

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

Thursday, June 09, 2011

- 110609 00** The Laramie County Planning Commission met in regular session on June 9, 2011 at 3:30 p.m.

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

The meeting register was signed by: Gary Hickman, City/County Environmental Health Dept.; Duane Brown, 1418 Plum, Cheyenne; Brad Graham, 213 W. 5th Ave., Cheyenne; Brad Emmons, AVI, PC; Lisa Pafford, Cheyenne Building Dept.; Nancy Olson, Cheyenne MPO; W.G. Finn, 909 W. College Dr., Cheyenne.

- 01** Review and action of the Subdivision Permit and Plat of the Overland Trails Subdivision located in a portion of the East ½ of Section 14, T.13 N., R.67 W., of the 6th P.M., Laramie County, WY.

Brad Emmons, agent for the applicant, came forward to summarize the action before the Commission, and explained the purpose was to provide additional retail and large item sale retail spaces in the area south of the Flying J Travel Plaza and Comfort Inn. He reviewed that there would be 23 lots, one for detention space for a regional detention pond which would be maintained by the owner of the Overland Trails Business Park. He stated the applicant was in agreement with the five conditions listed in the staff report. In reference to condition 3, the lot line between Lots 1 and 2, Block would be removed in order to combine the lots, and a notation would be included to specify the access would be from Granite Peak Drive. Mr. Emmons stated with regard to the connection of Etchepare to this subdivision, WYDOT was looking at a diverging diamond design at the interchange, and the owner would continue to work with WYDOT until their traffic study was complete. He expressed this interchange design should not affect the platting of the property, but may affect the design standards on the Etchepare connection.

Abby Yenco gave the staff report, and explained that this application began with the previous preliminary plat process, and that the comments from the County Assessor and Qwest had been addressed. She explained that the development agreement was still in the draft stages with the County Attorney, a copy of which was being presented to the Commission today. She gave an overview of the concerns listed in the staff report that had been resolved. Ms. Yenco expressed one of the things the County hoped for was a provision for transition of jurisdiction to be included in the development agreement, so that any

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site plans or building permits that start in the County finish the County process for project completion. Staff recommended that the application meets the criteria for a subdivision permit and plat, and asked the Planning Commission recommend approval to the Board with the five conditions stated. Ms. Yenco explained that condition three could be modified, an updated development agreement was needed, and noted that there would be a five foot landscape area along the front property line.

Commissioner Clark opened the hearing to the public. Hearing no comments, the public hearing was closed. Commissioner Cole stated that all access easements should be identified on the plat, and moved to recommend approval of the subdivision permit and plat with conditions- 1 - 5 as listed in the staff report, and the addition of condition 6 for identification of all access easements. Commissioner Ward seconded, and the motion passed 4 - 0.

02 Review and action of the Subdivision Permit and Plat of the Niobrara Energy Park Subdivision, located in a portion of the North ½ of Section 9, T. 13 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Brad Emmons, agent for the applicant, came forward to give an overview of the application, with 27 light industrial lots, one being for detention. He explained that the development agreement was still being finalized, with most items resolved with the exception of whether there would be a greenway or sidewalk system through the development area. He stated there had been some discussion regarding a joint agreement that would address both City and County requirements, but expressed that there may still have to be separate agreements. Most of the issues were pertaining to design, rather than platting. He said with the exception of the greenway/sidewalk system issue, the applicant was in agreement with the conditions. With regard to the development agreement, he explained a cul-de-sac had been placed on Allison Road to separate the truck traffic from the school. He expressed there was also a section addressing screening/buffering for the lots abutting the school property, in which there was a 20 foot distance between the lots and the property line plus a 6 foot fence, and the school had a 60 foot road reservation on their side of the property line, which he said should provide sufficient buffering.

Commissioner Cole stated he was totally opposed to truck traffic by any school, and liked the cul-de-sac design. He stated it did not make sense to continue Allison Road through to College Drive, and that a bike path to the south property line didn't make sense either. He asked Brad Emmons about Avenue C-2, as to how much was platted versus not? Mr. Emmons responded from Fox Farm Road to the north property line, there was a 25 foot right-of-way, and to the west, Protec had platted on their east boundary a 25 foot road reservation all the way down to the school boundary line. Commissioner Cole asked if Suncor had a pipeline in the area. Mr. Emmons responded that it was somewhere along the boundary line in the easement on the Protec property, and not in the Avenue C-2 right-of-way. Commissioner Cole stated that the

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reservation was still on the Protec property, and expressed that a roadway reservation really didn't mean anything, and had no real standing. Mr. Emmons pointed out that the owner was working with the County and City to include Energy Drive all the way to Fox Farm Road, so the property would have secondary access.

