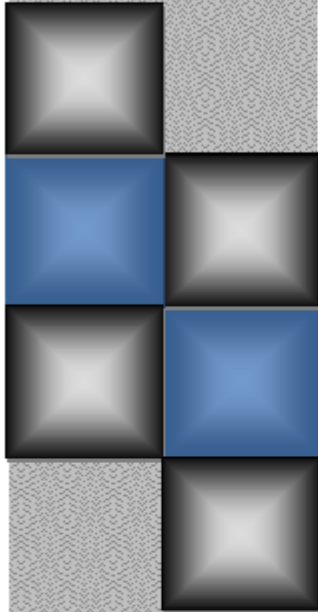


2014

McMurry Business Park

Planned Unit Development
Design/Development Guidelines



10/22/2014





Planned Unit Development Design/Development Guidelines

INTRODUCTION

This document constitutes the Planned Unit Development Design/Development Guidelines (this "PUD") applies to certain real property located in the City of Casper, Wyoming (the "City") as described on Exhibit A attached hereto (the "Property"), and is effective as of the date this PUD is recorded in the official records of the clerk and recorder of Natrona County, Wyoming.

This PUD establishes the land uses and densities that shall be permitted on the Property, a general development plan, and those development standards and conditions applicable to development and use of the Property.

In recognition of: (a) the tax revenues the City will receive from the Property and development thereon if the Property were annexed to the City, (b) the City's ability to provide for the orderly development of the Property if the Property were annexed to the City, (c) the size of the development contemplated under this PUD, (d) the necessity of phasing the development of the Property, (e) the possible impact of economic cycles and varying market conditions during the course of the development, (f) the substantial investment and time required to complete the development of such a large project as proposed on the Property, (g) the fact that such investments can be supported only if there are assurances that the development of the Property once annexed to the City will be allowed to proceed to ultimate completion as provided in this PUD, (h) the need to provide reasonable certainty, stability and fairness in the land use planning process, and (i) to stimulate economic growth, the City of Casper, Wyoming desires to: (1) adopt this PUD, and (2) provide certain assurances that the Property may be developed in accordance with the terms of this PUD for a period of at least 15 years.

****The Table of Contents begins on the following page****

McMurry Business Park

Planned Unit Development

TABLE OF CONTENTS

ARTICLE I DEFINITIONS 1

ARTICLE II POLICIES AND INTENT 3

 2.01 Commercial Multi-family Design..... 3

 2.02 Residential Design..... 4

 2.03 Office Design..... 4

 2.04 Commercial Design..... 5

ARTICLE III DEVELOPMENT STANDARDS..... 5

 3.01 Planning Areas..... 5

 3.02 Permitted Uses and Densities..... 6

 3.03 Primary Development Standards..... 6

 3.04 Pre-Existing Uses..... 13

 3.05 Heights of Buildings and Structures..... 13

 3.06 Road Standards..... 13

 3.07 Mixed-Use Development..... 14

 3.08 Open Space..... 14

 3.09 Signage..... 14

 3.10 Parking..... 14

ARTICLE IV..... 16

ADDITIONAL STANDARDS APPLICABLE TO NON-RESIDENTIAL
DEVELOPMENT 16

 4.01 General Site Orientation and Circulation..... 16

 4.02 Streetscape Design..... 17

 4.03 General Architectural Standards..... 17

 4.04 Visual Clearance..... 18

 4.05 Off-Street Parking Standards (Non-residential)..... 18

 4.06 Fences and Retaining Walls..... 18

 4.07 Lighting..... 19

 4.08 Landscape Requirements..... 20

 4.09 Outdoor Storage..... 22

 4.10 Outdoor Displays of Merchandise..... 22

ARTICLE V APPROVALS 22

 5.01 Plats..... 22

 5.02 Sub-Area Plans..... 22

 5.03 Project Site Plans..... 24

 5.04 Condominium Maps..... 25

ARTICLE VI PRIVATE DESIGN REVIEW 26

6.01 DRC Procedures and Composition..... 26

6.02 Design Guidelines..... 26

ARTICLE VII MISCELLANEOUS 26

7.01 Report Submitted Every Other Year..... 26

7.02 Amendments to this PUD..... 27

7.04 Incorporation Exhibits..... 27

7.05 Other Interpretation Matters..... 27

7.06 Entire PUD..... 27

7.07 Relationship To The Code..... 27

Exhibits

- Exhibit A – Legal Description of the property
- Exhibit B- Planning Areas
- Exhibit C – Alternative Street Cross-Sections
- Exhibit D – Sign Regulations Key
- Exhibit E – DRC Review Procedures

PLANNED UNIT
DEVELOPMENT

ARTICLE I
DEFINITIONS

For the purposes of this PUD, the following capitalized terms shall have the meanings set forth below:

"Annexation Agreements" means those five Annexation Agreements, each dated August 2, 2005 between the City and the Developers.

"Biennial Report" has the meaning given to that term in Section 7.01.

"Certificate of Plan Compliance" means a certificate issued by the DRC certifying: (a) that plans for a building or structure proposed on the Property were reviewed by the DRC at meetings held on the date(s) specified in such certificate, (b) the names of members of the DRC who were in attendance at such meetings, and (c) that such plans comply with the Design Guidelines.

"City" means the City of Casper, Wyoming.

"Code" means the City of Casper Code.

"Commission" means the Planning and Zoning Commission for the City.

"Council" means the City Council for the City.

"Covenants" means the covenants, conditions and restrictions recorded against all or any portion of the Property by the Developers.

"Design Guidelines" means the design guidelines for the Property adopted by the DRC.

"Developers" means the Lead Developer, EGR, RMOP, MIC, GPD, and VAR.

"DRC" means the McMurry Business Park Design Review Committee established pursuant to one or more sets of Covenants recorded against the Property.

"DRC Review Procedures" has the meaning given to that term in Section 6.01.

"Effective Date" means the date this PUD is Recorded.

"EGR" means Eastgate Ranch, LLC, a Wyoming limited liability company.

"Lead Developer" means Granite Peak Development, LLC, a Wyoming limited liability company.

"**Mayor**" means the mayor of the City.

"**McMurry Business Park**" means the master planned community to be developed on the Property.

"**MIC**" means Meadowland Investment Co., LLC, a Wyoming limited liability company.

"**Owner**" means the owner of all or any portion of the Property.

"**Owners' Association**" means an owners' association for all or any portion of the Property established pursuant to any Covenants.

"**Parcel**" means any lot, tract, parcel or portion of real property within the Property.

"**Planning Area**" means each of geographic areas into which the Property is divided as set forth in Section 3.01.

"**Planning Department**" means the Planning Department within the City's Community Development Department.

"**Planning Director**" means the Director of the Planning Department within the City's Community Development Department.

"**Platted Parcel**" means a finally platted Parcel.

"**Property**" means that certain real property located in Natrona County, Wyoming as described on Exhibit A attached hereto.

"**PUD**" means this document, which constitutes the Planned Unit Development for the Property.

"**Recorded**" or "**Recording**" means recorded or recording, as appropriate, in the official real property records of the clerk and recorder for Natrona County, Wyoming.

"**RMOP**" means Rocky Mountain Oncology Properties, LLC, a Wyoming limited liability company.

"**Site Plan Agreement**" has the meaning given to that term in the Code.

"**Sub-Area Plan**" has the meaning given to that term in Section 5.02.

"**Table of Sign Standards**" has the meaning given to that term in Section 3.09.

"**VAR**" means V.A. Resources, LLC, a Wyoming limited liability company.

ARTICLE II POLICIES AND INTENT

In general, the primary community design goal for the McMurry Business Park is to develop an attractive, well-planned business center that promotes an active commercial civic center and a major employment center with supporting residential and lodging opportunities.

Set forth below in this Article II are specific goals and objectives for the design and development of the Property. The Planning Director shall have the authority to grant minor alterations to the design standards set forth in this PUD to satisfy the goals and policies set forth in this Article II.

2.01 Commercial Multi-family Design.

The primary commercial multi-family planning and design objective is to provide opportunities for higher density residential in close complementary proximity to commercial and employment uses. Complementary relationships may include adjacent uses on separate lots, separate uses mixed on the same lot or separate uses mixed within the same building. Guiding principles in support of that objective include the following:

- (a) Organize the buildings and streets to concentrate pedestrian activity within appropriately scaled areas, in order to create a strong sense of identity and community.
- (b) Focus people-oriented activities (store entrances, window shopping, outdoor dining, displays, and signage) along the streets and in front of buildings.
- (c) Locate parking, deliveries, trash and other ancillary services at the rear of buildings.
- (d) Develop a focused, efficient pattern of buildings and open spaces in order to concentrate activities, rather than dissipate them in a way that increases dependence on the automobile.
- (e) Design buildings, streets and parking lots to include areas that are scaled to pedestrians (with regard to such issues as the height and length of walls, the amount of uninterrupted pavement, the width of streets, the distance between crosswalks, continuity of shop fronts and the size of signage).
- (f) Encourage the development of pedestrian amenities such as benches, trash receptacles and pedestrian-scale lighting, as well as outdoor dining areas - all of which enhance the experience of the area by foot.
- (g) Create a complex and diverse network of streets, buildings, open spaces and well-distributed parking lots to enhance visual interest and efficiency.
- (h) Provide adequate land for a mix of commercial, medical-related uses and higher-density residential development, to allow mixed-use areas to evolve over time.

