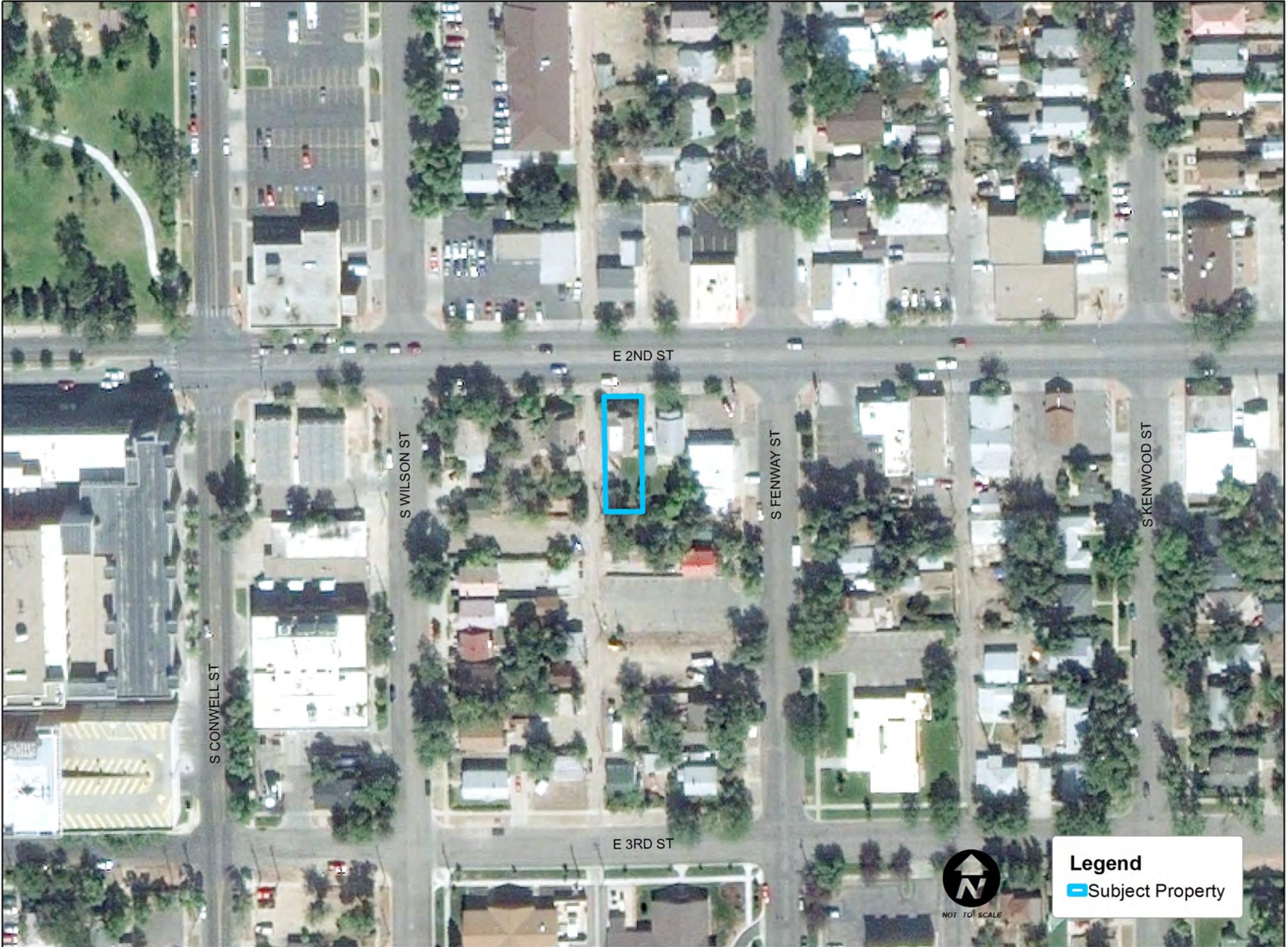
recommended Conditions #1 - #2, listed in the “recommendation” section of the staff report, for the following reasons:

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, the Planning and Zoning Commission finds that:

- a. The footprint of the proposed detached garage is not significantly larger in size than the surrounding detached garages, and the wall height of the structure will not be obtrusive, out of character with the surrounding area
- b. A detached garage is a permitted accessory use and will not affect the area’s density or be detrimental to the neighborhood.
- 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 oversized accessory building, as determined by the City Engineer and the Community Development Director.
- e. To the best of the planning staff’s knowledge, there have not been any Conditional Use Permits issued for oversized accessory buildings 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 written rules of the Commission.

1441 E. 2nd Street



E 2ND ST

S WILSON ST

S FENWAY ST

S KENWOOD ST

S CONWELL ST

E 3RD ST



Legend
■ Subject Property

1441 E. 2nd Street



1441 E 2nd Street

Facing south from E 2nd Street



Facing north from alley



Facing south from alley





City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: Gregory S Cunningham
ADDRESS: 1441 E. 2nd St.
TELEPHONE: (307) 333-5502 EMAIL: No Computer

LOCATION OF REQUEST:

ADDRESS: 1441 E 2nd ST
LEGAL DESCRIPTION: NE 1/4 Sec. 10 T. 33 N R 79 W Block 82 Butler Addition
Number of Lots: W. 40' 13 & 14 Size of Lots: _____
Current Zoning: C2 Current Use: Residence
Purpose for which the property is proposed to be used: Detached Garage
Material To be used is attached Estimate
Prior restrictions placed on the property: None

Floor area square footage: 896 sq ft. Number of Occupants or Employees: 2
Building Footprint: _____ Number of off-street parking spaces: 3

*over 12' walls

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: Gregory S Cunningham

DATE: July 7, 2016

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:

