

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

Thursday, August 26, 2010

- 100826 00** Those in attendance were Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioners Frank Cole and Bert Macy; Director of Planning & Development Gary Kranse; Senior Planner Abby Yenco; Recording Secretary Nancy Trimble.

Those signing the meeting register were Ron and Rose Kawcak, 430 Road 151; Lottie Kemp, 704 Manor Lane; Jack E. Johnson, 31 South Gap Rd., Wheatland, WY; Leo Gomez, 7113 E Pershing Blvd; Fred and Supatrah Miller, 6414 N College Drive; Richard Brokaw, 2074 Canyon Drive; Lisa Pafford, Cheyenne Development Office; Nancy Olson, Cheyenne MPO.

- 01** Abby Yenco, Senior Planner, summarized the purpose of the application, and introduced the applicant. Richard Brokaw explained the purpose was to fix an illegal subdivision of a 5 acre parcel, and explained that it had gone through the proper avenue and had been approved for a variance, and the next step was to proceed with a zone change from A-1 to MR-2 to comply. Commissioner Clark asked for the staff report. Ms. Yenco said this step was to remedy non-conformance of parcel and zoning, and recommended combining the discussions regarding the Final Plat and Zone Change applications, but asked for two separate decisions for the record.

There are several comments and minor concerns that need to be resolved prior to recordation. Evidence of the resolution of these items shall be provided to the Laramie County Planning and Development office. The current residence on this property is not in conformance with the 5 acre limit for a septic system. The applicant has applied to the Environmental Health department for approval to continue; which shall be received prior to recordation. With regard to the zone change - now zoned A-1 with a 10 acre minimum density; requesting a zone change to MR-2 medium residential density to have property conform. There are no plans for any change on the property, just conformance.

Commissioner Qualls asked two questions: 1) To the north of the property, is it in the City's jurisdiction? Ms. Yenco confirmed that it was. 2) On the executive summary the different names are confusing as to the property ownership. Richard Brokaw explained that Joe Wiesen sold the south parcel to the Hixons, and Go West Land Development owns the north parcel. Commissioner Cole noted that no easement exists, and thought that 20' was excessive. Ms. Yenco stated that the easement was not required yet. Commissioner Cole also noted that the 60' access easement does not line up with the present driveway. Ms. Yenco stated that when the north piece develops, it will have to meet water, sewer and access standards, possibly

shared drive, or transfer of land. Commissioner Cole expressed concern about getting water and sewer to the north piece.

Commissioner Clark opened to the public to address the commission. Lisa Pafford, Cheyenne Development Office, came forward and stated that they support this action so the nonconformance issue can be resolved. Hearing no more public comment, Commissioner Clark closed the public hearing.

Commissioner Cole asked how is the subdivision permit supposed to be approved, when the commission never sees it? He motioned to recommend approval of the Final Plat with the easement not to exceed 8' in width, and that the other items be resolved. Commissioner Clark asked for a second; the motion failed due to no second. Commissioner Qualls moved to recommend approval of the Final Plat as per the staff report, Commissioner Macy seconded the motion; with Commissioner Cole voting no on the recommendation. Motion passed 2 - 1.

Commissioner Clark asked for a motion on the Zone Change application. Commissioner Qualls motioned to recommend approval of the Zone Change as per the staff report; Commissioner Macy seconded the motion. The motion passed unanimously.

- 02** Abby Yenco, Senior Planner, summarized the purpose of the application. Jack Johnson, applicant, stated he proposed to remove 10 acres from the 80 acre parcel, located at the southeast corner of the property on the east of Road 151. He explained that there was a 50' utility easement on the east and south sides of the property, and that well and septic systems were approved for the property to sustain a 2-bedroom residence.

Commissioner Clark asked for the staff report. Ms. Yenco stated the purpose of this application was to facilitate the sale of a single family home; there was no other proposed development at this time. She also confirmed that it was in conformance with the comprehensive plan (low-density). She stated that staff recommends approval, with condition 1 - that the County Assessor's comments be addressed prior to recordation.

Commissioner Cole expressed concern that the easement was not shown on the plat, and asked what was the dashed line indicating on the plat? He stated the county road had been there for years. Ms. Yenco stated the right-of-way was not receiving county maintenance, and that if an easement is intended on the east, it needs to be added to the dedication on the plat, and should be stipulated as a condition. Commissioner Cole said the plat needs to show the named road and whether it is private or public, and have easement clarification. Ms. Yenco said there should then be two conditions added. Commissioner Clark asked if there were any other questions; hearing none, the hearing was opened to the public.

Ron Kawcak came forward and stated that he lived nearby. He had never met Mr. Johnson, and had no personal bias; he impressed upon the fact that Mr.

Johnson was not a neighbor, but in fact just a landowner. Mr. Kawcak stated he purchased 40 acres, and that this action would affect the quality of life for folks owning the large pieces, as it would add opportunity for multiple divisions/houses. He also expressed concern that the number of wells would tax the underground water supply. He stated it was not fair to neighbors, as the landowner was not present, so it would be no impact to him. Mr. Kawcak summarized that he wanted the parcels to stay at 40 acres. Commissioner Qualls asked him for his address, which he replied was 430 Road 151, that it was north of Road 204, 2 parcels away from the Johnson property. Hearing no further comment, Commissioner Clark closed the public hearing.

