

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

Thursday, April 28, 2011

- 110428 00** The Laramie County Planning Commission met in regular session on April 28, 2011 at 3:30 p.m.

Planning Commission members in attendance were: Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioners Frank Cole, Jim Ward and Bert Macy; Senior Planner Abby Yenco; Associate Planner Lyndsay Hazen; Recording Secretary Nancy Trimble.

Those signing the meeting register were: Frank Waters, 2209 S. 3rd Avenue, Cheyenne; H. Wilkinson, 2107 S. 4th Avenue, Cheyenne; Ed Ernste, 8235 Westedt Road, Cheyenne; Tim Hupp, 1090 Road 110, Cheyenne; Dan Hupp, 7775 Kelbran Lane, Wellington, CO; Ray Hupp, 5916 N. Garfield Avenue, Loveland, CO; Joe Sara, 2275 W. College Drive, Cheyenne; Bob Parrott, 1907 Park Avenue, Cheyenne; Lisa Pafford, 2101 O'Neil Avenue, Cheyenne; Robert Herb, 1424 Lampman Court, Cheyenne; Sharron Liebe, 2114 S. 3rd Avenue, Cheyenne; Tom Mason, 2101 O'Neil Avenue, Cheyenne; Lori Way, 1819 S. 3rd Avenue, Cheyenne; Melvin Qualls, 2316 S. 5th Avenue, Cheyenne; Ben Marszalek, 1319 Blossom Court, Cheyenne; Diana McNamara, 1820 S. 3rd Avenue, Cheyenne.

- 01** Review and action of a change in Zone district from A-1 (Agricultural and Rural Residential) to PUD (Planned Unit Development) for a portion of the W ½, NW ¼, Section 18, T. 13 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Tim Hupp, agent for the applicant, came forward to address the committee, stated his address of 1090 Road 110. He stated the West College property was 44 acres, and a zone change had been requested due to College Drive being an arterial around the city, it would be conducive to more commercial development. Some proposed uses were storage and office/warehouse business. He understood concerns with screening, and was willing to provide it between the property and the adjacent residential area. He proposed xeriscape type landscaping, which would use less water. He asked if the commission members had any specific questions.

Commissioner Clark asked for the staff report. Abby Yenco, Senior Planner, reviewed the staff report, regarding the requested change to PUD, and covered the specific uses allowed in a PUD district from the PUD attached to the staff report.. She explained the colored areas on the displayed map: yellow shading indicated the mixed use area; pink shading was mixed use residential; the front shaded commercial area along College Drive was a larger landscape setback than usual for screening/buffering. PlanCheyenne describes this area as best suited for urban residential development, which supports the

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mixed use in the area. The application was to provide for residential and future commercial development. Staff expressed that mixed use would be in general conformance with PlanCheyenne. Some concerns expressed would be more appropriately addressed with the site plan, before development would begin. Right now, the zoning application was to address uses only. As there is significant topography on the property, the site plan process would help to preserve the existing topography. Ms. Yenco reviewed the staff report conditions, and mentioned the development agreement which addressed the impact of the proposed land uses, water and sanitary sewer issues, internal site circulation, and prohibited development on the existing hill to retain the topo of the area. She asked the commissioners if they had any questions.

Commissioner Ward asked if the storage would be covered? Mr. Hupp responded yes, it was yard-type storage. He clarified that any storage outside would be screened, but most would be predominantly covered. Commissioner Clark asked if there would be storage units? Mr. Hupp responded yes. Commissioner Cole stated that Parsley Blvd. should not continue south on this property, and that the hilltop should be preserved for open space. He expressed that the northeast corner of the property would not be bad for inside storage, but didn't think it would be suitable anywhere else on the property, as neither Lampman Court or Hellwig could continue west onto the property for access purposes. He stated he generally had problems with the proposed uses of the property and needed more definition of those uses. He thought the hill should be purchased by the County or the City to ensure preservation of the 15 acres at the top of the hill.

Commissioner Clark opened the hearing to the public. Robert Herb, of 1424 Lampman Court, expressed concern with flooding if construction takes place to the west, large amounts of rain will inundate that property and Orchard Valley.