2.02 Residential Design.

The primary objective for residential design is to develop high-quality residential neighborhoods that are both livable and attractive to residents and have the potential to increase in value over time. Guiding principles in support of that objective include the following:

- (a) Provide a range of residential densities and housing types.
- (b) Create sociable residential environments, with houses that have a positive orientation to streets that serve them.
- (c) Ensure that garages do not dominate the residential streetscape and house frontages.
- (d) Ensure that useable backyard space is provided as private open space on single-family lots.

2.03 Office Design.

The primary objective in the planning and design of office areas is to create a cohesive office setting that does not treat development parcels as isolated elements and establishes an overall identity for office subareas. Guiding principles supporting that objective include:

- (a) Develop an attractive employment center that considers both linkages and transitions to adjacent areas.
- (b) Create a well-coordinated, campus-like setting for office subarea businesses.
- (c) Create a strong sense of identity from the Interstate-25 highway edge and a strong sense of entry from arterial and collector streets.
- (d) Encourage landscaping throughout parcels to distinguish entries and exits and to break up large surface parking lots. Landscaping should be distributed throughout parking areas rather than solely clustered along the edges.
- (e) Buffer surface parking areas from view from adjacent buildings, streets and freeways.
- (f) Create a coordinated signage system that provides clear criteria for the design of attractive directional and business identification signs. Criteria would address size, location, attachment, illumination quality, informational content and type of materials to be used.

2.04 Commercial Design.

The primary planning and design objective for commercial areas is to organize buildings, parking and internal site circulation to create convenient, comfortably-scaled commercial activity areas. Guiding principles in support of that objective include the following:

- (a) Provide a diverse mix of complementary commercial uses (retail, restaurant, service, etc.).
- (b) Create a strong identity that represents the entire commercial site. This may be accomplished through the use of finishes or site elements that tie the different uses together.
- (c) Provide a variety of building sizes and building facade articulation to foster variety, mix and to mitigate large-scale building masses.
- (d) Arrange uses to maximize connections minimize conflicts and promote shared parking where possible.
- (e) Locate service and ancillary areas so that they can be visually screened from view and are away from pedestrian activity areas.
- (f) Encourage site design where parking does not dominate site layout from streets or from buildings.
- (g) Provide direct, continuous pedestrian routes from the street to building entries, across large parking areas and between activity areas of the project site.

ARTICLE III DEVELOPMENT STANDARDS

3.01 Planning Areas.

- (a) Planning Areas. The property is comprised of the following Planning Areas, which are as described generally on Exhibit B attached hereto:
 - (i) C-(Commercial-Retail Office/Medical/Lodging);
 - (ii) CMF-(Commercial Multi-Family);
 - (iii) SF-(Detached Residential); and
 - (iv) OS – (Open Space).
- (b) Actual Boundaries of Planning Areas and Streets. The conceptual boundaries of each Planning Area and certain streets within the Property are described generally on Exhibit B attached hereto. The actual boundaries of all or any portion of any Planning Area and streets within the Property shall be established by the Developers at the time of platting of the relevant area. The actual boundaries of the Planning Areas and location of such streets may vary from those described on Exhibit B provided they are generally in accordance with those shown on Exhibit B.

3.02 Permitted Uses and Densities.

This PUD establishes the land uses and densities permitted within each Planning Area. Such permitted uses and densities are set forth in Figure 3.03.

3.03 Primary Development Standards.

The densities, permitted uses and certain other development standards within each Planning Area are set forth in Figure 3.03.

** * * * Figure 3.03 begins on the following page * * * **

Figure 3.03	Planning Area C
Permitted Uses	<p>Permitted uses within Planning Area C shall include:</p> <ul style="list-style-type: none"> • General offices • Theaters • Hospitals • Medical and dental offices, clinics and laboratories • Convenience stores • Nursing homes • Assisted living facilities • Churches and Synagogues • Schools • Police and fire stations • Financial institutions, including drive-through banks • Indoor recreational facilities (including private health and wellness centers, athletic clubs, indoor pools and training facilities, climbing walls, and dance studios) • Stores for wholesale or retail sales • Hotels and motels • Restaurants (including sit-down, take-out and drive-through facilities) • Bars • Day care facilities • Research and development laboratories • Light manufacturing • Auto sales • RV and motorcycle sales • Temporary construction or sales trailers and offices, provided that construction offices and trailers are removed from the site within 30 days of the issuance of a certificate of occupancy for the building to which the office is appurtenant, and sales offices are removed within 30 days of the initial sale of the last lot within this use area • Other uses similar in character to those specifically listed above
Accessory Uses	<p>Accessory uses within Planning Area C shall include:</p> <ul style="list-style-type: none"> • Outdoor restaurant seating • Outdoor plazas and gathering areas • Communication antennas, incidental to a principal use only • Pedestrian, bicycle and equestrian trails • Storm water detention ponds • Parking structures, surface parking and parking-related facilities, incidental to primary use • Other uses that are accessory or incidental to the primary uses and/or similar to accessory uses permitted for similarly zoned districts
Maximum Floor Area Ratio	<ol style="list-style-type: none"> 1. Medical facilities (including, without limitation, hospitals, research and development facilities, doctors' offices): 0.50 2. Commercial 0.33

Figure 3.03	Planning Area C												
Minimum Landscaped Area per Platted Parcel	<p>Minimum Landscaped Area: 6%</p> <p>Note: The amount of landscaped area for a Platted Parcel may be decreased if: (i) such change contributes to the overall character of the project, (ii) the type and/or quantity of the development is of such a nature to accomplish the objective of buffering the development on such parcel from other parcels, and (iii) storm water management techniques are used to reduce the impact of such change.</p> <p>Note: For purposes of this minimum landscape requirement, hardscaped areas (such as formal plazas, seating areas, etc.), as well as xeriscaped and other impervious areas, shall be considered areas.</p>												
Maximum Floor Plate for any Single Building	<p>250,000 sq. ft. provided that larger floor plates shall be permitted if the building is designed with articulation and other features to break up the bulk and mass thereof, to the extent practicable.</p>												
Setbacks for Buildings and Structures	<p>The following setbacks shall apply to all Structures on Platted parcels:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">Arterial or collector street right-of-way</td> <td style="text-align: right;">30'</td> </tr> <tr> <td>Local or private street right-of-way</td> <td style="text-align: right;">20'</td> </tr> <tr> <td>Interior lot line</td> <td style="text-align: right;">0'*</td> </tr> <tr> <td>Exterior boundary of PUD Property</td> <td style="text-align: right;">20'</td> </tr> <tr> <td>Minimum distance between buildings on the same Platted Parcel</td> <td style="text-align: right;">10'***</td> </tr> <tr> <td>Minimum distance between buildings on separate Platted Parcels</td> <td style="text-align: right;">10'***</td> </tr> </table> <p>*Minimum building separation must be 10 feet except for buildings with common walls. **No minimum separation required for buildings with common walls.</p>	Arterial or collector street right-of-way	30'	Local or private street right-of-way	20'	Interior lot line	0'*	Exterior boundary of PUD Property	20'	Minimum distance between buildings on the same Platted Parcel	10'***	Minimum distance between buildings on separate Platted Parcels	10'***
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Exterior boundary of PUD Property	20'												
Minimum distance between buildings on the same Platted Parcel	10'***												
Minimum distance between buildings on separate Platted Parcels	10'***												
Maximum Height of Buildings and Structures	<p>The maximum height of buildings and structures in Planning Area C shall be 75 feet, provided, however the maximum height of building and buildings shall be increased, to a maximum of 120 feet, if (a) those portions of the building exceeding 75 feet are stepped or articulated to reduce the mass thereof and/or (b) the setbacks from property lines are increased in a manner which preserves, to the extent practicable, view corridors and solar access. (See also Section 3.05 regarding architectural features and mechanical equipment.)</p>												

Figure 3.03	Planning Area CMF
Permitted Uses	<p>Permitted uses within Planning Area CMF shall include:</p> <ul style="list-style-type: none"> • One-family attached dwellings • Multi-family dwellings • Auto Sales • General offices • Theaters • Hospitals • Medical and dental offices, clinics and laboratories • Convenience stores • Nursing homes • Assisted living facilities • Police and fire stations • Churches • Synagogues • Schools • Financial institutions, including drive-through banks • Indoor recreational facilities (including private health and wellness centers, athletic clubs, indoor pools and training facilities, climbing walls, and dance studios) • Stores for wholesale or retail sales • Hotels and motels • Restaurants (including sit-down, take-out and drive-through facilities) • Bars • Day care facilities • Community center buildings • Temporary construction or sales trailers and offices, provided that construction offices and trailers are removed from the site within 30 days of the issuance of a certificate of occupancy for the building to which the office is appurtenant, and sales offices are removed within 30 days of the initial sale of the last lot within this use area • Other uses similar in character to those specifically listed above
Accessory Uses	<p>Accessory uses within Planning Area CMF shall include:</p> <ul style="list-style-type: none"> • Public parks and recreation areas • Private parks and recreation areas • Outdoor restaurant seating • Outdoor plazas and gathering areas • Communication antennas, incidental to a principal use only • Pedestrian, bicycle and equestrian trails • Storm water detention ponds • Parking structures, incidental to primary use • Other uses that are accessory or incidental to the primary uses and/or similar to accessory uses permitted for similarly zoned districts
Maximum Permitted Density for any Project	24 dwelling units/acre within the Project
Maximum Floor Area Ratio	<ol style="list-style-type: none"> 1. Medical facilities (including, without limitation, hospitals, research and development facilities, doctors' offices): 0.50 2. Commercial development outside of a residential building: 0.33 3. Commercial development within a residential building: 0.25

