

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

Thursday, May 13, 2010

- 100513 00** Those in attendance were Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioners Frank Cole, Bert Macy, and Jim Ward; Planning & Development Director Gary Kranse; Senior Planner Abby Yenco; and Recording Secretary Nancy Trimble.

The meeting register was signed by Lisa Pafford, Cheyenne Development Office; Jennifer Escobedo, City/County Health Dept.; Larry Perry, Terrestrial Surveying & Mapping Co.; Dan Guerttman, Granite Peak Dev. LLC, Casper, WY; and Mel Qualls, Cheyenne, WY.

- 01** Abby Yenco, Senior Planner for Laramie County Planning & Development Office, introduced Dan Guerttman with Granite Peak Development. He stated that only a portion of the plat was being presented at this time. Bruce Perryman with AVI, P.C. came up to continue the presentation. He stated that all items required by WYDEQ had been submitted, but that no sign off had been received yet. Mr. Perryman requested that the process move forward contingent upon the approval by WYDEQ. He addressed the Planning Commission members and asked if they had any questions.

Upon Commissioner Clark's request, Abby Yenco presented the staff report, and covered the conditions that were required to be addressed prior to plat recordation. Ms. Yenco mentioned the area that had been approved by the Laramie County Board of Commissioners for a zone change, and that the entire plat is covered within that approved area. She stated that the Laramie County Planning and Development Office was awaiting the letter of recommendation from WYDEQ, and requested that the Planning Commission place a condition requiring that the approval be received prior to the final plat recordation. Ms. Yenco recommended approval of the plat with conditions 1 - 7 listed in the staff report, and stressed that condition 5 in particular be kept with regard to a development agreement being entered into with the County by the Applicant.

Commissioner Clark opened the hearing to the public to address any questions or concerns. No one came forward. The hearing was closed to public comment, and opened to Planning Commission Members for comments or motion. Commissioner Qualls motioned for recommending approval, and Commissioner Ward seconded the motion. The motion was passed 5-0, with the following conditions:

1. Prior to plat recordation, the plat drawings shall include statements regarding domestic water and wastewater systems proposed, fire protection and maintenance of the roadways.
2. Prior to plat recordation, note 2 shall accurately reflect lot and block numbers shown on the face of the plat.
3. Prior to plat recordation, the applicant shall provide evidence to the County that drainage into the WYDOT right-of-way will be held to historical loads prior to development and that drainage facilities will be installed to ensure that the culvert under I-25 functions appropriately.
4. The applicant shall resolve comments from the County Assessor prior to plat recordation.
5. The applicant shall enter into a development agreement with the County that addresses site infrastructure and off-site improvements as well as maintenance responsibilities and planning prior to plat recordation.
6. Prior to plat recordation, the applicant shall provide written comments from the Department of Environmental Quality stating that the requirements of W.S. 18-5-306 have been met.

02 Larry Perry, as the applicant on behalf of Lawrence Anaya, came forward to present the El Rancho de Anaya Subdivision development agreement. Mr. Perry stated he had reviewed the development agreement, and was presenting drawings sketched out just that day. He stressed that the area was for vehicle recovery and impound, not storage or sale. He said the drawings reflected 25' X 15' pads; a 30' wide access way around each acre; and larger 75' X 25' pads for tractor trailers. He wanted to demonstrate with these drawings how many vehicles would fit on a 10 acre parcel. The Planning Commission members were presented with the drawings for their review. Mr. Perry stated that Mr. Anaya had to have enough space for vehicles in order to make it possible to make a living from the business. Abby Yenco, Senior Planner, addressed Chairman Clark and offered to present the discussion notes to date.

Mr. Perry stated that Mr. Anaya planned on putting an 8' tall board fence entirely around site with his own funding. Commissioner Ward said he thought it was supposed to be a shop, not a junk yard, and that he thought that was a lot of vehicles for a recovery lot. Mr. Perry stated nothing would stay more than 180 days. Commissioner Cole wanted to know if wrecked or abandoned vehicles would be brought here, including tractor trailers. Mr. Perry responded that there could be occasion for that. Commissioner Cole asked what ground cover was planned for the area, and Mr. Perry answered that there was already gravel covering the entire surface, with good drainage being provided as it was. Commissioner Cole commented on the proposed 7 trees for 400 feet. Mr. Perry responded they would put in as many trees as the Planning Commission wanted. Commissioner Cole wanted to know if all the fencing would be maintained, and Mr. Perry said Mr. Anaya had done a good job of maintaining the property thus far.

Commissioner Ward brought up the scenario of a future owner, and that we have no control over the property condition being maintained. Mr. Perry confirmed that was correct.

Commissioner Ward asked if the County had any comments. Abby Yenco referenced the development agreement, which addressed the number of vehicles and change in ownership, and prompted readdressing of the agreement. Commissioner Qualls mentioned that a copy of the development agreement was attached to the staff report. Ms. Yenco stated it was the current draft, but it didn't state a specific number of vehicles or address the change in ownership scenario, and that was why it was before the Planning Commission today.