Frank Waters, of 2209 S. 3rd Avenue , stated he is the president and chief operator of the Orchard Valley Water Company. Located 1/2 mile east of the subject property are wells that are 250 feet deep, and he's concerned about pollution of those wells. With heavy rain, there is runoff that flows through the center of Orchard Valley and within 300 feet of the pump. If the subject property is used for oil field storage, for items such as equipment and piping, oil and chemicals would eventually sink into the ground. He stated he did not want development such as this now or in the future. He was not against the zone change, but was against the use for contaminants.

Diana McNamara, of 1820 S Third Avenue, stated her main concern was the traffic issue. When traveling south from downtown on Parsley Blvd to College Drive, it took quite some time to make a turn onto College Drive, especially with the traffic traveling around the curve in the road east from I-25. Before the road widens out, when coming from the west traveling east, if a vehicle takes the curve too wide, it forces oncoming traffic into the ditch/ravine bordering College Drive on the north. She said she was not in favor of traffic-inducing business, and the area was not conducive to additional traffic.

Ed Ernste, of 8235 Westedt Road, stated he had questions. He agreed with

Commissioner Cole on needing specific uses defined in the proposed PUD. With a change to light industrial, what would the impact be to the neighborhood? He stated the PUD needed to be better defined, for example - with storage units, what restrictions would there be? Where was the drainage plan? Where would the runoff go? He was also asked by the owner of the 40 acres south of the subject property, who is based out of Newcastle, WY, to express the owner was not interested in having industrial located on the property. Mr. Ernste had also heard second-hand that there could be tank farm located on the property. To the south of Orchard Valley is an R-2 zone district, why put this zone there? He stated he did not agree with the zoning statements made in the staff report, and in fact believed all were incorrect. He asked how the Planning Commission planned to address the City's concerns listed in a six page report. He also wanted to know where the water and sewer services were coming from? These questions should be answered before the zone change is approved. He said that the fighting between the County and City needs to come to an end, and though he had no suggestions, felt it needed to be resolved. Laramie County will expand, and affordable housing would be needed. There will be a great number of people coming, with no way to accommodate them due to the dispute between the entities. All the land behind Orchard Valley would be good for residential development of affordable housing. He requested the zone change be denied, and asked that it remain zoned for residential.

Robert Parrott of 1907 Park Avenue, stated that allowing commercial development on the subject property would overwhelm College Drive with additional traffic, as there is already too much congestion from truck traffic traveling on and off both I-25 and I-80.

Lori Way, of 1819 S. 4th Avenue, stated her concern that additional truck traffic would not be appropriate, especially with the Stride Learning Center and public schools in the area.

Melvin Qualls, of 2316 S. 5th Avenue, said he has lived there 54 years, and has seen it grow. With two schools in the vicinity of this property, he was concerned with traffic and access to the property, and asked Ms. Yenco to indicate the proposed entry access to the property. Ms. Yenco responded it had not been decided, and that WYDOT would be part of that decision. He stated that with truck traffic approaching this property from both directions on College Drive, as well as school buses traveling this road, there would need to be road widening near the entrance to accommodate truck turning movements. He is president of the Orchard Valley Community Association, and at the last meeting this development was discussed quite thoroughly. Citizens had conveyed their concern that it was not a good area for this development.

Commissioner Clark closed the public hearing, and asked Tim Hupp to return to the podium to address the concerns. He stated that he hoped to relay to neighboring residents that this development would be no junk yard, and though there were areas out there that could use improvement, he hoped it would be a good influence, not a negative one. With regard to flooding concerns, before building can begin, a detention plan has to be submitted,