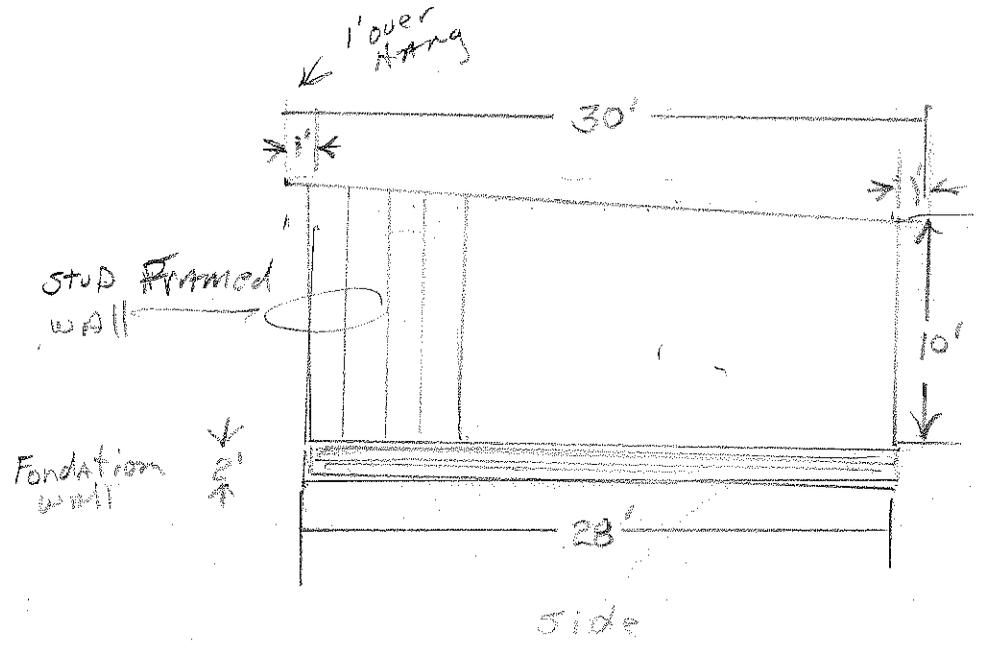
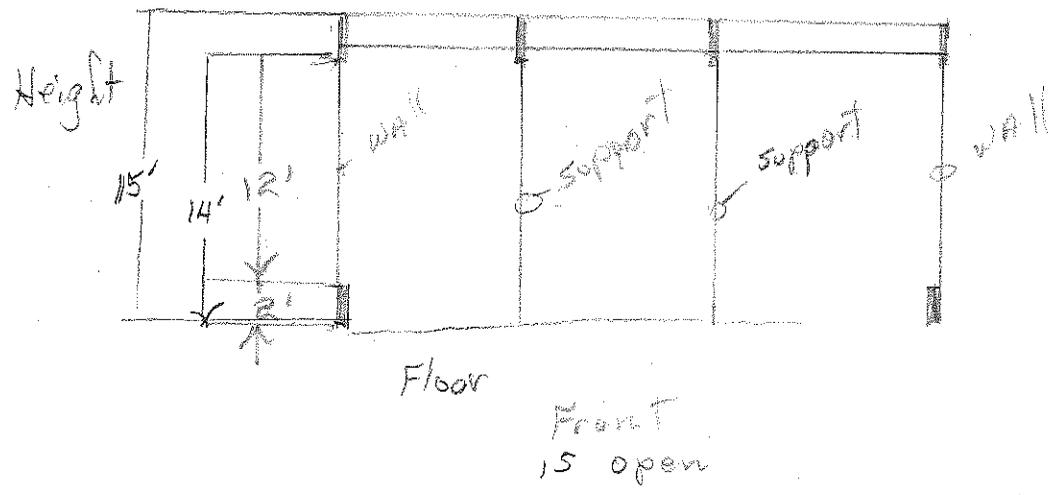
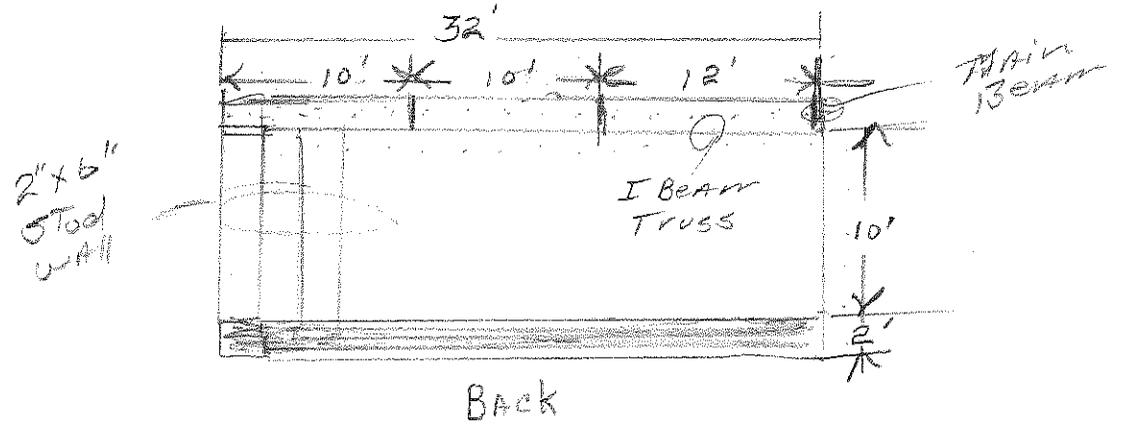
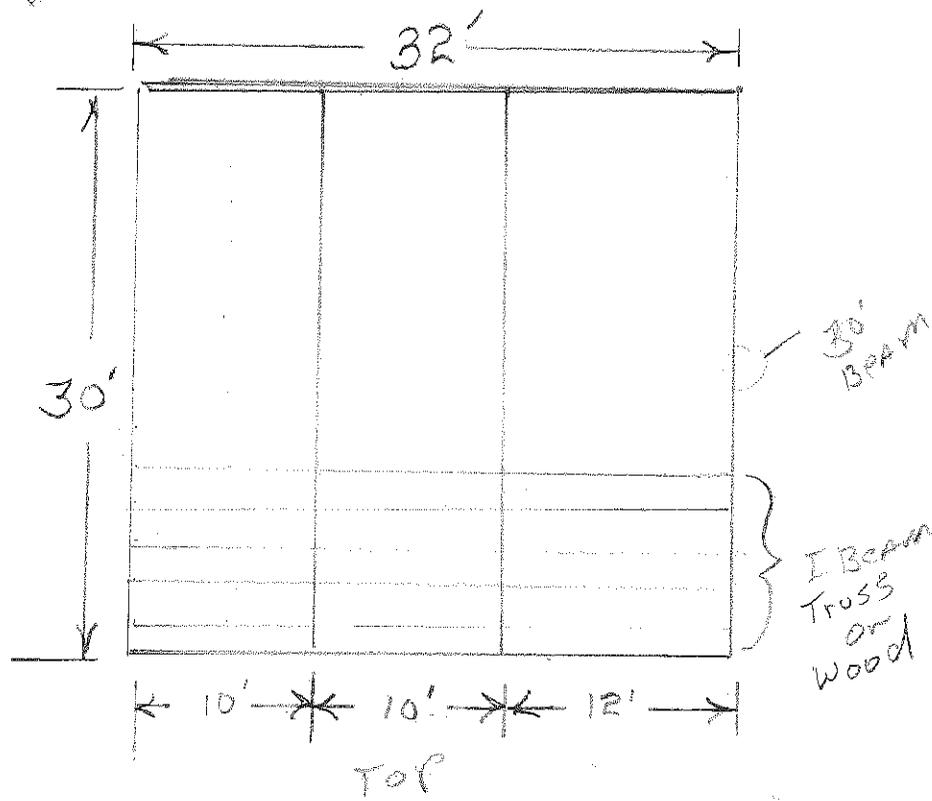
- COMPLETED APPLICATION INCLUDING ORIGINAL SIGNATURES
- PROOF OF OWNERSHIP
- \$275 APPLICATION FEE (NON-REFUNDABLE)
- PLOT PLAN

FOR OFFICE USE ONLY:

DATE SUBMITTED:

7.7.16

REC'D BY: [Signature]