Figure 3.03	Planning Area CMF			
Minimum Landscaped Area per Platted Parcel	<p>Minimum Landscaped Area: 6%</p> <p>Note: The amount of landscaped area for a Platted Parcel may be decreased if: (i) such change contributes to the overall character of the project, (ii) the type and/or quantity of the development is of such a nature to accomplish the objective of buffering the development on such parcel from other parcels, and (iii) storm water management techniques are used to reduce the impact of such change.</p> <p>Note: For purposes of this minimum landscape requirement, hardscaped areas (such as formal plazas, seating areas, etc.), as well as xeriscaped and other impervious areas, shall be considered landscaped areas.</p>			
Maximum Floor Plate for any Single Building	250,000 sq. ft., provided that larger floor plates shall be permitted if the building is designed with articulation and other features to break up the bulk and mass thereof, to the extent practicable.			
Setbacks for Buildings and Structures		Front	Side	Rear
	Primary Structures	10' for projects with urban character in a cluster village development. 20' for all other projects.	10'	10'
	Accessory Structures	10' for projects with urban character in a cluster village development. 20' for all other projects.	5'	10'
	Driveways	20'* for residential 10'* for non-residential	0'	5'
<p>* Setback applies to corner lots only and measures distance from the property line that is parallel to the driveway.</p> <p>Notes: (1) A 15-foot minimum separation is required between parking and buildings. (2) For corner lots, the front setback is applied to corner side setback. (3) The setbacks in this chart are setbacks from property lines. (4) Notwithstanding the foregoing setbacks, if buildings have a common wall, the setback shall be zero.</p>				
Maximum Height of Buildings and Structures	55 feet, provided that the maximum height of buildings and structures may be increased if (a) those portions of the building exceeding the maximum height are stepped or articulated to reduce the mass thereof and/or (b) the setbacks from property lines are increased in a manner which preserves, to the extent practicable, view corridors and solar access. (See also Section 3.05 regarding architectural features and mechanical equipment.)			

Figure 3.03	Planning Area SF																							
Permitted Uses	Permitted uses within Planning Area SF shall include: <ul style="list-style-type: none"> •One-family detached dwellings • One-family attached dwelling units, including, without limitation, duplexes, townhouses and row houses •Golf courses •Community center buildings •Police and fire stations •Churches •Synagogues •Schools •Temporary construction or sales trailers and offices, provided that construction offices and trailers are removed from the site within 30 days of the issuance of a certificate of occupancy for the building to which the office is appurtenant, and sales offices are removed within 30 days of the initial sale of the last lot within this use area •Other uses similar in character to those specifically listed above 																							
Accessory Uses	Accessory uses within Planning Area SF shall include: <ul style="list-style-type: none"> •Secondary for sale or for rent dwelling units over garages •Public parks and recreation areas •Private parks and recreation areas •Other uses that are accessory or incidental to the primary uses and/or similar to accessory uses permitted for similarly zoned districts 																							
Maximum Permitted Density for any Project	8 dwelling units/acre within the Project																							
Minimum Landscaped Area per Platted Parcel	<p>Note: The amount of landscaped area for a Platted Parcel may be decreased if: (i) such change contributes to the overall character of the project, (ii) the type and/or quantity of the development is of such a nature to accomplish the objective of buffering the development on such parcel from other parcels, and (iii) storm water management techniques are used to reduce the impact of such change.</p> <p>Note: For purposes of this minimum landscape requirement, hardscaped areas (such as formal plazas, seating areas, etc.), as well as xeriscaped and other impervious areas, shall be considered landscaped areas.</p>																							
Setbacks for Buildings and Structures	<table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: center;">Front</th> <th style="width: 15%; text-align: center;">Side</th> <th style="width: 10%; text-align: center;">Rear</th> </tr> </thead> <tbody> <tr> <td>Primary Structures</td> <td style="text-align: center;">20'</td> <td style="text-align: center;">5'*</td> <td style="text-align: center;">15'</td> </tr> <tr> <td>Accessory Structures</td> <td style="text-align: center;">20'</td> <td style="text-align: center;">5'</td> <td style="text-align: center;">5'</td> </tr> <tr> <td>Garages</td> <td style="text-align: center;">20'</td> <td style="text-align: center;">5'</td> <td style="text-align: center;">5'</td> </tr> <tr> <td>Driveways</td> <td style="text-align: center;">20'**</td> <td style="text-align: center;">0'</td> <td style="text-align: center;">5'</td> </tr> </tbody> </table> <p>* Zero-lot line configurations are allowed with 10-foot opposing side setback. ** Setback applies to corner lots only and measures distance from the property line that is parallel to the driveway.</p> <p>Notes: (1) The setbacks in this chart are setbacks from property lines. (2) Notwithstanding the foregoing setbacks, if buildings have a common wall, the setback shall be zero</p>					Front	Side	Rear	Primary Structures	20'	5'*	15'	Accessory Structures	20'	5'	5'	Garages	20'	5'	5'	Driveways	20'**	0'	5'
	Front	Side	Rear																					
Primary Structures	20'	5'*	15'																					
Accessory Structures	20'	5'	5'																					
Garages	20'	5'	5'																					
Driveways	20'**	0'	5'																					
Maximum Height of Buildings and Structures	35 feet, provided that the maximum height of buildings and structures may be increased if (a) those portions of the building exceeding the maximum height are stepped or articulated to reduce the mass thereof and/or (b) the setbacks from property lines are increased in a manner which preserves, to the extent practicable, view corridors and solar access. (See also Section 3.05 regarding architectural features and mechanical equipment.)																							

Figure 3.03	Planning Area OS			
Permitted Uses	Permitted uses within Planning Area OS shall include: <ul style="list-style-type: none"> • General outdoor passive and active recreation activities • Park activities and open space • Golf courses • Public parks • Pedestrian, bicycle, and equestrian trails • Park maintenance facilities • Temporary construction trailers and offices, provided that construction offices and trailers are removed from the site within 30 days of the issuance of a certificate of occupancy for the building to which the office is appurtenant • Other uses similar in character to those specifically listed above • Notwithstanding other provisions herein, RV storage is not permitted within Planning Area OS 			
Accessory Uses	Accessory uses within Planning Area OS shall include: <ul style="list-style-type: none"> • Pedestrian, bicycle and equestrian trails • Public rest room facilities • Food and beverage concessions (portable and permanent) • Exterior storage related to permitted uses within Planning Area OS, on the condition such storage is screened from residential areas with solid fencing, berming, landscaping, or other buffering • Communication antennas, incidental to a principal use only • Other uses that are accessory or incidental to the primary uses and/or similar to uses for zoned districts 			
Minimum Landscaped Area per Platted Parcel	Minimum Landscaped Area: 6 % (Relates only to buildings/parking areas constructed in connection with the permitted uses) Note: The amount of landscaped area for a Platted Parcel may be decreased if: (i) such change contributes to the overall character of the project, (ii) the type and/or quantity of the development is of such a nature to accomplish the objective of buffering the development on such parcel from other parcels, and (iii) storm water management techniques are used to reduce the impact of such change. Note: For purposes of this minimum landscape requirement, hardscaped areas (such as formal plazas, seating areas, etc.), as well as xeriscaped and other impervious areas, shall be considered landscaped areas.			
Setbacks for Buildings and Structures		Front	Side	Rear
	Primary Structures	10'	10'	10'
	Accessory Structures	10'	5'	10'
Maximum Height of Buildings and Structures	35 feet, provided that the maximum height of buildings and structures may be increased if (a) those portions of the building exceeding the maximum height are stepped or articulated to reduce the mass thereof and/or (b) the setbacks from property lines are increased in a manner which preserves, to the extent practicable, view corridors and solar access. (See also, Section 3.05 regarding architectural features and mechanical equipment.)			

3.04 Pre-Existing Uses.

In addition to the uses permitted above in Figure 3.03, all uses occurring or existing on the Property on or prior to the Effective Date shall be deemed permitted uses within the Property.

3.05 Heights of Buildings and Structures.

- (a) **Maximum Height.** The height of buildings and structures within each Planning Area shall not exceed the height standards set forth in Figure 3.03.
- (b) **Methodology.** The heights of buildings and structures within the Property shall be calculated using the methodology set forth in the Code.
- (c) **Architectural Features.** Architectural features, including, but not limited to, chimneys, cupolas, skylights, vents, elevators, stair towers, mechanical equipment and other roof appendages may exceed the maximum height otherwise allowed by an amount not to exceed 10 feet.

3.06 Road Standards.

- (a) **Cross-Sections.** In planning the network of streets proposed for the Property, the multiple functions that streets serve have been carefully considered to balance the needs of auto travelers, bicyclists and pedestrians. Additionally, compatibility of those streets with the character and identity of the uses they serve has also been an important consideration in the planning of the Property. In order to achieve the best fit between the transportation functions of proposed streets and neighborhood compatibility, a range of alternative street cross-sections, set forth on Exhibit C attached hereto, has been proposed for potential use in Property.
- (b) **Traffic Impact Study.**
 - (i) The alternative street cross-section designs set forth on Exhibit C are presented as alternatives for use in locations that can be demonstrated appropriate by a traffic impact study, if necessary. Specific locations for alternative cross-section use will be identified at the subarea plan level and confirmed at the final plat level, when specific traffic needs can be accurately modeled, if necessary, to evaluate a proposed street section's adequacy.
 - (ii) It shall be permissible within the Property to construct streets in accordance with either: (A) the alternative street cross-sections set forth on Exhibit C, or (B) the standard City street cross-sections.