which could possibly alleviate what has been occurring up until now. He stated he used to live in Orchard Valley, and recognized the potential issue. On the pollution/contamination issues, he would not allow storage that may pollute or contaminate, as that would be a detriment to the owner (himself), as he would be responsible for the clean-up. Mr. Hupp clarified he would not allow 55 gallon containers to be on the property, and as far as rumors of a tank farm or oil tanks. it was just not true, as he was not even open to that idea. Commissioner Clark asked if there would be construction storage? He responded he may allow new pipe, but only in a screened environment. He addressed the traffic flow situation by explaining that storage has a very low traffic history, as there were generally not a lot of repeat trips. Commissioner Clark asked if there was construction storage, shouldn't he anticipate more traffic, or heavy equipment? Mr. Hupp responded there was not much space conducive to that, as not much was left when the hill topography was considered, as over 50% of the property was very steep or hilltop. As far as locating an industrial site, he is asking for commercial, and had withdrawn the request for a zone change to light industrial and had returned proposing a PUD. Commissioner Clark reiterated that it would allow offices, retail, a variety of similar uses, but no manufacturing as light industrial would have allowed. Mr. Hupp responded that if he still lived there, he would not want those types of business mentioned either. He stated that with the proposed storage, there may be an occasional moving truck, but for the most part it would be individuals, so would not affect traffic significantly through the adjacent residential area. The screened outdoor storage would be for pipe to be used in the oil field, but it would be new pipe. Commissioner Clark asked if he had any idea where he would want the entrance to be? Mr. Hupp responded he had not determined that yet, but toward the east end of the property would be a possibility, with the navigating difficulty due to the hill.

Commissioner Cole had observed that in other personal storage projects, there was not a lot of repeat traffic, as people don't go very often, and expressed that some he had seen in Denver don't even resemble a storage building at all. A facility could be very well done, and metal sheds were definitely not attractive. Personal-use storage would not be big traffic draw. Commissioner Clark asked Ms. Yenco about the PUD not defining the types of business allowed. Ms. Yenco responded that the PUD gave the general uses allowed, and Mr. Hupp had stated he was not at the point of knowing what and where those uses would be placed, and wanted the opportunity to decide. When the development agreement was submitted, there would be specific ideas included at that time, and the Planning Commission could then agree or disagree. Commissioner Clark expressed her thoughts that the audience was getting blindsided. Ms. Yenco said there could be another opportunity for clarification with Mr. Hupp bringing the PUD back with proposed uses and a layout to the next Planning Commission meeting. She clarified that site plans may come back to the Planning Commission for approval, per the new regulations. She summarized that the tank farm and pollution issues had been addressed, and suggested the excluded section of the PUD may need stronger language. What was Mr. Hupp comfortable with? Commissioner Clark asked if the surrounding landowners wanted to annex for sewer/water services, how would it affect this property? Ms. Yenco stated this property could be eligible for annexation, due to its proximity to the City.

Commissioner Ward expressed that this seemed to be the cart before the horse. There was a serious problem with traffic and drainage, and there should be more information in order to get approval. He stated there needed to be more studies done to address these concerns and more of a proposed use plan to move forward. Mr. Hupp responded that before development could begin, the drainage retention issue had to be addressed by an engineer. If retention was to be located on the property, where would it be, and how would it work? Commissioner Clark said she agreed with needing more information, especially with the diversity of issues. Mr. Hupp responded he currently had a tenant in the refinery and oil business storing pipe. There were no semi's as the new pipe was brought in with a truck and trailer, this is what type of traffic he's referring to. There was limited space for development right now. Commissioner Ward stated we have to consider years in the future with the proposed PUD, as it was wide open for future possibilities.

Commissioner Cole asked Ms. Yenco if the county regulations require drainage studies for a preliminary plat? She responded this was not a plat, just the first step to define uses, and a preliminary development plan would be the next step. Then a site plan which could be sent through the public process. The purpose of requesting approval of this zone change is to let the owner know it was okay to invest money and move forward. Commissioner Cole said he thought there should be a preliminary plat submitted with the preliminary pud, so both could be considered at the same time to compare, and there would be traffic and drainage studies submitted. Ms. Yenco responded there was no preliminary plat required under the County's land use regulations. Commissioner Clark asked why not just submit a site plan? Ms. Yenco responded that the proposed uses would not fit in the current zone district. She explained the applicant had to have the zone district change approved to allow the PUD uses before the site plan can be submitted, and asked for a recommendation from the Planning Commission for approval/denial, or postponement in order to explore alternative options.