WLC ENGINEERING, SURVEYING AND PLANNING
200 PRONGHORN STREET, CASPER, WYOMING 82601

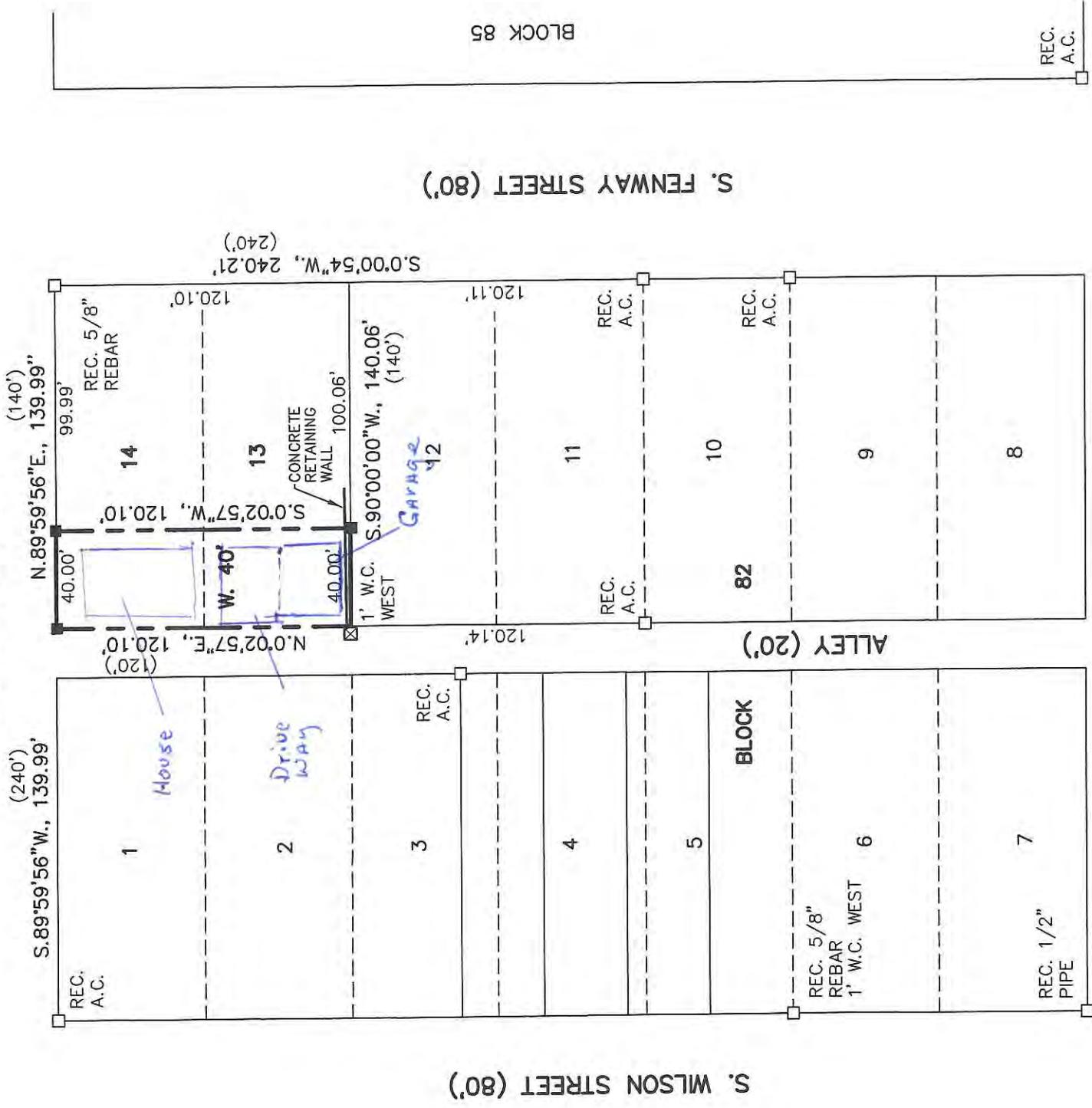
FOR

Client GREG CUNNINGHAM Address P.O. BOX 50144
 City CASPER State WYOMING Zip 82605

PROPERTY LOCATION PLAT

NE1/4 Section 10, T. 33 N., R. 79 W., 6th Principal Meridian, Wyoming
 Lot W. 40' 13 & 14 Block 82 Subdivision BUTLER'S ADDITION
 City CASPER County NATRONA State WYOMING

EAST SECOND STREET (80')



EAST THIRD STREET (80')

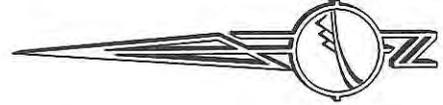
BASIS OF BEARING
 GEODETIC BASED ON GPS

S.81°22'23"E.) RECORD MEASURED

- SET 5/8" REBAR W/AL. CAP
- RECOVERED CORNER (AS NOTED)
- 1' W.C. SET 5/8" REBAR W/AL. CAP
- WITNESS CORNER

Date: 3/15/16

W.O. No. 16017
 Book No. 1301, Pg. 35
 Acad File: CUNNINGHAM 16017





PRO-BUILD

ESTIMATE

4800 E YELLOWSTONE
 P.O. BOX 530
 EVANSVILLE, WY 82636-0530
 (307) 237-8788

DATE	SALESMAN
6/16/16	0008 BOB A.

ESTIMATE NO.	PAGE
002765	001

PLEASE REFER TO THIS NUMBER
 IN YOUR CORRESPONDENCE

920-00100013-000

GREG CUNNINGHAM

C O D CASH ON DELIVERY

PRICES SUBJECT TO CHANGE AFTER	7/16/16
F.O.B.	

printed on: 6/16/16 at 10:18

LINE	ITEM NUMBER	QTY	DESCRIPTION	UNIT EX/UM	UNIT PRICE	EXT. PRICE
PACKAGE/REVISION # -- 0001-0001			DESC:FRAMING & METAL	STATUS:		
101	29037	6	2X6X16 TMBRSTRND LSL	6.000 EA	30.50	183.00
202	HF20610	40	2X6X10 #2 & BTR HEM FIR	40.000 EA	5.95	238.00
302	HF20612	70	2X6X12 #2 & BTR HEM FIR	70.000 EA	7.35	514.50
401	2316	120	1-3/4"X14" RL LVL 4-30'	120.000 LF	5.60	672.00
50.	SE21013	2	11/8 TO 11/11 SCH 40 FHA POS	2.000	185.00	370.00
55	122982	16	11-7/8"X30' PRI-400 I-JOIST	16.000 EA	50.70	811.20
60	2131471	96	ITS2.06/11.88 T/F EWP HGR	96.000 EA	3.29	315.84
70	OSB58	37	4X8X5/8 ORIENTED STRAND BOAR	37.000 EA	17.60	651.20
80	2HF20416	20	2X4X16 STD & BTR HEM FIR	20.000 EA	6.75	135.00
90	2HF20616	40	2X6X16 #2 & BTR HEM FIR	40.000 EA	9.80	392.00
100	OSB716	16	4X8X7/16 ORIENTED STRAND BOA	16.000 EA	12.99	207.84
110	SFP40858	24	4X8X5/8 FIR T111 8"OC SIDING	24.000 EA	46.60	1,118.40
115.	SE33071	34	4'-0" PPII	34.000	11.66	396.44
116.	SE33071	10	10'-6" DRIP CAP	10.000	8.32	83.20
120.	SE33071	11	30'-0" PPII	11.000	77.70	854.70
130.	SE33071	7	10'-6" DENVER EAVE	7.000	9.20	64.40
140.	SE33071	6	10'-6" GABLE TRIM	6.000	18.20	109.20
150	21148	12	SL6 SNWMST TEXT FASCIA COVER	12.000 EA	13.95	167.40
160	211160	12	E SNWMST UTILITY TRIM	12.000 EA	5.00	60.00
170	211286	10	SYS3-16 SNWMST SOLID SOFFIT	10.000 EA	20.50	205.00
180.	SE33071	22	2'-0" PPII	22.000	6.50	143.00
190.	SE33071	7	10'-6" BASSE MOLDING	7.000	8.32	58.24
200.	SE33071	156	BOTTOM CLOSURE	156.000	.99	154.44
210.	SE33071	1500	1" FAT BOY SCREWS	1500.000	.12	180.00
Total Weight: 21,935.550						
PACK NET TOTAL:						8,085.00
SALES TAX: 5.000%						404.25

TOTAL	8,489.25
-------	----------

SIGNATURE

DATE

THIS IS AN ESTIMATE ONLY. PLEASE EXAMINE CAREFULLY AS WE AGREE TO FURNISH ONLY THE ARTICLES AND QUANTITIES NAMED AND DESCRIBED HEREON. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR OTHER CAUSES OF DELAY BEYOND OUR CONTROL. ALL SALES ARE SUBJECT TO TERMS AND CONDITIONS AS SPECIFIED AT TIME OF SALE. PRO-BUILD WILL NOT GUARANTEE THIS ESTIMATE TO BUILD OR COMPLETE ANY SPECIFIC JOB OR CONTRACT. ANY SALES TAX, IF APPLICABLE, IS NOT INCLUDED.

September 9, 2016

MEMO TO: Bob King, 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-16-040-C** – Petition for a Conditional Use Permit for the placement of a 100' monopole cell tower, and associated equipment, in a PH (Park Historic) zoning district, on the SW1/4SW1/4SW1/4 of Section 16, T33N, R79W, of the 6th P.M., Natrona County, located at 795 College Drive (adjacent to BMX track in Mike Sedar Park). Applicant: City of Casper/Verizon Wireless.

Recommendation:

If, after the public hearing, the Planning and Zoning Commission finds that the requested Conditional Use Permit meets the two (2) reasons and six (6) findings necessary for the approval of a Conditional Use Permit found in Section 17.12.240 (G) and (H) of the Casper Municipal Code, as outlined below, staff recommends that the Planning and Zoning Commission articulate its findings, and further recommends that the Planning and Zoning Commission include, at a minimum, the following recommended conditions of approval.

1. The cell tower/light pole shall be completed and in place within one (1) year from the date of approval of the Conditional Use Permit. If said cell tower/light pole is not completed and in place within a year the Conditional Use Permit shall become null and void.
2. A detailed site plan, meeting all minimum code requirements, shall be approved by the City prior to the commencement of construction.