Commissioner Qualls requested that Mr. Johnson come back up, as she had other questions for him. She asked him to confirm that he resides in Wheatland, and asked if the property currently has a renter? Mr. Johnson stated it was just for sale, and was vacant. Commissioner Qualls asked if the new owner would be at liberty to change the parcel? Ms. Yenco answered it was only 10 acres, and could not be made smaller, as it would not conform to the comprehensive plan and subdivision design density requirements. She explained the remaining land was to stay agricultural. Commissioner Qualls asked if the remaining 30 acres (Johnson clarified 70) would remain in Mr. Johnson's ownership. He replied that he was only seeking subdivision so that the price could be made more acceptable in order to sell the house.

Commissioner Clark asked for a motion. Commissioner Qualls motioned to deny the plat; there was no second on this motion. Ms. Yenco stated that a reason was needed for the denial. Commissioner Qualls said everything was considered to be 40 acre parcels, and it should not be subdivided - the area was not ready for change. Commissioner Cole motioned for approval with conditions that the easements and right-of-way be shown on the plat, subject to the Assessor's comments being addressed. Commissioner Macy seconded the motion. Motion passed 2-1.

**03** The Zone Change application was heard in conjunction with the Final Plat and Subdivision Permit applications. The vote was as follows:

Commissioner Qualls motioned to recommend approval of the Zone Change as per the staff report; Commissioner Macy seconded the motion. The motion passed unanimously.

**04** Abby Yenco, Senior Planner, gave the staff report for the Final PUD as both the applicant and owner. She covered the background on the property, and explained that the current zone didn't allow development of the property as a master plan and having been presented to voters. She confirmed that the recommendations made at the August 12, 2010 Planning Commission meeting have been addressed, changed, and explanations if there was no change made, and are all noted in the staff report. All agency comments have been taken care of at this time. Ms. Yenco stated drainage concerns will all have to match in the future, and they would be addressed with the site plan

process. She stated the conditions could be questioned if the commission members wanted to, but she preferred not to go over each individual one. At this time, she asked for a recommendation of approval, in order to move forward to the Board of County Commissioners.

Commissioner Cole stressed that there should be 45 day notification period on the Final PUD. Ms. Yenco stated all dates were advertised at the same time. Commissioner Cole asked if there would be a 45 day notice after the final draft; Ms. Yenco stated no, there would not. Gary Kranse addressed Commissioner Clark, and said he would have to research the requirements; although he felt it had met statutory requirements of notice, he said it could be continued in order to allow the 45 day rule. Commissioner Clark opened to the public for questions. Hearing no comment, the public hearing was closed.

Commissioner Macy asked if on the sidewalk color, there was a difference in cost between grey and another color? Gary Kranse said we don't have an estimate on that cost. There were no funds allocated for any difference, so we aren't making changes due to funds. He clarified that we wanted to be very careful about where the funds were appropriated within the development; that maybe in the future it could be considered, but the project currently will not need. Commissioner Cole said limitations are being set now, and the future development should not have to go through the process for change. Mr. Kranse stated it was not the intent to outlaw the option, nor was he disagreeing with regard to the overall project; that flexibility should definitely be allowed. He emphasized that if should it be desired in the future, where appropriate, it would be supported. Commissioner Qualls wanted to know why we are hurrying the PUD, and would it present a problem to continue until the next meeting? Mr. Kranse said he felt that would be appropriate, and would not be an issue. He clarified the need to put the PUD into action, in terms that the project is under way, and we want to make sure we meet existing and future criteria, but it did not need to be done today. If there are questions, we can arrange another meeting to go over the concerns, just need to move as quickly as possible without miss anything. Commissioner Qualls expressed she had the same concerns for some of the same conditions presented at last meeting, when she was not present. Commissioner Cole stated that the boxes need to get in line with the numbers, showing firm lines and acreage on the map. Ms. Yenco showed Mr. Kranse the placeholders, and explained that the boxes mean nothing, and were only for illustrative purposes. She explained that there was no legal definition, the closest would be the boundaries for zone lines on the PUD map. Commissioner Cole stated that he felt that the plat and PUD should be corresponding. Mr. Kranse offered to remove the acreage indications, and stated there was no intent to subdivide until it's needed, when properties would be split off for sale. Commissioner Cole stated that all property lines should be removed if they don't exist, and that he felt there were too many problems to move forward.

Commissioner Cole moved to continue, Commissioner Qualls seconded the motion. Mr. Kranse explained that the concerns need to be addressed in order to return a new version. Commissioner Cole said he was for the PUD, but

that it was vague; showing property lines that were not property lines, showing acreage not consistent in size to each other, and that the roads and property lines were not fixed. He suggested it be platted, and then it could be replatted later. Commissioner Qualls asked Mr. Kranse if a requested work session would be valid, and as a second to the motion, stated she wanted to meet in a work session to address the concerns.

Gary Kranse stated as part of the motion to continue, it needed to be specified as to a date/time to meet for discussion. He suggested a study session on 8/31, and would ask Nancy Trimble to get a hold of the commission members on Friday, August 27, 2010 to find the best time for a meeting. Commissioner Cole stated Wednesday and Thursday of the following week were totally out. Commissioner Clark asked what about August 31, 2010 at 4 pm in the Commissioners conference room?

All members were in agreement; the motion passed 3-0.

Meeting adjourned at 4:37 p.m.