Commissioner Clark asked if there were 240 vehicles allowed (as the drawing reflected), wouldn't there be a need for environmental agencies to approve and/or address this situation. Mr. Perry said chances were there would only be 150 vehicles maximum at any given time, and not much of a chance of that. Commissioner Ward stated there would be environmental damage regardless of the number of vehicles on site. Mr. Perry acknowledged, but stated he was not sure how much. Commissioner Ward asked if WYDEQ had any regulation on this situation. Mr. Perry replied only on junk yard usage, not this type of use. Gary Kranse, Director of Planning & Development, stated parking lots and such usage were not regulated by the County or WYDEQ. Mr. Kranse explained that the County was trying to address this situation by restricting the number of days vehicles could remain on the property, so that there was continued turnover of vehicles. He stated that the County would like to see documentation to verify adherence to the development agreement in the future. He clarified that this property was outside the zoned boundary, and the County would appreciate the property owner's efforts to screen the property and address the concerns brought forth. Mr. Kranse asked if the number of cars could be pinpointed to around 100-150, which could be open for adjustment in the future, depending on the outcome.

Commissioner Ward asked what method could be used to enforce the change of ownership portion of the agreement. Mr. Kranse stated the County would be less concerned with owner change since a new site plan would be required, and a change of use could also be managed, if one should be requested. Mr. Perry suggested that the development agreement be attached to and recorded with the deed. Commissioner Qualls asked Mr. Kranse since the property was not in the zoned area, wouldn't there be limited staff available to monitor whether the property owner was adhering to the signed agreement? How would it be enforced? Mr. Kranse stated the County enforced based on complaints and information received. He suggested the County could ask for periodic records to verify what was occurring on the property, and stated he would expect the property owner would live up to the agreement. Commissioner Qualls stated she still had concerns, unless a requirement was added to the agreement for written report at pre-determined intervals, therefore not needing to depend on complaints alone. She expressed great

concern about relying on complaints. Mr. Perry suggested requesting an audit be performed at 6 month or 1 year intervals to verify use activity. He mentioned that Mr. Anaya had issues with reading and writing, as he was not adequately educated.

Commissioner Cole interjected that reports wouldn't accurately reflect vehicle numbers if reported at 6 months or 1 year, and suggested quarterly reports that reflected the vehicle license number to easily view occurrences of the same vehicle. He stated the other problem he had was the fencing height inhibiting the view, and thought it should only be half the height for the number of vehicles under discussion.

Commissioner Clark requested the staff report from Abby Yenco. Ms. Yenco reiterated that the El Rancho de Anaya Subdivision was once again before the Planning Commission due to the development agreement, and stated that all the conditions previously required had been met.

Commissioner Clark opened the meeting to the public. Lisa Pafford with Cheyenne Development Office, wanted to state that the property had been discussed as an impound lot, and would have to be within 5 miles of the police station to be on the City's Roster.

Commissioner Clark asked if the Sheriff's Dept would use it as an impound lot since it was in the County. Ms. Yenco replied that would be correct, as well as being used by the State Highway Department.

Commissioner Cole mentioned the aerial photo, and asked why the west side driveway was not being used for access instead of the utility easement on the south side of the property. Mr. Perry stated it had been discussed with Don Beard of Laramie County Public Works. The residential driveway would be used in Tract 1, but not used for the recovery portion. Commissioner Cole said it looked like it was in line with Tract 2. Mr. Perry stated the easement to the South was also for a portion of land to the east. Abby Yenco stated the south access was intended to provide distance between the residential and commercial pieces of property. Commissioner Qualls stated she was confused about the access to get to the gate in the easement, and noticed the access easement was south of Tract 2, not off of Road 154. She stated that there were separate lots for residential and commercial, so there should be separate access points. She observed that the Map of Survey shows an access easement. Commissioner Cole stated that it went across a plowed field. Mr. Perry said it was surveyed out so it's there. Ms. Yenco stated the blue line on the aerial was estimated, not an actual survey line.

Commissioner Ward asked if 11 acres was really necessary for this operation. Mr. Perry said the property owner wanted two tracts, but may not use the entire portion immediately, and speculated the owner might not want to proceed with the entire area at first. Commissioner Ward asked was the elevation difference was from east to west. Mr. Perry stated there was 8" difference in elevation.

Commissioner Cole motioned that the commission recommend approval of the development agreement, with a limitation of 150 cars, a determination of the access point, the recovery site cut down to the west 5 acres only at this time, the number trees tripled for what appeared on the site plan, and requirement of reports showing license and vehicle identification numbers.

Commissioner Macy observed on the south side plot that the egress with an 8 foot fence will surely drift and fill with snow, and asked if owner was going to plow it open to maintain access? Mr. Perry confirmed that the intention was to plow the access point.

Commissioner Qualls motioned recommendation of the development agreement. Commissioner Clark seconded; and it was voted 5 - 0 that it be passed with the conditions that 1) no more that 150 vehicles shall be on-site at any one time; 2) only the west five (5) acres of Tract 2 shall be used for vehicle storage, with that area being fenced; 3) the applicant shall provide 30 trees as part of the screening and buffering requirement; and 4) the applicant shall provide the County with quarterly reports detailing the vehicle license plate and VIN numbers.

The Meeting was adjourned 4:25 pm