Code Compliance:

Staff has complied with all requirements of Section 17.12.240 of the Casper Municipal Code pertaining to Conditional Use Permits, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. Staff has received one (1) letter of support concerning 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:

The City of Casper, as property owner, and Verizon Wireless, as the potential lessee, have applied for a Conditional Use Permit for the construction of a one hundred (100) foot high cell tower in a PH (Park Historic) zoning district, located at Mike Sedar Park, east of the BMX track. Planning Commission approval is required for cell towers from one hundred (100) feet to two hundred (200) feet in height in the PH (Park Historic) zoning district. Land uses in the area surrounding Mike Sedar Park are single-family residential to the west; Casper College to the east; and undeveloped single-family residential land to the south.

The applicant has addressed the findings and considerations necessary for the approval of a Conditional Use Permit in correspondence submitted with their application. The Planning and Zoning Commission can reference the findings and considerations on pages 2-7 of the Letter from Kappa Consulting Limited Liability Company, which is included in the Commission's packet.

The Telecommunications Act of 1996 was enacted by the Federal Government to reduce state and local regulatory barriers for the commercial wireless industry. Two limitations related to federal regulations affect this Commission. First, federal law requires state and local governments to act on any application in a "reasonable amount of time," formally creating a "shot clock" of between ninety (90) and one hundred fifty (150) days from the date of submittal to complete a review. Second, the Telecommunications Act also prevents state and local governments from regulating the placement, construction or modification of cellular facilities on the basis of "environmental effects of radio frequency (RF) emissions." A common concern that is often heard from the public is whether there will be any negative health effects caused by radio frequency (RF) emissions from cellular towers. The Planning and Zoning Commission is advised that radio frequency (RF) emissions cannot be a factor in its decision on the requested Conditional Use Permit. Although there is much more in Federal law regarding the commercial wireless industry, these two (2) limitations are the areas that the Planning and Zoning Commission should be most aware of.

The requested Conditional Use Permit, if approved, will establish the proposed cell tower as a permitted use. Verizon Wireless will still need to execute a lease with the City, and obtain official site plan (design) approval for the facility. As stated in the Code Compliance section of this staff report, the Planning and Zoning Commission should base its decision on whether to approve or deny the requested Conditional Use Permit based on the two (2) findings, and six (6) considerations outlined in Section 17.12.240 (G) and (H). These two (2) findings and six (6) considerations are meant, in simplified terms, to ensure that the request is compatible with the surrounding area. Should the Planning and Zoning Commission decide to approve the Conditional Use Permit; staff has provided two (2) recommended conditions of approval for consideration. The Planning and Zoning Commission can amend the conditions; impose additional conditions, or remove conditions, provided the conditions are not explicit code requirements. For illustrative purposes, staff has provided a sample motion to assist the Planning and Zoning Commission with making a proper motion to approve the Conditional Use Permit, if the Commission so desires.

Illustrative Recommended Motion to approve:

That case number **PLN-16-040-C**, a Conditional Use Permit to allow for the construction of a one hundred (100) foot cell tower in a PH (Park Historic) zoning district, located at Mike Sedar Park, be granted with recommended Conditions #1 - #2, 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. The proposed lease area is minimal at 30'x45', and the tower will be set back a minimum of one hundred (100) feet from any property line.
- b. The density of the proposed use in terms of units per acres and the number of offices, employees, occupants, or all three is not applicable in this case.
- c. The volume of business in terms of the number of customers per day is not applicable in this case.
- d. There will not be unreasonable congestion or a traffic hazard caused by the proposed facility, as determined by the City Engineer and the Community Development Director. According to the application materials, a technician with a single pickup truck will visit the site approximately once per month for routine maintenance and monitoring.
- e. There are no similar uses within three hundred (300) feet of the subject property. Further, there are no towers or tall buildings with sufficient height to allow collocation in the surrounding area.
- f. There are no other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

Mike Sedar Park Cell Tower



Casper College

● Proposed Site

Legend
▭ 300' Notification Zone
▭ Subject Property
▭ Buildings



NOT TO SCALE

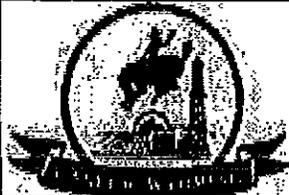
Mike Sedar Park Cell Tower



Mike Sedar Park Cell Tower

Facing south from Mike Sedar Park parking lot





City of Casper Planning Division

Conditional Use Permit Application

OWNER'S INFORMATION:

NAME: CITY OF CASPER

ADDRESS: 200 NORTH DAVID STREET, CASPER WY 82601

TELEPHONE: 307-235-8241

EMAIL: ccollins@casperwy.gov

LOCATION OF REQUEST:

ADDRESS: 795 COLLEGE DRIVE, CASPER WY 82601

LEGAL DESCRIPTION: SW4SW4SW4 SECTION 16, T33N, R79W

Number of Lots: N/A

Size of Lots: N/A

Current Zoning: P

Current Use: CITY PARK - BMX FACILITY

Purpose for which the property is proposed to be used: TELECOMMUNICATIONS SITE

Prior restrictions placed on the property: EASEMENTS SHOWN ON TITLE REPORT

Floor area square footage: N/A

Number of Occupants or Employees: N/A

Building Footprint: N/A

Number of off-street parking spaces: 1

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: _____

DATE: _____

SUBMIT TO:

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

COMPLETE SUBMITTAL NEEDS TO INCLUDE:

- COMPLETED APPLICATION INCLUDING ORIGINAL SIGNATURES
- PROOF OF OWNERSHIP
- \$275 APPLICATION FEE (NON-REFUNDABLE)
- PLOT PLAN

FOR OFFICE USE ONLY:

DATE SUBMITTED:

JUL 22 2016

REC'D BY: dh

Kappa Consulting Limited Liability Company

JUL 22 2016

Irene C. Cooke
1599 County Road 5221
P O Box 423
Tabernash, CO 80478

Mobile: 970-531-0831
Office: 970-726-4574
Fax: 970-726-6953
Email: irene@ireneco.com

July 20, 2016

Via Federal Express

Craig Collins
City Planner
City of Casper, Wyoming
200 North David Street
Casper, WY 82601

RE: Application for Conditional Use Permit and Site Plan Approval
Telecommunications Site: Verizon Wireless CAS Sunset
At Mike Sedar Park, 795 College Drive, Casper, Wyoming

Dear Mr. Collins:

As you know, our firm represents Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless, for leasing and zoning new communications facilities. On behalf of Verizon Wireless, I am pleased to submit the enclosed application for Conditional Use Permit and Site Plan Approval for a new site, "CAS Sunset" to be located on property owned by the City of Casper at Mike Sedar Park.

Enclosed are the following materials:

- Site plan application form (please note that since the City of Casper is the owner, we do not have owner signature on this form);
- Condition use permit application form (please note that since the City of Casper is the owner, we do not have owner signature on this form);
- Copy of title commitment showing property ownership (City of Casper);
- Twenty (20) copies of the site plan: two (2) in 24"x36" format and eighteen (18) in 11"x17" format;
- Aerial image of proposed site;
- CD with electronic copies of submittal materials; and
- Check number 2008 in the amount of \$575.00 for both site plan (\$300.00) and conditional use permit application (\$275.00) fees.

The purpose of this site is to provide improved coverage and capacity for 4G LTE service in the residential neighborhoods surrounding Mike Sedar Park. Although Verizon Wireless has several sites in and around the City of Casper, there is a need for a new facility in the densely populated area surrounding the proposed site. As you know, Verizon Wireless has been trying for several years to develop a site in this vicinity. We have attempted to work with Casper College and College

Heights Baptist Church, as well as other locations. We are very pleased that the City has agreed to make the Park location available.

With the increasing popularity of data-intensive “smart phones” and tablets, this site is needed to support LTE data and VoLTE (“voice-over-LTE”) for voice calls. New Verizon Wireless sites are being built to accommodate future LTE and VoLTE demands and are not being built with the traditional voice service because users are moving to LTE-driven platforms. Please note that this will be a 4G LTE site, which means voice calls will be carried over our LTE network. THIS IS A CHANGE AND WILL REQUIRE CUSTOMERS TO HAVE A DEVICE CAPABLE OF ADVANCED CALLING.

