

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

Thursday, February 10, 2011

- 110210 00** The Laramie County Planning Commission met in regular session on Thursday, February 10, 2011 at 3.30 p.m.

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

Those signing the meeting register were: Jim Johnson, 6723 Powderhouse; Jake Johnson, 722 Melton St.; Rick Juschka, 7402 S. Greeley; Gary Hickman, Environmental Health Dept.; Lisa Pafford, City of Cheyenne; Diane and Floyd Humphrey; Nancy Olson, Dan White, Matt Ashby, and Tom Mason – all with City of Cheyenne.

- 01** Review and action of a zone change from PUD (Planned Unit Development) to A-2 (Agricultural) zone district for Crow Creek Estates for the North ½ of Section 4, T. 13 N., R. 65 W., of the 6th P.M., Laramie County, WY.

Commissioner Ward recused himself due to ownership of property. James Johnson, 6723 Powderhouse Road, came forward as applicant and stated that the reason for the zone change request was due to a change in development plans. He distributed maps of what the property would look like after the zone change.

Commissioner Clark asked Abby Yenco for the staff report. She explained that the action was to remove the PUD zone restriction based on changes in development plans. PUD zone district was put in place in 2005 to allow higher density development; however, applicant no longer intended to develop at the higher density. There was a two-part plan for this property: one was to change the zone district back to A-2, the other was a board approval at the Commissioners meeting on February 15th for the vacation of the plat. Based on evidence, staff requested the Planning Commission recommend approval of the zone change to the Board. Commissioner Clark asked if the commission members had questions. Hearing no comments, she opened the hearing to the public.

As there were no public comments, the public hearing was closed. Commissioner Clark asked members for discussion and a motion. Commissioner Cole moved to recommend approval of the zone change from PUD to A-2 with no conditions; Commissioner Qualls seconded the motion. The motion passed with a vote of 5 – 0.

02 Withdrawal of the Final PUD for Arp & Hammond Industrial Site for a portion of Section 33, T.13 N., R.66 W. of the 6th P.M., Laramie County, WY.

Commissioner Ward was invited back in for the second agenda item. Abby Yenco explained that on January 27, 2011, the Planning Commission recommended denial of the preliminary PUD for this site, and after that meeting the applicant decided not to proceed. Since the public hearing dates were advertised in the Wyoming Tribune-Eagle, it was necessary to remove the application from the record.

Commissioner Qualls recommended approval of the withdrawal; Commissioner Ward seconded the motion, and the motion was passed with a vote of 5 - 0.

03 Review of the Laramie County Proposed Land Use Regulations.

Abby Yenco, Senior Planner, stated that the recommendation for approval of the proposed land use regulations had been postponed at the January 27, 2011 Planning Commission public hearing in order to hold a work session on February 3rd with the Planning Commission members, and that the regulations were here today for a motion to move forward. She gave an overview of the proposed regulations purpose and principles, and said the next step was for the Planning Commission to recommend approval to move forward to the Board of County Commissioners meeting on February 15th. She explained that updates were made to the land use map based on comments received at the February 3rd work session. There was also an overlay AHR (Airport Height Restriction) district map created and added as part of the regulations, which would make official the airport review procedure that was already being performed. Ms. Yenco reviewed the changes made from the February 3rd comments, and stated that the draft before the Commission today was as presented on October 19, 2010 with all the track changes shown regarding updates made based on comments/feedback received from the public and the Planning Commission. She clarified that all notification requirements have been met, and staff was prepared to move forward. She added that the County Attorney had met with the Planning Commission members on February 3rd, and assured the members that the concern posed by the City of Cheyenne had been sufficiently covered in the proposed regulations.

Commissioner Cole mentioned he had a list of discussion items, which were as follows.

Page 4 - Community Facility Fees should be identical to the City, whereas the County shows a fee of \$500, and the City shows \$700 as their fees.

Page 52 - Commissioner Cole asked that the time limits to provide comments to the Planning Commission not be removed. Ms. Yenco responded the intent was to bring the time limit back.

Page 71 – He asked that staff add in the NAHB Green Building Standards, so as to have them recognized in the regulations.

In general, Commissioner Cole expressed that lot size standards should be identical to the City. He thought setback distances were too large in the LR, MR, HR and MU zone districts, and that side yard setbacks should not exceed 10 feet, thereby being consistent with regard to avoiding a non-conformance issue if annexation were to occur.

Page 280 – He asked that Military Zone District be added to the Zone District Map.

He also asked to add a statement to the Subdivision section that would allow applicants who intend to both subdivide land and annex to apply for all approvals through the City of Cheyenne without having to apply for a subdivision permit through the County.

Commissioner Cole asked for clarification on the zoned boundary line as shown in the Regulatory Area Map, and also that there needed to be a distinction between the white color used for the City of Cheyenne exempt area and the white color used for the unzoned area on the zoning map.

Commissioner Clark asked the other members if they had any questions. Commissioner Cole suggested the meeting be opened to the public. Commissioner Clark opened the public hearing.

Dan White, an Attorney for the City of Cheyenne, came forward to state he was representing the City's concerns. On two previous occasions, the City had commented on the proposed regulations -- first, in a letter from the Mayor on December 3rd to the County Commissioners; and second, in a letter dated March 19th to Gary Kranse with suggested language revisions. He summarized that the City was concerned with the language and processes as they applied to subdivision permits and plats, and that they might be misleading to developers, as the language seemed to indicate only county approval was required. He expressed that some situations may result where a plat or subdivision permit might be approved under circumstances which may negate the City's opportunity to review and approve if within 1 mile boundary. If the City were to decide they were precluded from the approval of a plat, the City would be required to file litigation against the County and developer. He stated there was already one in the works. Mr. White urged the Planning Commission to consider these comments made on behalf of the City, and the language changes requested, as he didn't believe the changes would affect the regulations, but would make them clearer on the joint approval process. Commissioner Clark asked Ms. Yenco if she wanted to address Mr. Whites comments. Ms. Yenco reiterated that the County Attorney had provided feedback on this issue, and that his conclusion was that the regulations were well within the State Statute requirements. Mr. White asked if any of the Planning Commission members had questions of him. As there were none, Mr. White was dismissed.

Commissioner Clark closed the public hearing, and opened to the members for discussion and motion. Commissioner Qualls moved to accept the land use regulations as presented with the suggestions made and move forward to the Board of County Commissioners for the final decision. Commissioner Ward seconded the motion. Commissioner Cole asked if Commissioner Qualls had meant only the comments he made today were to be included, and she answered yes, that was her intention. The vote was taken, and the motion passed unanimously with a vote of 5 - 0.

99 Discussion regarding Comprehensive Plan meeting.

Abby Yenco explained the Comprehensive Plan needed to be reviewed for potential updates, and suggested a meeting between the Planning Commission and Board of County Commissioners to hold a discussion. She proposed a meeting date of either March 15th or 16th at 1 pm, and asked the commission to advise staff as to when they would be available.

Commissioner Clark mentioned the 2011 Laramie County Appointed Board Training Workshop to be held on March 3, 2011, and said that she thought it would be worthwhile for the members to attend.

The meeting was closed at 4:12 pm.