3.07 Mixed-Use Development.

McMurry Business Park has been designed as a mixed-use development to further the design objectives set forth in Article II. Accordingly: (a) each Parcel may contain one or more buildings; (b) different uses (e.g., residential and commercial) may be contained within the same building; and (c) buildings containing one type of use (e.g., residential) may be located on the same Parcel as buildings containing a different type of use (e.g., commercial).

3.08 Open Space.

- (a) **Requirements.** Usable open space shall be provided in the following amounts:
 - (i) 20% of the developed land area within Planning Area SF,
 - (ii) 15% of the developed land area within Planning Area C,
 - (iii) 15% of the developed land area within Planning Area CMF that is developed for residential uses, and
 - (iv) 15% of the developed land area within Planning Area CMF that is developed for non-residential uses.
- (b) **Planning Area OS.** The Lead Developer may designate all or any portion of Planning Area OS toward satisfaction of the usable open space requirements of this Section 3.08, and all such designations shall be counted toward satisfying such requirements.
- (c) **Backyards.** Backyards on single-family lots shall not be counted as usable open space for purposes of this Section 3.08.

3.09 Signage.

- (a) **Standards for On-Premises Signage According to Planning Area.** The on-premise signage standards set forth in the table at the end of Chapter 17.96 of the Code (the "**Table of Sign Standards**") shall apply to on-premise signs within the Property as follows (See Exhibit D-Sign Regulations Key):
 - (i) On-premise signs within Planning Areas C and CMF adjacent to Interstate 25 shall comply with those standards set forth in the Table of Sign Standards for zoning district C-4 (highway business).
 - (ii) On-premise signs within Planning Areas C and CMF adjacent to East 2nd Street shall comply with those standards set forth in the Table of Sign Standards for zoning district C-2 (general business).

- (iii) On-premise signs within Planning Area CMF shall comply with the standards set forth in the Table of Sign Standards: (A) for zoning district C-2 (general business) if such signs are related to non-residential development, or (B) for zoning districts R-3, R-4, R-5, R-6 and A-6 (multifamily) if such signs are related to residential development.
- (iv) On-premise signs within Planning Area SF shall comply with those standards set forth in the Table of Sign Standards for zoning districts R-1 and R-2 (residential zones); provided, however, neighborhood entrance signs shall be permitted without regard to the Table of Sign Standards if, with respect to any such entry sign: (A) the sign area of such sign is not greater than 32 square feet; (B) the height of such sign is not greater than 12 feet; and (C) such sign is at least 4 feet from all property lines.
- (v) On-premise signs within Planning Area OS shall comply with the standards set forth in the Table of Sign Standards for zoning district P-H (park and historic).

The Table of Sign Standards shall not apply to on-premise signs within the Property other than as expressly set forth above in this paragraph 3.09(a).

(b) **General Sign Standards.**

- (i) To promote overall project continuity, ground-mounted, free-standing signs shall incorporate masonry materials as a base or as integral components of the sign structure.
- (ii) To promote thematic neighborhood identity, a consistent masonry material shall be established on a neighborhood-by-neighborhood basis in the Design Guidelines.
- (iii) To promote individual site continuity, all signs shall be constructed of materials that are consistent and complementary to the buildings they serve.
- (iv) All materials used in signage, except temporary signage, shall be durable, of permanent nature, require minimum maintenance and be resistant to weathering and staining.
- (v) Ground mounted illumination shall be from a concealed light source only.
- (vi) Rear illuminated awning signs or awnings illuminated from a lighting source mounted behind the awning are prohibited.
- (vii) Portable signs, sandwich boards, trailer signs and signs attached to structures with one (1) or more wheels are prohibited.

- (viii) Off-premises billboard signs are prohibited. Notwithstanding the foregoing, off-premise signs that are not billboards (such as off-premise roof signs, free-standing signs that are not billboards, bench signs, etc.) shall be permitted in Planning Areas C and CMF as a conditional use in accordance with Section 17.96.050 of the Code.
- (ix) Rooftop signs are prohibited.
- (c) Design Guidelines. In addition to the standards set forth in paragraphs 3.09(a) and 3.09(b) above, all signs within the Property must comply with the Design Guidelines, which may be more restrictive.

3.10 Parking.

- (a) The minimum number of parking spaces required for residential development within the Property shall conform to the City of Casper and its current standards.
- (b) The minimum number of parking spaces required for non-residential development within the Property is set forth in Section 4.05.

**ARTICLE IV
ADDITIONAL STANDARDS APPLICABLE TO NON-RESIDENTIAL
DEVELOPMENT**

The provisions of this Article IV shall apply only to non-residential development within the Property.

4.01 General Site Orientation and Circulation.

- (a) Buildings should be sited to respect the character of the land forms, features and landscaping, climatic conditions, street fronts and approaches and adjacent buildings and their views to and from the site.
- (b) Sites shall be designed in a comprehensive manner, providing order and compatibility to avoid inconsistent or confusing development.
- (c) Buildings or groups of buildings shall generally face the street or the street it addresses. A building with entrances on the walls which face away from the street shall incorporate architectural components on the wall which faces the street.
- (d) Buildings shall be sited to gather with other buildings where practical, utilizing common service areas and separated parking areas.
- (e) Building entrances shall be visible and accessible from primary driveways and drop-off areas.
- (f) Groups of buildings shall be sited to create exterior spaces, varied pedestrian ways, parking area definition and clear/organized circulation patterns.
- (g) Vehicular access points should lead directly to building entrances or approaches, or the center of building groups.

- (h) Vehicular circulation shall be designed to appropriately accommodate all types of traffic and vehicles in safe, continuous and smooth movements.
- (i) Projects shall have sufficient access throats from the street system to allow for adequate stacking out of parking areas.
- (j) Shared service drives, delivery access, loading and service areas are encouraged wherever possible.
- (k) Each site shall provide a direct pedestrian connection from the building entrance to the street it faces and the street pedestrian corridor.
- (l) Groups of buildings shall be designed to provide continuous pedestrian connections linking the buildings on the site and to the street pedestrian corridor.

4.02 Streetscape Design.

- (a) The McMurry Business Park shall establish a comprehensive and cohesive set of streetscape standards for non-residential area street frontages.
- (b) Streetscape standards shall address street trees, street lighting, pedestrian lighting, benches, trash receptacles, bike racks and other site furnishings.
- (c) Streetscape standards shall be included in the Design Guidelines and administered by the DRC.

4.03 General Architectural Standards.

- (a) **Building Sides.** The sides of all buildings shall include the same materials as are used on the buildings' front facade.
- (b) **Building Walls.** Building walls should be articulated with a change in surface material, color or surface plane to break up the bulk and mass thereof. No parapet or roofline should exceed one half of the length of the building facade without a change in elevation. Primary building entrances should be identified with architectural details such as towers, projections, varied roofs, framing elements or covered entryways.
- (c) **Facades.**
 - (i) Buildings with long facades should be designed with vertical breaks to create differentiation along the front facade. This can be done with columns, indented wall panels, and/or articulation of massing and/or changes in material, texture, and/or color.
 - (ii) At least 80% of the front building facade must have an exterior finish material which is a combination of brick, stone, stucco, EIFS, wood, non-reflective glass, or textured concrete.
- (d) **Building Corners.** Corners of buildings should be highlighted with special design features to increase visual interest where appropriate. Entrances or display windows to retail shops are encouraged at building corners that face the street.
- (e) **Building Entrances.** Building entrances should be set back from drive curb lines a minimum of 20 feet.

- (t) **Mechanical and Telecommunication.** All ground-mounted mechanical equipment shall be screened with walls, fences, or landscaping. Telecommunications structures shall be integral to and compatible with the building structures, to the greatest extent practicable.

4.04 Visual Clearance.

Unless the applicant demonstrates that the public health, safety and welfare will be adequately protected, there shall not be erected within a view triangle with sides extending 35 feet from the point of intersection of the lot lines abutting a street, any fence, wall, hedge, shrub, structure, or other obstruction shall be erected, placed, or maintained that is over 36 inches in height and impacts the view within such view triangle.

4.05 Off-Street Parking Standards (Non-residential).

The minimum number of parking spaces required shall conform to the City of Casper and its current standards.

4.06 Fences and Retaining Walls.

- (a) **Fences.** Fences, for all use areas, unless otherwise noted, shall be subject to the following:
 - (i) No fencing shall be required by the City along the perimeter of the Property.
 - (ii) No fencing shall be allowed within the required front setback.
 - (iii) The maximum height of fences in all Planning Areas shall be 8 feet, except as noted below.
 - (iv) The maximum length of any solid fence shall not exceed 50 linear feet without:
 - A. varying the alignment by an off-set dimension of at least 4 linear feet for at least 16 linear feet; or
 - B. changing the surface materials to a complementary material for a minimum of 2 linear feet.
 - (v) No chain link fences are permitted in Planning Areas C and RD, except during project construction.
 - (vi) Barbed wire fences are not permitted in any Planning Area (except Interstate 25 right-of-way fencing or abutting agricultural land).
 - (vii) Any screening necessary to buffer commercial building components (such as trash receptacles, mechanical equipment, etc.) shall be materials that are used in the construction of the associated structure or materials that compliment the associated structure. All gates will be constructed of wrought iron or steel material.
 - (viii) Permits are required prior to the construction of any fence.