Commissioner Qualls asked if the PUD allowed mixed use commercial, did that include employee living quarters? As she observed some properties have a boarding stable, without an arena, she noted this would allow for an arena, and that could increase traffic and horse trailers. Currently, there is boarding in the subject area, and she had seen horses in the general area, not being confined to a certain space. If storage is proposed for 85% of the area, in 5 acre parcels, how do they fit on the property? She noted the single family residence at 1611-1613 W. College was in conformance, so would be allowed to stay. Gary Hickman, of the Environmental Health Dept., was not present at this meeting to ask about water and septic accommodations. The property map presented today showed that the lower portion of the property indicated mixed use residential, and unless this is area serviced by the Board of Public Utilities or South Cheyenne Water and Sewer District, there won't be any water to that area, so there could not be any mixed use residential. Commissioner Qualls stated she would like to know how the water service would be handled. She stated in the staff report, there was quite a lengthy discussion from both the MPO and Urban Planning, and asked if representatives could come up to the podium. She expressed that if the PUD was approved, and the property was sold, it could open up the area to something entirely wrong for the

neighborhood, not to mention the traffic issue. She noted that it had not been brought in to the discussion about the approaching summer season and the traffic generated by AB Camping along College Drive during the summer months. In particular, the eastbound lane has seen a backup of camping trailers waiting to check in to the campground, which causes a big concern for the eastbound traffic on College Drive. She also asked if the South Cheyenne Water and Sewer District had checked into connection lines for the subject property.

Commissioner Clark called up Tom Mason, Director of MPO. He referred to his comments in the staff report and said he was trying to address the traffic situation, and would let the comments stand. He stated he didn't believe the change in zone district met the intent of PlanCheyenne, and that it didn't sound like there would be residential on this property at all, but commercial uses instead. He expressed that a PUD should provide public benefit in exchange for use of land, and he couldn't see it. If buffering is proposed by low shrubs that do not require a lot of water, it would not really screen the area. He said thinking ahead to the site plan, there may be more opportunity to see what was proposed, but mainly he was trying to address the traffic situation.

Commissioner Clark called up Lisa Pafford, with Cheyenne Building and Development, and asked the commission members if they had questions she could address? Ms. Pafford stated the PUD was not consistent; the land uses would create pockets in county, which led to leapfrog development. She said there should be annexation and expansion due to the proximity of the location to the South Cheyenne Water and Sewer District. She said the PUD did not meet the goals of the Comprehensive Plan. Ms. Pafford said the City staff had the same issues as were brought up at today's meeting, along with the PUD map not indicating the buffering areas. Commissioner Qualls said this was the one and only time that this could be discussed. Ms. Yenco stated the purpose was not to define lot lines, the PUD did meet the three criteria listed in the staff report, and asked for a decision based on the three criteria required for evaluation of the PUD.

Commissioner Clark asked for a motion. Commissioner Cole motioned to postpone the request in order to allow time to obtain more information, with a second from Commissioner Qualls. Commissioner Clark asked if a date needed to be set, and asked Mr. Hupp if two months would provide sufficient time? Commissioner Cole stated it should be no more than two months. Mr. Hupp said as the season to build was quickly approaching, he would like to get approval as soon as possible, and was hoping to get approval from the Board of County Commissioners at the May 17th meeting. Ms. Yenco responded that a specific date should be set. Commissioner Ward said the applicant needed to get more specific with addressing drainage, traffic and access issues. Ms. Yenco suggested either the May 12th or 26th Planning Commission meeting date. Mr. Hupp responded that he was at a disadvantage, and needed to speak with an engineer. If he scheduled for the May 12th meeting, if the studies were not done, it would have to be postponed again. He asked if he could have a two-minute recess to think about it. Ms. Yenco responded it would be okay to go with the May 12th meeting date, and there would be time to notify if Mr. Hupp was ready for that date. She

suggested that the people who attended this could be notified by mail or email, if they would note their email addressees on the meeting sign-in register before they left.

The vote was 5 - 0 to postpone the action until the May 12, 2011 Planning Commission meeting.

The meeting was adjourned at 4:48 pm.