A Verizon 4G LTE cell site uses the latest technology to carry both voice and data. Voice service is provided over VoLTE (Voice Over Long Term Evolution) technology through a service Verizon calls Advanced Calling 1.0. Advanced Calling offers high-definition or HD voice and video calling. To complete calls on this new cell site, customers’ phones must be capable of Advanced Calling and that feature must be activated in the phone itself. Both customers on a call must be served by 4G LTE and have the Advanced Calling feature activated to experience HD voice and video service. It must be noted that customers with older 1X, 3G or 4G devices without Advanced Calling will not experience a change in voice service. Note: Several years ago, when cell phones were changing from analog to digital modes, new cell towers were being built to accommodate only digital modes. Currently, it is anticipated that in the near future, most devices will be “4-G LTE,” therefore, new facilities being built will include only the 4G LTE technology.

The proposed site will be located in the parking area adjacent to the BMX facility at the south end of Mike Sedar Park and will include a 100 ft. monopole tower with outdoor equipment cabinets in a 30 ft. x 45 ft. lease area enclosed in a six ft. chain link fence. The lease area would also contain a diesel generator to be used only for emergency backup power in case of interruption in electric service. The generator will be operated for maintenance purposes for a few minutes approximately once per month by a Verizon Wireless technician. The generator’s noise level is approximately 60 Db, which is the noise level of normal conversation.

Conditional Use Permit Approval: We believe this application meets the requirements of Section 17.12.240 of the Casper Zoning Code regarding conditional use permits. The Planning Commission must make the following findings prior to granting a conditional use permit:

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. **Verizon Wireless Response:** The proposed conditional use permit for a new communications facility is consistent with the spirit, purpose and intent of the zoning code: The site will be located at the rear of Mike Sedar Park adjacent to the “BMX” recreation area, which is separated from the more heavily used areas of the Park. This area is also separated from the adjacent residential area to the west by a hill above the BMX facility. The use will not significantly impair appropriate use of neighboring property: No noise, odor, traffic or other off-site impacts will be created. The site will be visited approximately once per month by one technician in a standard pickup truck for routine maintenance and monitoring. In fact, the site

should enhance the value of neighboring properties by providing improved 4G-LTE capacity in this vicinity. The proposed use will definitely serve the public need, convenience and welfare: With the increased use of smartphones and tablets, capacity for 4G-LTE service must be increased. More than 44% of U. S. households no longer use a telephone land line and rely solely on their wireless devices for communication. New devices use significantly more data capacity than previous cell phone models: Smartphones use 49 times the capacity and tablets use 127 times the capacity as older cell phones. Data usage is expected to increase by more than 370% by 2018 and even more sites will be required to meet the demand for this capacity. Seventy percent of all "911" emergency calls are made from wireless devices. There is clearly a public need for improved wireless service.

2. The conditional use is designed to be compatible with adjacent land uses and the area of its location. **Verizon Wireless Response:** The design of the proposed communications site is compatible with adjacent land uses and the area of its location: the site will be located at the rear of the Park adjacent to a BMX track where aesthetics are not a primary concern. The site will be buffered from residential areas to the west by the hill above the BMX track. The nearest residential property to the West is on the hill above the BMX park, approximately 320 ft. from the proposed site. The nearest residential property to the South is approximately 0.2 mi. south of the proposed site, on the south side of the open space adjacent to Mike Sedar Park. The nearest residential property to the East is approximately 0.35 mi. from the proposed site, on the east side of Casper Mountain Road, on a hill far above the site. The nearest residential property to the North is approximately 0.4 mi. north of the proposed site, on the north side of North Mike Sedar Park. The maintenance facility of Casper College is located on a hill East of Mike Sedar Park; no other college buildings are closeby.

Factors to be considered in making the Planning Commission's findings include the following:

1. Area and height to be occupied by buildings or other structures: **Verizon Wireless Response:** the area to be occupied by the new facility is minimal. The proposed lease area is 30 ft. x 45 ft. with the required 100 ft. setback from the south property line for a 100 ft. tower.
2. Density for the proposed use in terms of units per acre and the number of offices, employees, occupants, or all three: **Not applicable**
3. Volume of business in terms of the number of customers per day: **Not applicable**
4. 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 planning director; **Verizon Wireless Response:** No additional traffic congestion or hazard will be created by the proposed site. A technician in a single pickup truck will visit the site approximately once per month for routine maintenance and monitoring.
5. Location of use with respect to the same or similar uses within a three hundred foot radius of the perimeter of the described property: **Verizon Wireless Response:** There are no similar uses within a 300 ft. radius of the property. Further, there are no towers or tall buildings with sufficient height to allow collocation in this densely residential area.

6. Any other criteria affecting public health, safety, and welfare, as provided for by written rules of the commission. **Not applicable**

Site Plan Approval: We believe this application meets the requirements of Section 17.12.150 of the Casper Zoning Code regarding site plan approval. A site plan shall be approved if the site plan is found to satisfy the standards of Title 17, including the following:

1. Be compatible with the goals and policies of the 1993 Future Housing and Land Use Plan, 1995 Five Year Consolidated Housing Plan, 1985 and 1992 Neighborhood Analysis, 1983 Stormwater Management Plan, 1997 Water Facility Master Plan, 1981 201 Facility Plan, 1999 Wastewater Facility Master Plan 1998 Long Range Transportation Plan, 1998 Elkhorn Creek Stormwater Master Plan and the 2000 Casper Area Comprehensive Plan adopted by the council. **Verizon Wireless Response:** The only planning document that is applicable to the proposed project is the 2000 Casper Area Comprehensive Plan. That document noted that telecommunications services are undergoing tremendous changes – a statement even more true today than in 2000 – and that these changes will influence land use and development. The Comprehensive Plan also states that one Vision for the Casper Area Future is a Diverse Economy. Trends and Assumptions include Opportunity for Growth, Building a Regional Economic Base, Attracting People and Businesses to the Region, and Continued Growth of Office Employment, recognizing that this employment can be both in downtown and in homes. The Comprehensive Plan noted the strong trend towards home based businesses and live/work housing. Use of home offices and telecommuting are increasingly popular and require adequate wireless data capacity to support their success. By providing improved coverage and capacity in the residential areas surrounding Mike Sedar Park, this site will also promote successful use of home offices and associated contributions to the local economy. Vision One – Diverse Economy notes in Principle D that adequate infrastructure is necessary to support this goal. The addition of a new telecommunications facility clearly satisfies this requirement.
2. Promote the efficient use of land by means of a sound arrangement of buildings, safe and functional points of access, well planned parking circulation systems, and adequate sidewalks and pathways for pedestrians. **Verizon Wireless Response:** No new roadways or impacts to circulation systems will result from the proposed use. Access to the proposed site will be via an existing access road currently used to reach the BMX facility at the rear of the Park.
3. Provide for landscaping, and within high density housing complexes, usable open space, such as, but not limited to, bicycle paths, playground areas, courtyards, areas for active recreation, swimming pools, landscaping, gardens, walks, outdoor seating areas, outdoor picnic areas, and similar open space. **Verizon Wireless Response:** The proposed site will be adjacent to the BMX facility in a parking area at the rear of the Park and landscaping is not practical in this area, as it would further diminish the available parking space. There is no existing landscaping in this area of the property and no established source of irrigation. Applicant would ask for an exception to this requirement.
4. Preserve and utilize where possible, existing landscape features and amenities, and blend such features with the new structures and other improvements. **Verizon Wireless Response:** As

noted above, there is no existing landscaping in the vicinity of the BMX park and the Applicant respectfully requests an exception to this requirement.