- (b) **Retaining Walls.** Retaining walls, for all use areas, except as otherwise noted, shall be subject to the following:
- (i) The maximum height of any single retaining wall shall not exceed 8 feet and shall require an engineer's certification of stability, and shall be located no closer than 8 feet from rights-of-way and easements.
Notwithstanding the foregoing, retaining walls in excess of 8 feet in height and/or closer than 8 feet from rights-of-way may be constructed if doing so would result in accomplishing other objectives of the restrictions herein.
 - (ii) A minimum 4-foot wide planting area must be provided between multiple, stair-stepped retaining walls (unless an engineer's certification is provided that recommends or approves of a smaller area) and landscaped with a minimum of 4 shrubs and one tree per 30 linear feet of wall.
 - (iii) Unless an alternative design that breaks up the mass of a retaining wall is used, the maximum length of any smooth surface retaining wall over 2 feet in height shall not exceed 50 linear feet without varying the surface by:
 - A. off-setting by at least 4 linear feet for a distance of at least 4 linear feet; or
 - B. changing the surface materials to a complementary material for a minimum of 4 linear feet.

4.07 Lighting.

- (a) **Background Spaces.** Background spaces such as parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protecting persons and property.
- (b) **Foreground Spaces.** Foreground spaces such as building entrances and plaza seating areas shall utilize local lighting that defines the space without off-site glare.
- (c) **Glare.** Light sources shall be concealed, be fully shielded or utilize other features so as to minimize, to the extent practicable given the nature of the use of the site and adjacent properties, up-light, glare and unnecessary diffusion on adjacent property. Under-canopy areas shall feature flush-mount, flat lens light fixtures.
- (d) **Design.** The design and character of lights and fixtures shall be consistent within neighborhoods designated by the Lead Developer and shall be consistent with the style and character of architecture proposed for this project site.
- (e) **Pole Mounted.** Poles shall be anodized (or otherwise coated) to minimize glare from the light source. Pole-mounted lights shall be downcast cut-off type not to exceed 30 feet in height.
- (t) **Building Mounted.** Building mounted lights must be directed downward or toward the building.

- (g) **Illumination Levels.** Light sources shall minimize contrast with light produced by surrounding uses, and shall not produce an obtrusive degree of brightness in illumination levels. Incandescent and high-pressure sodium light sources provide adequate illumination with low contrast and brightness and are permitted light sources.
- (h) **Vehicle Lots.** Outdoor display lots for vehicle sales and licensing shall reduce lighting levels within 30 minutes after closing for business so that remaining illumination levels are sufficient for security purposes only; provided, however, that any illumination after 11:00 p.m. shall be reduced to levels sufficient for security purposes only.

4.08 Landscape Requirements.

To promote flexibility in design, alternative landscaping plans not in compliance with the standards below may be implemented so long as the landscaping, to the greatest extent practicable, enhances the relationship of a project to its surroundings, utilizes native species, mitigates the impact of site development by buffering from abutting properties and promotes the long-term health and success of installed landscaping.

- (a) **Streetscape.** Streetscape along all streets adjacent to or within the Property shall be landscaped within a 20-foot wide area along the street with a minimum of 1 tree for every 40 linear feet of street frontage. Trees may be massed or grouped to simulate more natural arrangements. No more than 10% of the ground surface area shall be exposed gravel or inorganic mulch. Native and other water conserving grasses are encouraged in place of turf grass for non-active use areas.
- (b) **Size of Plantings.** The following minimum sizes apply wherever landscaping is required:
 - (i) deciduous shade trees: 2" caliper
 - (ii) evergreen trees: 6' height
 - (iii) ornamental trees: 1 1/2" caliper
 - (iv) shrubs: 5 gallon container
- (c) **Water Consumption.** Maximum amount of high water consumption sod (i.e., bluegrass) shall be 15% of landscaped area. Residential development shall be exempt from this requirement.
- (d) **Irrigation Systems.** All improved landscape areas shall be served by an automatic irrigation system. Open space areas of a natural character, utilizing native, water conserving, or low water-demand plants, are exempt from this requirement.
- (e) **Parking Lots.** All parking lots shall be landscaped as follows:
 - (i) the interior of parking lots:

- A. The maximum number of continuous parking spaces in a row shall not exceed 30 without the addition of a landscaped island that is at least 18' x 9'. Franchised auto dealerships shall be exempt from this requirement.
 - B. Landscaped areas shall contain 1 tree and 4 shrubs per 30 linear feet. Landscaped islands smaller than 30 feet shall contain at least 1 tree and 4 shrubs.
- (ii) The perimeter of parking lots, where adjacent to a Platted Parcel boundary, Planning Area boundary, or a public street:
- A. Provide a landscaped strip at least 10 feet wide around the perimeter of the parking lot. However, the portion of the perimeter of a parking lot that is adjacent to an on-site building is not required to be landscaped.
 - B. The landscaped strip around the perimeter must follow one of these three standards:
 1. Within a minimum 10-foot wide strip, provide a solid planting of 4 shrubs (maximum spacing of 5 feet on center) with a minimum of 1 tree every 30 linear feet for the length of the planting. There must be at least 1 tree for each planted area. Within 10 feet of any automobile driving lane interior to the project, shrubs may not exceed 3 feet tall.
 2. Within a minimum 18-foot wide strip, provide a minimum 3-foot high earth berm. A minimum of 1 tree every 30 linear feet must be planted. No more than 25% of the ground surface area shall be exposed gravel or inorganic mulch.
 3. Within a minimum 9-foot wide strip, provide a minimum 3 foot high wall or closed fence. A minimum of 1 tree every 30 linear feet must be planted. No more than 25 % of the ground surface area shall be exposed gravel or inorganic mulch.
 - C. Employee parking and service areas that are arranged as internal courts surrounded by buildings shall be exempt from perimeter landscape requirements if at least 75% of the parking/service area's perimeter is adjacent to those buildings.
- (iii) All land area disturbed by grading, except for cuts into competent bedrock, shall be revegetated with adequate vegetative cover within 12 months of the disturbance. All finish grading shall emulate natural conditions with all cut and fill slopes blended back into natural grade with smooth, rounded transition rather than distinct, angular grade breaks.

4.09 Outdoor Storage.

- (a) Screening Required. Outdoor dumpsters shall be screened from public view with a solid fence or wall, and landscaping. The point of access must be screened by a solid gate, but no landscaping is required along this side.
- (b) Screening Materials and Design.
 - (i) Screening fences and walls shall be made of the same finish materials as the building they serve.
 - (ii) Unless an alternative design accomplishing design and landscaping objectives is proposed, all screening fences and walls must be a minimum of 6 feet tall and planting areas shall be minimum 5 feet wide with shrubs planted at a spacing of 1 shrub every 5 feet.
- (c) Not in Front Setbacks. Outdoor dumpsters are prohibited within the required front building setback of a lot.

4.10 Outdoor Displays of Merchandise.

Outdoor displays (or storage) of merchandise shall be permitted only to the extent permitted in an approved site plan for the subject project. Criteria for approving such outdoor displays or storage shall include:

- (a) A requirement that all outdoor displays and storage of merchandise shall be located close to buildings and shall be limited in size to the extent practicable; and
- (b) No merchandise shall be displayed in parking areas or along roadways.

ARTICLE V APPROVALS

5.01 Plats.

- (a) Platting Less Than All of a Planning Area. Any plat may include all or any portion of the Planning Area(s) as the respective Owners and applicants thereof determine.
- (b) Contents of Plats. Preliminary and final plats submitted to the City for approval need depict only the information set forth in Sections 16.20.070 and 16.24.010 of the Code, respectively.
- (c) Concurrent Platting. At the discretion of the Planning Director, applications for preliminary plats and final plats of the same property may be processed concurrently.

5.02 Sub-Area Plans.

- (a) Sub-Area Plans Considered Site Plans. Each Sub-Area Plan shall be considered a "Site Plan" for purposes of the Code and this PUD; provided, however, Sub-Area Plans shall not be deemed "PUD site plans" for purposes of the Code.

(b) **Submittals.**

- (i) In connection with the application for any plat of a portion of the Property, the applicant shall submit to the Planning Department a plan (a "**Sub-Area Plan**") generally depicting the following information for the area being platted and the immediately surrounding area: (A) building footprints, (B) access ways, (C) vehicle and pedestrian circulation patterns, (D) general building and parking configurations and orientation, (E) the location of common areas, (F) the location and designation of street types (collector, arterial, etc.), (G) a major streets plan showing proposed cross-sections for major streets, (H) a utility plan, (I) a drainage plan, and (J) the location of material landscaping and buffer areas.
- (ii) Sub-Area Plans need be prepared only to a sketch level of detail.
- (iii) In connection with the application for site plan approval of a Sub-Area Plan, if an applicant submits the information listed in paragraph 5.02(b)(i) the application shall be deemed complete. Pursuant to Section 17.12.150(E)(4), the City waives all requirements to submit materials for Sub-Area plans other than those specifically listed in paragraph 5.02(b)(i).
- (iv) Notwithstanding the foregoing, the Planning Director may waive the requirement to submit a Sub-Area Plan with any plat application.

(c) **Review of Sub-Area Plans.**

- (i) Each Sub-Area Plan shall be reviewed by the Commission and Council contemporaneously with the plat with which it is submitted.
- (ii) Public meetings, hearings and notices regarding Sub-Area Plans need be held or given only to the extent public meetings, hearings and notices are required for the plat with such Sub-Area Plan is submitted.

(d) **Criteria for Approval of Sub-Area Plans.** A Sub-Area Plan shall be approved (as a site plan) if it is found to: (i) comply with the design standards set forth in this PUD and the applicable provisions of the Code, (ii) provide a smooth transition between adjoining properties, and (iii) provide for effective and efficient vehicular and pedestrian circulation among adjoining properties. Due to the unique nature of Sub-Area Plans, the criteria for approval of site plans set forth in the Code shall not apply to the approval of Sub-Area Plans.

