

Minutes of the Proceedings
Laramie County Planning Commission
Prepared by the Laramie County Planning & Development Office
Laramie County Wyoming

Thursday, January 28, 2010

- 100128 00** The Laramie County Planning Commission met Thursday, January 28, 2010 at 3:30 p.m. Those in attendance were Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioner Frank Cole; Commissioner Jim Ward, and Recording Clerk Valerie Roybal.

Those signing the register were Don Riske; Brandon May; Brad Emmons; Lisa Pafford; Peggy Patterson; Gary M. Hickman.

- 01** Brad Emmons from AVI represented Kimberly-Circle Park, LLC who had submitted an application for a Final Plat and Subdivision Permit for Kimberly Village Second Filing to the Laramie County Planning and Development Office. The purpose of this application is to reconfigure internal lots within an existing subdivision. Abby Yenco, Senior Planner, said this application is in general conformance with the criteria for a final plat pursuant to Section 60.000 and meets the criteria for a subdivision permit pursuant to Section 70.000 of the Cheyenne and Laramie County Subdivision/Development Regulations 2000. PlanCheyenne describes this property as best suited for urban residential development. The property is zoned Medium Density Residential, Developing (MR-2). The replat will include six lots intended for residential use and one lot to be used for outside storage for the adjacent residential properties. After the platting process is complete, the owner must submit an application for administrative approval and a site plan in accordance with Section 58.000 of the Cheyenne/Laramie County Zoning Ordinance, 1988 as amended for the lot intended for outdoor storage.

Prior to Board Approval of this plat, the applicant shall correct the following item: 1) All comments submitted by Cheyenne Light, Fuel and Power shall be resolved to the satisfaction of the County. Prior to recordation, the applicant shall correct the following items: 1) The dedication language on the face of the plat shall accurately reflect ownership shown on the property deed. 2) The access easement shall be widened to 20 feet and included in the plat boundaries. Section 54.020 states that alleys and/or access easements shall not be considered as the primary access for development purposes. Lot 4 of the proposed subdivision is accessible only by an access easement. While the easement is not preferred method of access, it may be approved if the following issues are resolved: 1) The easement must meet all requirements for fire access. This includes widening the easement to 20 feet. 2) Since the dedication of the easement is included on this plat, the easement shall be included in the plat area.

The applicant submitted a request for waiver of a drainage study at this time. There is no increase in the number of residential lots from Kimberly Village, First Filing, therefore the existing drainage improvements shall not be affected by this replat. The applicant will be required to submit a site plan prior to using lot 4 of this plat for storage purposes. Drainage shall be further addressed with the site plan.

Based on evidence provided, staff recommends the Planning Commission find that: a) This application is in general conformance with the criteria for a final plat pursuant to Section 60.000 of the Cheyenne and Laramie County Subdivision/Development Regulations 2000. b) This application meets the criteria for a subdivision permit pursuant to Section 70.000 of the Cheyenne and Laramie County Subdivision/Development Regulations 2000; and that the Planning Commission recommend approval with the following conditions: 1) All comments submitted by Cheyenne Light, Fuel and Power shall be resolved to the satisfaction of the County. 2) The dedication language on the face of the plat shall accurately reflect ownership shown on the property deed. 3) The access easement shall be widened to 20 feet and included in the plat boundaries.

Commissioner Qualls asked if they received anything from SSWS and Ms. Yenco said yes they have. Commissioner Ward wanted to know who agreed from the City Development Office. Commissioner Cole said this has worked for 25 years and the easement can't be given to yourself and it can't go to the general public. He said since he's been by there, the vehicles would be in front of their properties and said everything is fine the way it is. Commissioner Ward wants to know how they solve this? Ms. Yenco said it is up to the commission on how they want to propose this. Brad Emmons said that within the dedication was lot 4, the middle lot, that would be sold separately, so that they can do the easement. It's not a road that anyone can use, it would be just for that individual who owns it. (for only that lot's use) Commissioner Qualls stated she didn't understand the widening of the road. She said that roads are already wide elsewhere.

Commissioner Clark opened the public hearing. Lisa Pafford, City Development Office, asked if the storage area was for residential accessory use only for the residents of Kimberly Village. She also asked if the access was adequate to the lot intended for storage. Ms. Pafford also stated that the dedication statement for access should be clarified. Commission Cole asked if he was planning to make this a storage area. The applicant said yes. Commissioner Ward said we need to protect the public in the future. By putting a line around it, there was potential for having a residence built without legal access. Hearing no further comments, the public hearing was closed.

A motion was made to recommend approval of the application for Final Plat and Subdivision Permit with the following conditions:

1. All Cheyenne Light, Fuel and Power easements shall be shown on the plat.
2. Lot 4 shall be dedicated to be used as storage for the exclusive use of the residents of Kimberly Village.
3. Storage buildings shall not exceed 120 square feet and shall not be on foundations.
4. If lot 4 is sold, an easement shall be granted for access to the site.
5. Clerical errors concerning ownership shall be corrected on the face of the plat.

The motion was passed with a vote of 4 – 0.