Tower Approval: This application meets the requirements of Section 17.12.124 of the Casper Zoning Code, as follows:

- A. All towers shall obtain a building permit prior to construction: **Verizon Wireless Response:** This will be done.
- B. The design of the tower shall comply with the most current Uniform Building Code: **Verizon Wireless Response:** This will be done.
- C. Not applicable
- D. Not applicable
- E. Towers shall be designed by a licensed professional engineer: **Verizon Wireless Response:** This will be done.
- F. The tower shall be supported from a fixed location and not transportable. **Verizon Wireless Response:** This will be done.
- G. Tower shall comply with setbacks in the district in which it is located: **Verizon Wireless Response:** The tower will comply with the required 100 ft. setback from the south property line. Setbacks from the north, east and west property lines are in excess of 100 ft. The tower will not interfere with normal radio, television and/or telephone reception and no commercial messages will be displayed on the tower. The tower will not be artificially lighted. The tower will comply with federally approved EMR levels and ANSI standards. A site plan application is being submitted.
- H. Shared use is encouraged. **Verizon Wireless Response:** The proposed monopole will be structurally capable of supporting at least one additional carrier's antennas and equipment. In accordance with the terms of the lease agreement being negotiated between Verizon Wireless and the City, additional carriers will be required to lease ground space from the City; therefore, no ground space for another carrier is shown in the proposed Verizon Wireless lease area.
- I. Not applicable.
- J. Dimensional requirements: Part 2 of this section provides that in a nonresidential zone, such as the P zone where the tower is proposed, setbacks shall be one foot for every foot of tower height: **Verizon Wireless Response:** This is shown on the site plans. The setback for a tower greater than 70 ft. in height must be equal to or greater than the height of the tower. The setback table on Sheet Z-1 of the enclosed site plans shows that the distance from the south property line to the 100 ft. tower is 100 ft.; from the east property line, the tower is 345 ft.; from the west property line, the tower is 294 ft.; and from the north property line, the tower is 1,500 ft.
- K. The base of the tower, any guy wires, and any associated structures, walls or fences shall be surrounded by a landscaped buffer developed in accordance with Appendix B and C: **Verizon Wireless Response:** Due to the location of the proposed tower inside the parking lot of the BMX facility, it is not practical to provide landscaping. Applicant respectfully requests an exemption from this requirement.
- L. Site plan requirements: **Verizon Wireless Response:** This section outlines additional site plan requirements for wireless communications facilities: **1.** Identification of intended users of the tower: **Verizon Wireless Response:** The site plans clearly identify Verizon Wireless as the intended user of the new facility. **2.** Site and landscape plans drawn to a

one inch equals twenty feet scale: **Verizon Wireless Response:** To provide clarity for site plan reviewers, the plans submitted provide information in several different scales, according to the aspect of the project being depicted. **3.** The general capacity of the tower and information necessary to assure that ANSI standards are met: **Verizon Wireless Response:** The site plan set provides information specific to industry standards. Prior to construction, more detailed construction plans will be submitted for a building permit. **4.** An analysis of the area containing existing topographical contours: **Verizon Wireless Response:** Sheet Z1 provides topographical contours. **5.** Number and positioning of guy wires and antennas: **Verizon Wireless Response:** No guy wires are proposed. The number and positioning of the antennas is shown on Sheets Z-2 and Z-3. Three (3) sectors of four (4) antennas each will be mounted to the top of the monopole. **6.** Show locations for at least 2 equipment buildings even if the tower is proposed for a single user: **Verizon Wireless Response:** As noted above, due to the terms of the lease agreement being negotiated between Verizon Wireless and the City, additional users will be required to lease ground space from the City. Therefore, the Verizon Wireless lease area does not depict space for another carrier. **7.** For towers 100 ft. or greater, a visual study: **Verizon Wireless Response:** Photosimulations have been provided. **8.** Details regarding painting and on-site lighting schemes: **Verizon Wireless Response:** The poles will have a galvanized metal finish and will not be painted. No on-site lighting is proposed. **NOTE:** Site Plan Checklist is included; red numbers on the site plans correspond to the Checklist items.

- M. Collocation is encouraged: **Verizon Wireless Response:** The proposed monopole will be capable of supporting at least one additional carrier's equipment.
- N. Towers not used for a period of six months or more shall be removed within ninety days of written notification: **Verizon Wireless Response:** When the Verizon Wireless communications site is no longer in use, the tower will be removed or other arrangements can be made if the City wishes to assume ownership of the tower.
- O. All towers shall be covered by a general liability insurance policy in an amount not less than five hundred thousand dollars: **Verizon Wireless Response:** This requirement will be met.
- P. The City reserves the right to disconnect, dismantle or otherwise remove a tower if it becomes an immediate hazard: **Verizon Wireless Response:** The proposed tower will be engineered to the highest standards and should not become a hazard under any circumstances.
- Q. Registration requirements: **Verizon Wireless Response:** Verizon Wireless will comply with the City's registration requirements.
- R. Not applicable.

Pursuant to the FCC's In Re Petition for Declaratory Ruling, 94 FCC Rcd. 13934 (the "FCC Shot Clock Order") Verizon Wireless requests the City of Casper to issue a written decision granting Verizon Wireless' request within one hundred fifty (150) days of the date this application is submitted. If applicable, within 30 days of the date the application is submitted, Verizon Wireless requests the City to inform Verizon Wireless in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; and in doing so, specifically identify the code provision, ordinance, instruction or public procedure that requires the information to be submitted.

In summary, we believe that the proposed tower site fulfills the requirements for Wireless Communication Towers as established in the Unified Development Code. The new site will provide much needed 4G-LTE service to residential neighborhoods surrounding Mike Sedar Park and will benefit the entire community. Approval of this application will allow Verizon Wireless to meet its federally mandated obligations under the license granted by the Federal Communications Commission (FCC) pursuant to the Telecommunications Act of 1996.

If more information is required, please contact me and I will respond immediately. Thank you in advance for your consideration of this proposal.