(e) **Approved Sub-Area Plans.** Sub-Area Plans shall be retained within the files of the Planning Department and shall not be Recorded.

(f) **Expiration of Approved Sub-Area Plans.** Due to the requirement that future projects within the Property must obtain a project site plan approval (as described below), Sub-Area Plans shall not expire.

(g) **Site Plan Agreements.** Site Plan Agreements shall not be required in connection with the approval of any Sub-Area Plan. Site Plan Agreements may be required for project site plans if required by the Code.

- (h) **Amendments to Sub-Area Plans.** Amendments to Sub-Area Plans shall be processed as amendments to site plans in accordance with Section 17.12.15(1) of the Code.

5.03 Project Site Plans.

Applications for site plans of all projects within the Property shall be reviewed and approved (or denied) by the City in accordance with the procedures set forth in this Section 5.03.

- (a) **Completeness Check.** Within three working days after the submittal of a site plan application for a project within the Property, the Planning Department shall determine:
 - (i) whether the application contains the application fee and the information required by applicable provisions of this PUD and the Code, and (ii) whether, in accordance with the provisions of paragraph 5.03(b), the approval of such application can be granted by: (A) the Planning Department, (B) the Commission, or (C) the Council. If the application is not deemed complete, the Planning Department shall notify the applicant by facsimile, e-mail or in writing and shall list those items needed to complete the application.
- (b) **Review by Staff**
 - (i) Site plan applications for any new building (including a public, commercial, industrial or church building) within the Property the ground floor area of which is not more than 20,000 square feet greater than the ground floor area for such building set forth on the applicable Sub-Area Plan, shall be reviewed and approved (subject to the criteria for approval set forth in paragraph 5.03(f)) by the City Engineer and the Community Development Director, provided the lots abutting such proposed new buildings are neither zoned for, nor currently in use as, residential property. If any lots abutting such proposed new building are zoned for, or currently in use as, residential property, then such application shall be reviewed and approved (subject to the criteria for approval set forth in paragraph 5.03(f)) by the City Engineer and the Community Development Director only if the ground floor area of such new proposed buildings is not more than 10,000 square feet greater than the ground floor area for such building set forth on the applicable Sub-Area Plan.
 - (ii) If a site plan application for a building on the Property that is subject to review and approval by the City Engineer and the Community Development Director as set forth in paragraph 5.03(b)(i) is complete, then, within 15 working days after their receipt thereof, the City Engineer and the Community Development Director shall approve, approve with conditions or deny the application and notify the applicant in writing and verbally of such decision.
 - (iii) Notice of site plan applications to be reviewed pursuant to this paragraph 5.03(b) shall be given according to Section 17.12.150(F)(2) of the Code.
 - (iv) Appeals of any decision of the City Engineer and the Community Development Director made pursuant to this paragraph 5.03(b) may be made only in accordance with Section 17.12.150(F)(2) of the Code.

(c) **Review by the Commission.**

- (i) Site plan applications for any new building (including a public, commercial, industrial or church building) within the Property the ground floor area of which is at least 20,000 square feet greater, but less than 43,560 square feet greater, than the ground floor area for such building set forth on the applicable Sub-Area Plan, shall be reviewed and approved (subject to the criteria for approval set forth in paragraph 5.03(f)) by the Commission. If any lots abutting such proposed new building are zoned for, or currently in use as, residential property, then such application shall be reviewed and approved (subject to the criteria for approval set forth in paragraph 5.03(f)) by the Commission if the ground floor area of such new proposed buildings is at least 10,000 square feet greater, but less than 43,560 square feet greater, than the ground floor area for such building set forth on the applicable Sub-Area Plan. (ii) The provisions of Section 17.12.150(G)(1 through 11) of the Code shall apply to site plan applications to be reviewed by the Commission pursuant to paragraph 5.03(c)(i).

(d) **Review by Council**

- (i) Site plan applications for any new building (including a public, commercial, industrial or church building) within the Property the ground floor area of which is at least 43,560 square feet greater than the ground floor area for such building set forth on the applicable Sub-Area Plan shall be reviewed and approved (subject to the criteria for approval set forth in paragraph 5.03(f)) by both the Commission and the Council.
- (ii) The provisions of Section 17.12.150(H)(1 through 5) of the Code shall apply to site plan applications to be reviewed by the Commission and the Council pursuant to paragraph 5.03(d)(i).

- (e) **Alterations to Approved Project Site Plans.** The provisions of Section 17.12.150(1) of the Code shall apply to any alteration of approved project site plans.

- (f) **Criteria for Approval of Project Site Plans.** An application for project site plans shall be approved by the City Engineer, the Community Development Director, the Commission or the Council, as appropriate, if it complies with: (i) the provisions of this PUD (including without limitation, the development standards set forth herein, such as permitted uses, density, setbacks, building heights, landscaping, floor area ratios, floor plate size, visual clearance, parking, lighting, signage and those architectural standards set forth in this PUD); and (ii) the applicable provisions of the Code.

5.04 Condominium Maps.

City approval of a condominium map or other document that defines the horizontal and vertical boundaries of condominium units and common elements shall not be required to subdivide any portion of the Property into condominium units and related common elements.

ARTICLE VI
PRIVATE DESIGN REVIEW

6.01 DRC Procedures and Composition.

The DRC shall be established pursuant to one or more sets Covenants recorded against the Property. Such covenants shall include procedures pursuant to which the DRC reviews project applications substantially is the form attached hereto on Exhibit E (the "DRC Review Procedures"). The DRC shall be composed of individuals selected by the Lead Developer.

6.02 Design Guidelines.

- (a) The DRC shall established Design Guidelines setting forth the architectural style and quality to be maintained throughout McMurry Business Park, including guidelines addressing selection of exterior materials and colors, landscaping, lighting, windows, glazing, signage, and other matters as the DRC may determine. Construction of any new structure as well as the renovation, expansion or refinishing of the exterior of any existing structure must comply with the Design Guidelines established by the DRC. Through the DRC review process the plans and drawings will be revised and refined to comply with the Design Guidelines.
- (b) The City shall not be responsible for enforcing the Design Guidelines. If it becomes clear that the DRC is not functioning as evidenced by the inability of the DRC to issue Certifications of Plan Compliance for reasons other than the DRC's denial of applications, then the City may require the Lead Developer to meet with the City to discuss and implement methods of insuring proper design review occurs for improvements within the Property.

6.03 Certificate of Plan Compliance.

Once the DRC grants final approval to applicant's plans and drawings for construction of any new building or structure the alteration to the exterior of any existing building or structure within the Property, the DRC shall issue a Certificate of Plan Compliance for such final plan set. All applications to the City for a building permit or site plan for any new building or structure or any alteration to the exterior of any existing building or structure proposed on any portion of the Property shall be accompanied by a Certificate of Plan Compliance from the DRC for such proposed new building or structure or proposed exterior alteration.

ARTICLE VII
MISCELLANEOUS

7.01 Report Submitted Every Other Year.

If requested by the City of Casper, on or before October 15, 2007, and on or before October 15 every other year thereafter, the Lead Developer shall submit to the Planning Department a report (a "Biennial Report") summarizing the progress of development within the Property. The Planning Department shall review each Biennial Report and submit the report together with its comments thereon to the Council for review and comment by the Council at any Council meeting during the following November. The Biennial Report is for informational purposes only. Applications for amendments to this PUD or any Sub-Area Plan may be submitted in connection with any Biennial Report or at any other time.

7.02 Amendments to this PUD.

Amendments to this PUD shall be processed in accordance with the provisions of Section 17.52.130 of the Code in effect as of the Effective Date.

7.03 Binding Effect.

This PUD shall run with the Property and be binding upon each Owner and all persons who may hereafter acquire an interest in the Property.

7.04 Incorporation of Exhibits.

Exhibits A through E attached hereto are hereby fully incorporated into and shall be deemed part of this PUD.

7.05 Other Interpretation Matters.

- (a) "Or". For purposes of this PUD the word "or" shall be deemed to mean "and/or".
- (b) Headings. Headings of articles, sections, paragraphs, exhibits, etc. are solely for convenience and are not intended to be used to interpret, nor shall they be used for interpreting, this PUD.
- (c) **Cross-References.** Unless otherwise indicated in this PUD, all references used herein to articles, sections, paragraphs and exhibits are to those in (or, in the case of exhibits, attached to) this PUD.
- (d) **"Including".** For purposes of this PUD, the word "including" shall be deemed to mean "including, without limitation."

7.06 Entire PUD.

This PUD and the Annexation Agreement contain all provisions and requirements incumbent upon the Developers, other Owners and the City regarding the planned unit development for the Property.

7.07 Relationship To The Code.

If this PUD addresses a development standard, requirement or procedure (e.g., setbacks, building height, area of signs, site plan approval procedure, etc.) the provisions of the Code with respect to such standards, requirement or procedure shall not apply. If this PUD does not address a standard, requirement or process, then the provisions of the Code shall apply.

TABLE OF EXHIBITS

Exhibit A - Legal Description of the Property

Exhibit B - Planning Areas

Exhibit C - Alternative Street Cross-Sections

Exhibit D- Sign Regulations Key

Exhibit E - DRC Review Procedures

EXHIBIT A

Legal Description of the Property

TWO PARCELS OF LAND SITUATE IN THE SE1/4, SE1/4, OF SECTION 7, THE NW1/4, NE1/4, SW1/4, SE1/4, OF SECTION 8, THE W1/2, SW1/4, OF SECTION 9, THE NW1/4, NW1/4, OF SECTION 17 AND THE NE1/4, NE1/4, OF SECTION 18, T.33N., R. 78W., 6th P.M., NATRONA COUNTY, WYOMING, AND INCLUDES McMURRY BUSINESS PARK No. 2 ADDITION AND THE MEADOWLANDS No. 1 SIMPLE SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 9, MONUMENTED BY A BRASS CAP AND BEING THE POINT OF BEGINNING OF PARCEL #1;

THENCE S89°36'45"W, A DISTANCE OF 255.61 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE S00°00'04"E, A DISTANCE OF 550.43 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N89°59'59"E, A DISTANCE OF 829.16 FEET TO A POINT LOCATED ON THE WEST RIGHT-OF-WAY LINE OF HAT SIX ROAD, MONUMENTED BY A BRASS CAP;

THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE WEST RIGHT-OF-WAY LINE OF HAT SIX ROAD AND ALONG A SPIRAL CURVE TO THE LEFT, HAVING A LENGTH OF 240.00 FEET, A RADIUS OF 1432.39 FEET, A SHORT TANGENT OF S08°54'46"E, 80.05 FEET, A LONG TANGENT OF S13°42'46"E, 160.06 FEET, WITH A CHORD BEARING OF S13°06'55"E, A DISTANCE OF 149.50 TO A POINT OF TANGENCY, MONUMENTED BY A HIGHWAY DEPARTMENT MONUMENT;

THENCE S13°44'26"E, ALONG THE WEST RIGHT-OF-WAY LINE OF HAT SIX ROAD, A DISTANCE OF 254.00 FEET TO THE INTERSECTION OF HAT SIX ROAD AND EAST SECOND STREET, MONUMENTED BY A BRASS CAP;

THENCE S76°22'29"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST SECOND STREET, A DISTANCE OF 353.72 FEET TO A POINT OF CURVATURE, MONUMENTED BY A BRASS CAP;

THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST SECOND STREET AND A CURVE TO THE RIGHT HAVING A RADIUS OF 5655.00 FEET, THROUGH A CENTRAL ANGLE OF 45°39'29", A DISTANCE OF 4506.36 FEET, WITH A CHORD BEARING OF N80°47'46"W, A DISTANCE OF 4388.07 FEET TO A POINT OF TANGENCY, MONUMENTED BY A BRASS CAP;

THENCE N57°58'02"W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EAST SECOND STREET, AND THE SOUTHERLY LINE OF McMURRY BUSINESS PARK NO.2, A DISTANCE OF 835.88 FEET TO A POINT OF CURVATURE, MONUMENTED BY A BRASS CAP;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EAST SECOND STREET, THE SOUTHERLY LINE OF McMURRY BUSINESS PARK NO.2 AND A CURVE TO THE LEFT HAVING A RADIUS OF 5805.00 FEET, THROUGH A CENTRAL ANGLE OF 06°08'53", A DISTANCE OF 622.89 FEET, WITH A CHORD BEARING OF N61°02'28"W, A DISTANCE OF 622.59 FEET TO THE SOUTHWEST CORNER OF McMURRY BUSINESS PARK NO.2, MONUMENTED BY A BRASS CAP;

THENCE N26°16'47"E, ALONG THE EAST LINE OF BENTLEY CIRCLE, A DISTANCE OF 269.89 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N20°14'49"W, A DISTANCE OF 267.74 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N25°30'49"W, A DISTANCE OF 99.22 FEET TO A POINT LOCATED ON THE EAST LINE OF SAID SECTION 8, MONUMENTED BY A BRASS CAP;

THENCE N00°30'58"W, ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 518.77 FEET TO A POINT LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25, MONUMENTED BY A BRASS CAP;

THENCE S86°39'16"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25, A DISTANCE OF 299.29 FEET TO A POINT MONUMENTED BY A WYOMING HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT;

THENCE S86°39'16"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25, A DISTANCE OF 893.92 FEET TO A POINT MONUMENTED BY A WYOMING HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT;

THENCE S86°39'16"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25, A DISTANCE OF 1287.69 FEET TO A POINT OF CURVATURE MONUMENTED BY A WYOMING HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25 AND A CURVE TO THE RIGHT HAVING A RADIUS OF 7412.79 FEET, THROUGH A CENTRAL ANGLE OF 10°05'02", A DISTANCE OF 1304.63 FEET, WITH A CHORD BEARING OF S81°36'22"E, A DISTANCE OF 1302.95 FEET TO A POINT ON CURVE, MONUMENTED BY A WYOMING HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25 AND A CURVE TO THE RIGHT HAVING A RADIUS OF 7412.79 FEET, THROUGH A CENTRAL ANGLE OF 10°05'05", A DISTANCE OF 1304.72 FEET, WITH A CHORD BEARING OF S71°33'12"E, A DISTANCE OF 1303.04 FEET TO A POINT OF TANGENCY, MONUMENTED BY A WYOMING HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT;

THENCE S66°24'11"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25, A DISTANCE OF 123.05 FEET TO A POINT MONUMENTED BY A WYOMING HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT;

THENCE S43°35'08"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 25, A DISTANCE OF 229.12 FEET TO A POINT LOCATED ON EAST LINE OF SAID SECTION 8, MONUMENTED BY A WYOMING HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT;

THENCE S00°55'18"E, ALONG THE EAST LINE OF SAID SECTION 8, AND THE WEST LINE OF BLOCK 5, BROOKS- HAT SIX INDUSTRIAL PARK SUBDIVISION, A DISTANCE OF 557.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 243.41 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY RIGHTS- OF-WAY AND/OR EASEMENTS, RESERVATIONS OR ENCUMBRANCES WHICH HAVE BEEN LEGALLY ACQUIRED.

PARCEL NO. 2:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9, MONUMENTED BY AN IRON ROD AND BEING THE POINT OF BEGINNING OF PARCEL #2;

THENCE S89°41'30"W, ALONG THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 1705.60 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N37°49'15"W, A DISTANCE OF 764.00 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE S50°18'39"W, A DISTANCE OF 955.15 FEET TO A POINT LOCATED ON THE SOUTH LINE OF SAID SECTION 8, MONUMENTED BY A BRASS CAP;

THENCE S89°41'30"W, ALONG THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 1345.15 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY LINE OF PROPOSED MEADOWLAND ADDITION NO.2, MONUMENTED BY A BRASS CAP;

THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET, THROUGH A CENTRAL ANGLE OF 06°53'31", A DISTANCE OF 120.29 FEET, WITH A CHORD BEARING OF S49°18'36"W, A DISTANCE OF 120.22 FEET TO A POINT OF TANGENCY, MONUMENTED BY A BRASS CAP;

THENCE S45°51'51"W, A DISTANCE OF 715.54 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N90°00'00"W, A DISTANCE OF 848.72 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N15°37'30"E, A DISTANCE OF 1492.94 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N41°34'39"E, A DISTANCE OF 23.01 FEET TO A POINT LOCATED ON THE EAST LINE OF SAID SECTION 7, MONUMENTED BY A BRASS CAP;

THENCE N00°38'51"W, ALONG THE EAST LINE OF SAID SECTION 7, A DISTANCE OF 307.48 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N41°47'00"E, A DISTANCE OF 119.12 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N52°14'00"E, A DISTANCE OF 360.30 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N26°10'11"E, A DISTANCE OF 141.10 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N30°25'11"E, A DISTANCE OF 233.70 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N11°06'11"E, A DISTANCE OF 163.40 FEET TO A POINT MONUMENTED BY A BRASS CAP;

THENCE N09°08'49"W, A DISTANCE OF 9.85 FEET TO THE SOUTHWEST CORNER OF McMURRY BUSINESS PARK NO. 1, MONUMENTED BY A BRASS CAP;

THENCE S57°58'02"E, ALONG THE SOUTH LINE OF McMURRY BUSINESS PARK NO. 1 A DISTANCE OF 375.96 FEET TO A POINT OF CURVATURE, MONUMENTED BY A BRASS CAP;

THENCE ALONG THE SOUTH LINE OF McMURRY BUSINESS PARK NO. 1 AND A CURVE TO THE LEFT HAVING A RADIUS OF 6315.00 FEET, THROUGH A CENTRAL ANGLE OF 15°19'11", A DISTANCE OF 1688.49 FEET, WITH A CHORD BEARING OF S65°37'37"E, A DISTANCE OF 1683.47 FEET TO THE SOUTHEAST CORNER OF SAID McMURRY BUSINESS PARK NO. 1, MONUMENTED BY A BRASS CAP;

THENCE N16°42'47"E, ALONG THE EAST LINE OF McMURRY BUSINESS PARK NO.1, A DISTANCE OF 510.00 FEET TO THE NORTHEAST CORNER OF SAID BUSINESS PARK, LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST SECOND STREET, MONUMENTED BY A BRASS CAP;

THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST SECOND STREET AND A CURVE TO THE LEFT HAVING A RADIUS OF 5805.00 FEET, THROUGH A CENTRAL ANGLE OF 30°20'18", A DISTANCE OF 3073.76 FEET, WITH A CHORD BEARING OF S88°27'22"E, A DISTANCE OF 3037.98 FEET TO A POINT OF TANGENCY, MONUMENTED BY A BRASS CAP;

THENCE N76°22'29"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST SECOND STREET, A

DISTANCE OF 354.02 FEET TO THE INTERSECTION OF EAST SECOND STREET AND HAT SIX ROAD, MONUMENTED BY A BRASS CAP;

THENCE S13°44'26"E, ALONG THE WEST RIGHT-OF-WAY LINE OF HAT SIX ROAD, A DISTANCE OF 1585.73 FEET TO A POINT LOCATED ON THE SOUTH LINE OF SAID SECTION 9, MONUMENTED BY A BRASS CAP;

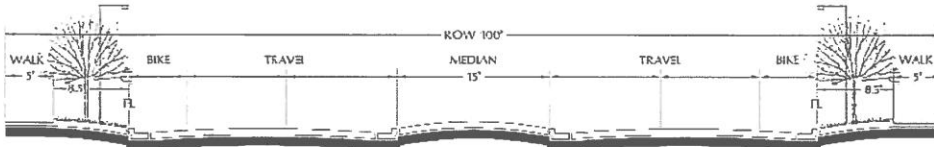
THENCE S88°33'25"W, ALONG THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 1037.70 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 211.44 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY RIGHTS-OF-WAY AND/OR EASEMENTS, RESERVATIONS OR ENCUMBRANCES WHICH HAVE BEEN LEGALLY ACQUIRED.