Respectfully submitted,



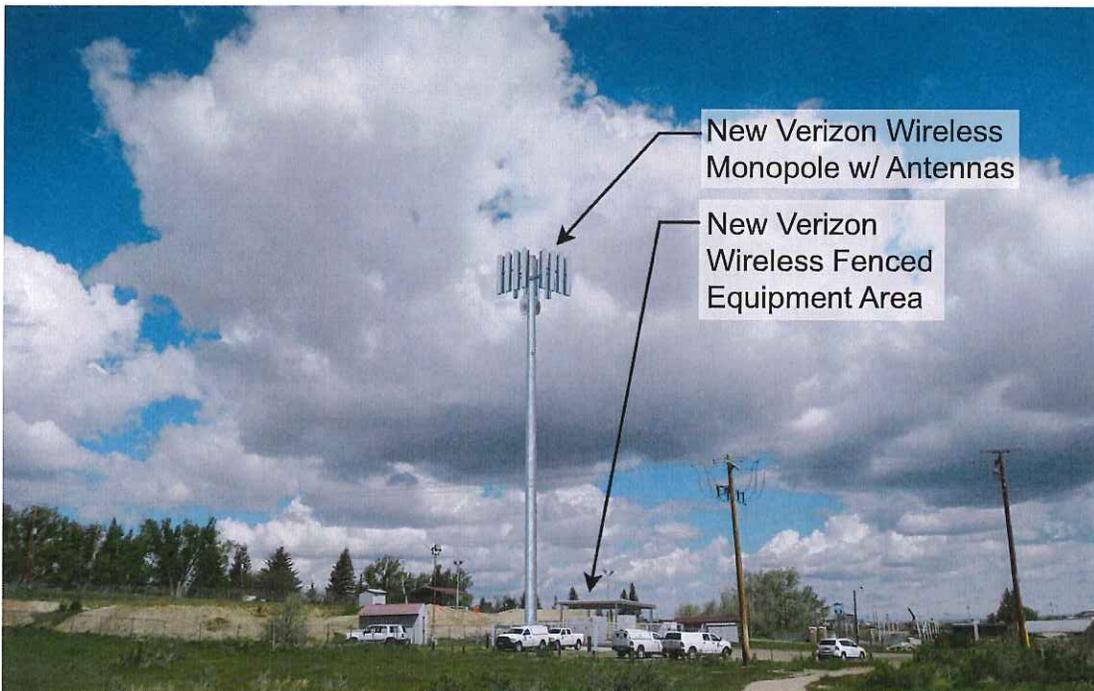
Irene Cooke
Site Acquisition Consultant

Encls

Verizon Wireless Site Name:
CAS Sunset - South



Existing View from the South



New Verizon Wireless Monopole w/ Antennas & Equipment Compound

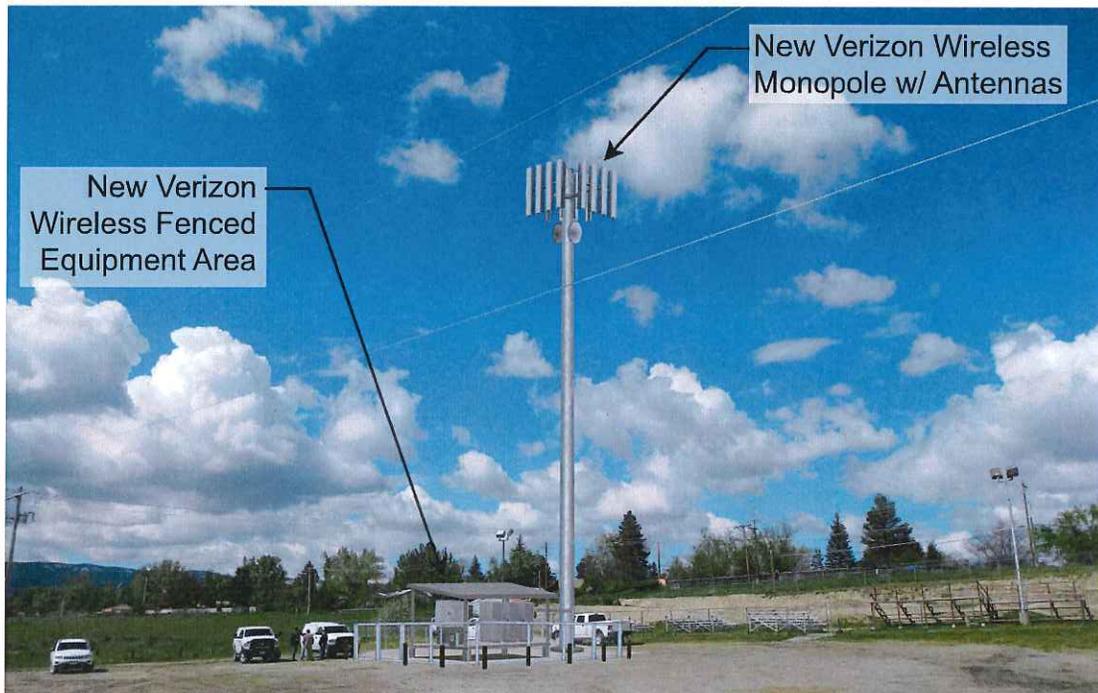


(This photo simulation is for illustrative purposes only)

Verizon Wireless Site Name:
CAS Sunset - Northeast



Existing View from the Northeast



New Verizon Wireless Monopalm w/ Antennas & Equipment Compound



(This photo simulation is for illustrative purposes only)



**VERIZON WIRELESS CAS SUNSET
AERIAL VIEW**



W 25th St

S Poplar St

S Oak St

Proposed Site

Wob Hill Dr

W 27th St

251

Hogan Dr

Nicklaus Dr

Palmer Dr

Vista Grand

W 29th St

© 2016 Google

Google

Dee Ann Hardy

AUG 29 2016

From: PLogan3692@aol.com
Sent: Saturday, August 27, 2016 11:14 AM
To: Dee Ann Hardy
Subject: CELL TOWER

I live at 1025 W. 25th St. I approve a permit for a monopole cell tower in Mike Sedar park. Our cell service is erratic and poor and the tower would increase it without a negative impact on our neighborhood.

Pat and John Logan

September 9, 2016

MEMO TO: Bob King, 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-16-041-Z** – Petition for a Zone Change of Lots 1 - 3, Block 3; Lot 1, Block 4; and Lot 1 Block 2; Harmony Hills Addition No. 2 – Phase 2; located at 1725, 1625, 1575, 1525, and 4911 Yesness Court, from C-2 (General Business) to R-2 (One Unit Residential). Applicant: Mountain View Builders, Inc. & Harmony Development, LLC, & Success Properties, LLC.

Recommendation:

If, after the required public hearing, the Planning and Zoning Commission finds that the requested zone change meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff recommends that the Planning and Zoning Commission approve the zone change, and forward a “do pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all requirements of Section 17.12.170 of the Casper Municipal Code pertaining to zone changes including notification of property owners within 300 feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. Staff has not received any public comments on this case.

Summary:

The applicants in this case have applied for a zone change of five (5) lots in the Harmony Hills development area, east of South Poplar Street, along the south side of Yesness Court. The lots are currently vacant, zoned C-2 (General Business), and are planned for development as single-family residential homes. The majority of the Harmony Hills development is zoned C-2 (General Business), which allows mixed land uses, including residential, offices, and commercial uses. Although single-family residential homes are a permitted use in the C-2 (General Business) zoning district, a zone change of the lots to R-2 (One Unit Residential) has become necessary because of financing complications. The applicants have found that there are no comparable single-family homes located in a C-2 (General Business) zoning district in Casper,

by which appraisals can be based, and financing can be secured. The applicants have stated that federal financing regulations have changed, which has had the unintended consequence of complicating appraisal requirements.

The Casper Area Comprehensive Land Use Plan is the planning document that describes the values and ideals expressed by the community for its future. The adopted 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 must base their decision on whether to approve the zone change 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 zone change applications in context with the approved Comprehensive Land Use Plan, and provide a recommendation to the Planning and Zoning Commission based on whether the zone change proposal conforms to the Comprehensive Land Use Plan.

The Future Land Use Plan (page 121 of the Casper Area Comprehensive Plan) is the map element of the Comprehensive Land Use Plan that visibly depicts the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to current property owners and future property owners with respect to the desired land use of specific areas. Current property owners are assured, through the Future Land Use Plan, that a certain neighborhood character will be maintained. Purchasers of property can view the Future Land Use Plan to determine whether a property is zoned appropriately as-is, or whether the area is intended to change and transition in land use over time. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately zoned as "General Commercial."

The question of whether the Planning and Zoning Commission would consider the requested zone change would be considered a "spot zoning" was brought up by the applicants during the review. City staff is not providing a recommendation to the Planning and Zoning Commission, and is not offering guidance one way or the other on this particular request; therefore, the Planning and Zoning Commission should review the definition and defining characteristics of "spot zoning" to determine whether or not it is applicable. Pursuant to Section 17.08.010 of the Casper Municipal Code, the definition of "spot zoning" is as follows:

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

The practice of "spot zoning" may be ruled invalid as an arbitrary, capricious and unreasonable treatment of a limited parcel of land by a local zoning ordinance. When a change in zoning does not advance a general public purpose in land use, courts have ruled spot zoning as being illegal.

While zoning, in general, regulates the land use in whole districts, spot zoning, in contrast, makes unjustified exceptions for a parcel within a zoning district. The small size of the parcel is not the defining characteristic of a spot zone. Rather, the defining characteristic is the narrowness and unjustified special treatment that benefits a particular owner, while undermining the pre-existing rights and uses of adjacent property owners. If a potential rezone request meets the definition of spot zoning, the Planning and Zoning Commission should deny the zone change.

In addition to the Future Land Use Plan, the Comprehensive Land Use Plan also establishes a list of visions, principles and goals to guide the City's land use policies and decisions. Applicable visions, principles and goals are as follows:

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

Principle E – Balance Housing Supply with Demands Created by Economic Growth

Goal 7 – Provide a variety of housing types and densities offering convenient and affordable housing to meet the demands created by growth in industrial and commercial development.

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.

Principle L – Encourage Mixed Uses and Compatibility.

Vision 9: Attainable Housing – A community that offers a full range of housing types to meet the needs and expectations of people of all incomes, lifestyles and age groups.