Exhibit B
Planning Areas
(See Attached)

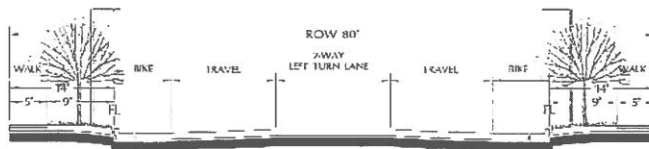
**EXHIBIT C
PROPOSED ALTERNATIVE
STREET SECTIONS**

Street Type

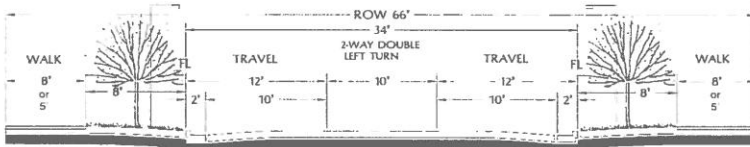
ARTERIAL STREETS



- 1. Primary Arterial**
4 Lanes, No Parking
On-Street Bike Lane
5' Detached Walk

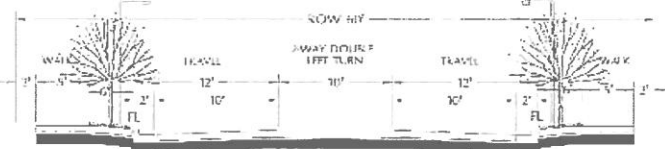


- 2. Secondary Arterial**
3 Lanes w/Left Turn
On-Street Bike Lane
No Parking
5' Detached Walk

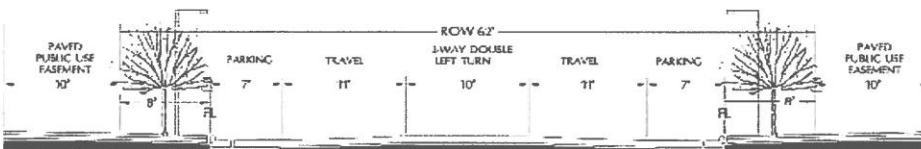


COLLECTOR STREETS

- 3. Commercial Collector**
3 - 4 Lanes, No Parking
8' Detached Walk with building at R.O.W. -OR-
5' Detached Walk with Building Set Back

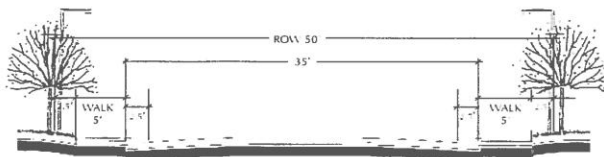


- 4. Residential Collector**
3 Lanes, No Parking
5' Detached Walk



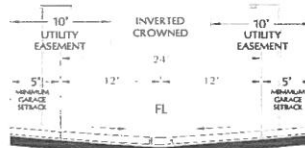
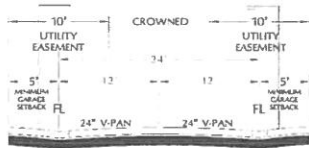
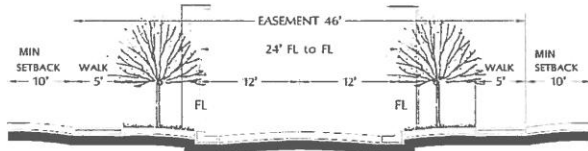
LOCAL STREETS

- 5. Mixed-Use Area Local:**
3 Lanes, 2 Parking Lanes,
(Parallel and Diagonal)
18' Attached Walk



- 6. Residential Standard**
2 Lanes
2 Parking Lanes,
Parallel Only
5' Attached Walk

EXHIBIT C
PROPOSED ALTERNATIVE
STREET SECTIONS



Street Type

LOCAL STREETS

- 7. Residential Rural**
Public, 2 Lanes,
No Parking, No Walks,
No C and G
Shoulder and Swale

Note: Street shall meet City standards of minimum pavement thickness and material specifications.

- 8. Residential Lane**
Private, 2 Lanes,
No Parking
5' Detached Walk

Note: Street shall meet City standards of minimum pavement thickness and material specifications.

ALLEYS

- 9. Alley Residential**
2 Lane (24' Wide),
No Parking, No Walks

Note: Street shall meet City standards of minimum pavement thickness and material specifications.

TRAILS

- 10. Off-Street Trails**
Private
Bikes and Pedestrians
Slope to one side
Concrete or asphalt

EXHIBIT D
Sign Regulations Key Map
(See Attached)

EXHIBIT E

DRC Review Procedures

Step One: The Pre-Application Conference

Applicants shall attend a Pre-application Conference with the DRC Administrator and submit an initial site plan for review and response at that time. The purpose of this initial review is as follows:

- (1) To walk the applicant through the DRC and City of Casper site plan approval process.
- (2) To ascertain the appropriateness of the initial site plan design prior to the applicant's compilation of the initial Preliminary Submittal Package.
- (3) To answerer any questions and disclose application fees.

Step Two: The Preliminary Submittal Package

- (1) Applicants shall submit a Preliminary Submittal Package to the DRC Administrator. The submission of a Preliminary Submittal Package constitutes an Application to the DRC.
- (2) The purpose of the review is to ascertain whether or not the Application meets these Design Guidelines. The DRC will review and take action on the Application within 30 days after receipt of the Application, or within 15 days after receipt by the DRC of any additional materials requested by the DRC, whichever is later. The DRC will take one of the following actions:
 - a. Approve the Application
 - b. Approve the Application with conditions stated to be fulfilled for final approval
 - c. Deny the Application
- (3) The action taken by the DRC will be conveyed to the applicant by the DRC Administrator. If the Application is denied, the DRC Administrator will provide a written response to the applicant, on behalf of the DRC, identifying the reasons for denial, together with conditions or suggestions, which, when met, would bring the Application within these Design Guidelines.
- (4) An applicant shall submit a revised Application after either disapproval or approval with conditions. In such case, the revised Application will be Reviewed and action taken by the DRC within 15 days after re-submittal unless the DRC determines, in its discretion, that the revised Application differs so substantially from the prior Application that it should be treated as a new Application.

- (5) If the DRC fails to approve, approve with conditions or disapprove an Application within the applicable 30 or 15-day period, then the applicant may provide the DRC with written notice requesting that action be taken. If the DRC does not take action on the Application within 15 days after receiving such request, the DRC will be deemed to have approved the Application. DRC approval of an Application will automatically lapse on the third year anniversary date of approval unless work has commenced on the approved development and is being diligently pursued prior to that date.
- (6) Denied Applications must be revised and resubmitted for approval as provided above, prior to submission of a Final Submittal Package to the DRC Administrator.

Step Three: The Final Submittal Package

- (1) Upon approval of the Preliminary Submittal Package by the DRC, the applicant shall submit to the DRC Administrator the Final Submittal Package. Information contained in the Final Submittal Package, which was not included in the Preliminary Submittal Package, will be subject to review and approval by the DRC.
- (2) The DRC Administrator shall review the Final Submittal Package for consistency with the Preliminary Submittal approved by the DRC, and, if acceptable, attach a Certificate of Plan Compliance on behalf of the DRC for the formal submittal to the City of Casper for approval of the project. If no Certificate of Plan Compliance is issued by the DRC, the DRC Administrator shall provide a letter to the applicant identifying what must be changed before a Certificate of Plan Compliance will be issued.
- (3) In accordance with the requirements of the McMurry Business Park PUD, a Certificate of Plan Compliance must include certification from the DRC: (a) that the plans for the proposed building or structure were reviewed by the DRC at meetings held on the date(s) specified in such certificate, (b) of names of the members of the DRC who were in attendance at such meetings, and (c) that such plans comply with the Design Guidelines.

Certificate of Plan Compliance

The Final Submittal Package approved by the DRC, together with the Certificate of Plan Compliance, shall be submitted by the applicant to the City of Casper Planning Director in accordance with the provisions set forth in the McMurry Business Park PUD. The applicant must provide the DRC Administrator with a copy of any additional matter provided to the City of Casper beyond those contained in the approved Final Submittal Package. The City of Casper reviews the Final Submittal Package for compliance with the McMurry Business Park PUD and, if in compliance, provides final planning approval for the project. Any comments, revisions, conditions or other responses from the City of Casper, other than approval without comment regarding the Application, will be reviewed by DRC Administrator and may require additional information or a revised Application to be submitted by the applicant.