Principle Z – Provide for Adequate Attainable Housing

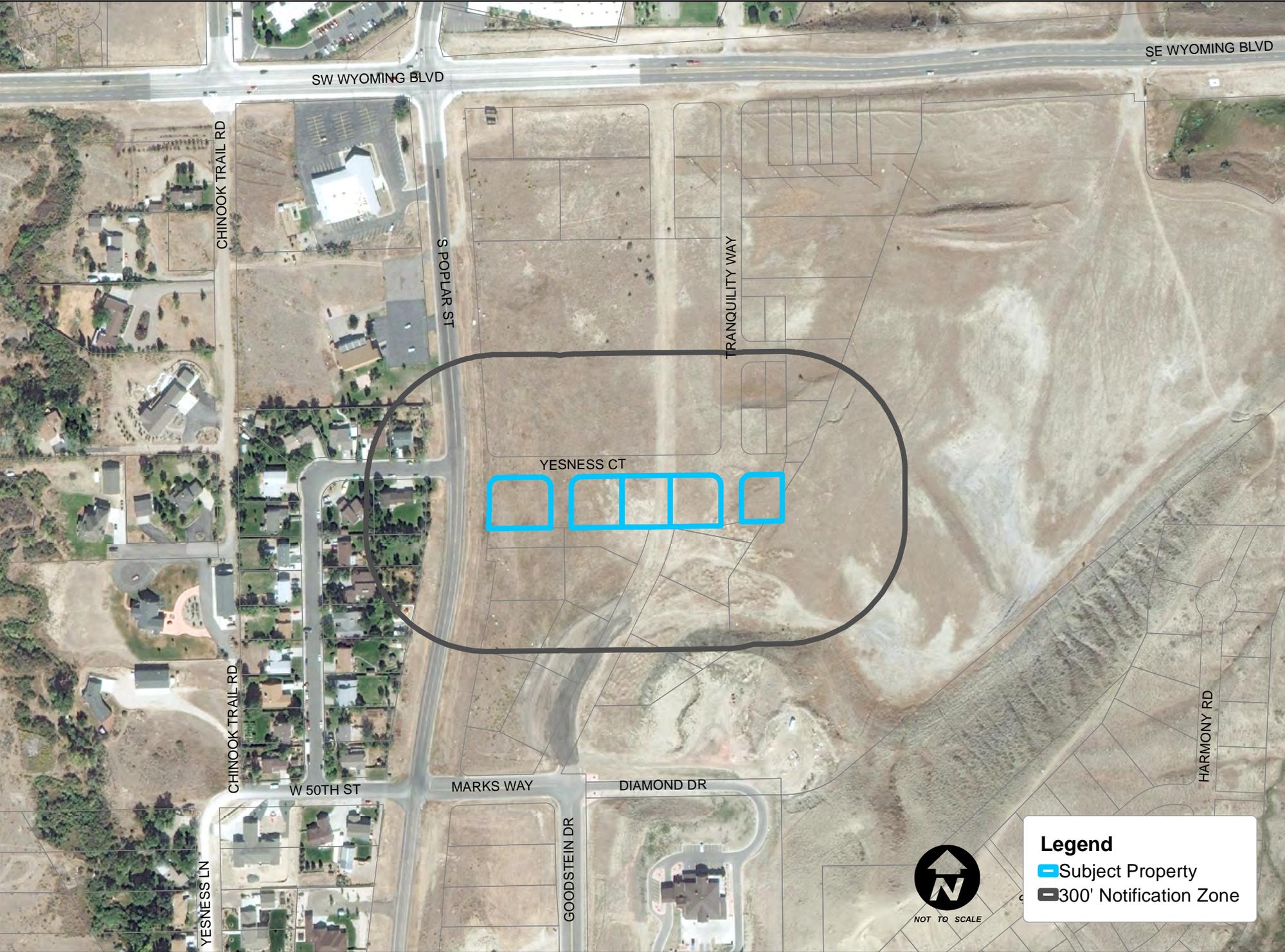
Goal 48 – Promote the availability of adequate, safe, and well-served housing for all age groups and populations in the Casper area.

The proposed R-2 (One Unit Residential) zoning district allows for the development of any and all of the following permitted uses:

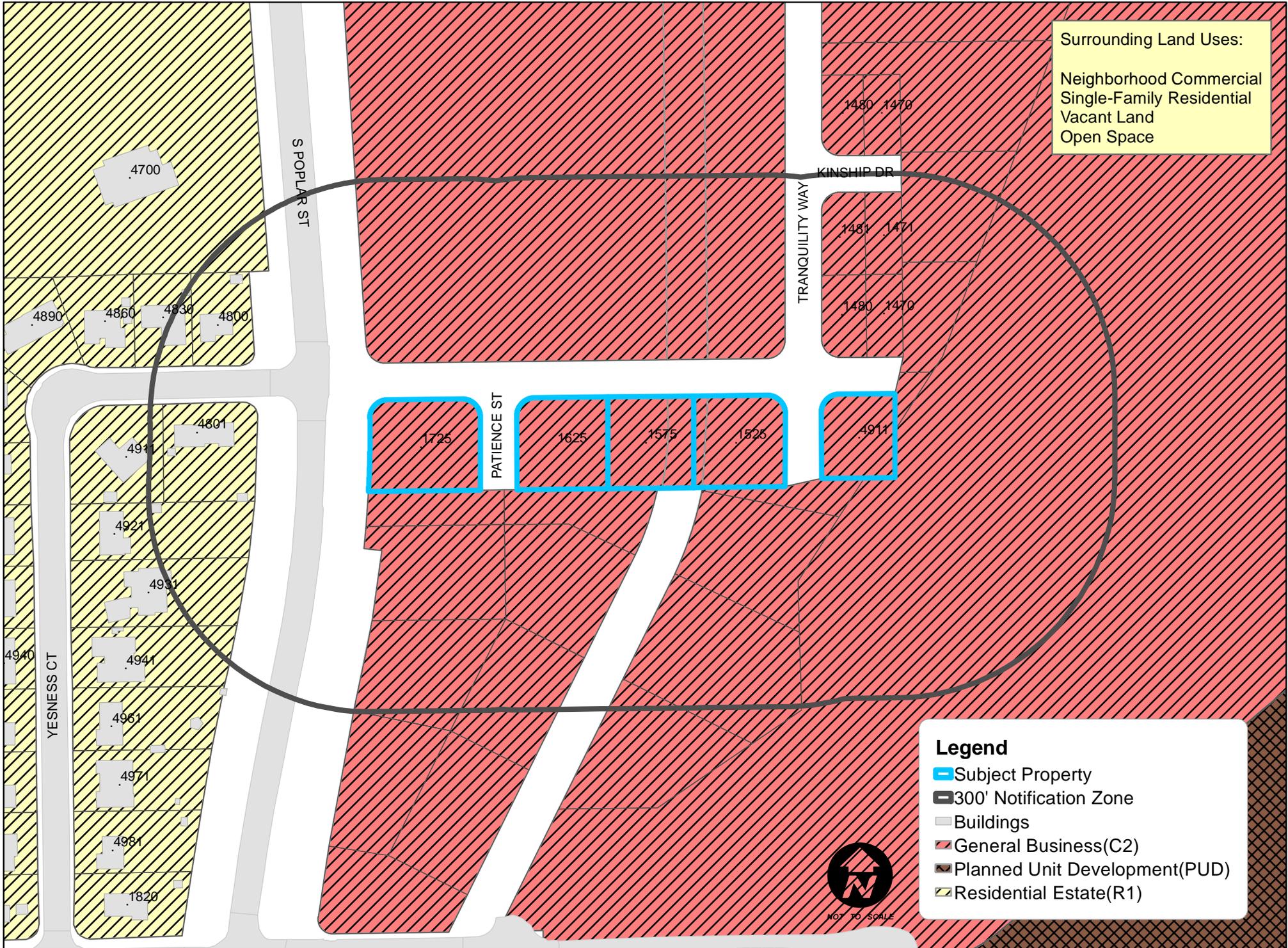
- A. Conventional **site-built single-family dwellings** and manufactured homes with siding material consisting of wood or wood products, stucco, brick, rock or horizontal lap wood, steel or vinyl siding;

- B. Day-care, adult;
- C. Family child care home;
- D. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities used during daylight hours;
- E. Schools, public, parochial, and private elementary, junior and senior high;
- F. Neighborhood assembly uses;
- G. Neighborhood grocery;
- H. Group home;
- I. Church.

4911, 1525, 1575, 1625, 1725 Yesness Zone Change



4911, 1525, 1575, 1625, 1725 Yesness Zone Change



4911, 1525, 1575, 1625, 1725 Yesness Zone Change

Facing southeast from the corner of Yesness and Patience