Commissioner Ward said he was still concerned about the proximity to the school, with exposure to noise, fumes, and dust. He asked if the first row of lots could be designated only for storage, to avoid having trucks operating so close? Mr. Emmons responded that the developers and Brad Graham had worked together to come up with the buffering solution, and if the Planning Commission wanted more than what was being proposed, it could certainly be addressed. He clarified that the lots were 80 feet away, with the top of the fence at 9 feet in height. Commissioner Ward said 500 feet would be nice, since the air quality and noise may be compromised. Mr. Emmons clarified that it was light industrial use, and Ms. Yenco stated that noxious fumes and dust were not allowed past the property lines per the zoning regulations, but there could be some possible impact. Commissioner Cole asked if the berm could be made higher with the fence on top of the berm. Commissioner Ward said if the subdivision were already there, and we were looking at placing a school adjacent to the property, how would the situation then be viewed? Mr. Emmons responded that all the information had been forwarded on to the school district, and no response had been received. Ms. Yenco explained that during the site plan process, the actual proposed uses by site would be reviewed, and the concerns with the proximity to the school would be considered. The County did not have a noise limit defined, and it was not specified as to whether it would be a zoning or a nuisance violation, but the concerns would be considered during the site plan phase. Commissioner Ward said he would like to see the development come together, but did not want to see the area handled incorrectly with regard to children concerns. Ms. Yenco explained that with the light industrial zoning already designated, the property owner already had the uses by right without having to subdivide the property.

Mr. Emmons added that numbers had been run for the proposed regional detention pond, with results indicating the pond would hold 67 acre feet of water, and only 22 were projected from this subdivision, so the remaining capacity would be available for regional use. The detention pond would cover almost 200 acres of land that could be accessed from the surrounding area.

Abby Yenco gave the staff report, and explained that this application represented the end of the preliminary plat era. There were 8 conditions associated with the approval of the preliminary plat by the Board of County Commissioners on 4/5/11. She stated that the pedestrian facilities and other amenities were design pieces, but the plat boundary looked good. With the uses arising in this area, PlanCheyenne would need to consider revisions due to the new oil play affecting land use proposals. There were some concerns expressed regarding property access from WYDOT that were in the process of getting resolved. All future site plans would need traffic studies to make sure the traffic in the area functions appropriately. There were design comments

received regarding roads, detention ponds, and pedestrians. Ms. Yenco stated the hope was the design of the road profile would take goals into consideration, with drainage flow going ultimately to Crow Creek. She clarified the County would continue to be involved in the infrastructure for the roads. With regard to isolating pedestrians from truck traffic, the County proposed a greenway along the south of the property, to continue along Crow Creek, and eventually out to Archer. There was also the possibility of creating a pedestrian loop within the easement running through the two lots on the south of the property to allow access, without facilitating any wandering among the lots within the development. One priority was to make sure the detention pond functioned well due to the problems with drainage on Fox Farm Road. Staff would like to see designs that show whether drainage and recreation would work with the pond at this location, however the primary purpose of the pond would be for detention. Landscaping would be addressed with individual site plans. Staff recommends the application be approved with the conditions as listed in the staff report.

Commissioner Clark opened the hearing to the public. Nancy Olson, with Cheyenne MPO, came forward to discuss the idea of the Allison - Fox Farm Road connection. She asked what would be done with a person in transit on Fox Farm Road, then walking to work located on a smaller lot within the development, and stated that sidewalks should continue to be considered. She acknowledged she was aware that the issue was still being resolved, and that the greenway was fine, but thought that sidewalks were more necessary. Ms. Yenco responded that the development agreement did not preclude sidewalks, and they were still an option - but construction of sidewalks would be determined by overall street design and appropriate land use compatibility.

Brad Graham, 213 W. 5th Ave, came forward and stated he was also a member of COLL, LLC, which was the developer. He wanted to address two issues of concern. First, he has had discussions with the school district, who has expressed interest in purchasing two lots in this development that were adjacent to their property. Second, he wanted to make sure that people understand this is truly an industrial park; with business generated from the oil service industry, there would be secured yards, 24/7 truck traffic - which could be pickup trucks coming to get items to take back out to the field. Mr. Graham said he wanted to see pedestrian traffic deterred from this area. He expressed he also didn't think anyone would want to picnic near the industrial detention pond, and he was against a lot of pedestrian traffic through this development. Hearing no further public comments, Commissioner Clark closed the public hearing.

Commissioner Cole said he thought we wouldn't find many folks wanting to go through the development, and the roads should be kept as private in order to control access, so roads should not be dedicated to the public. He stated truck traffic should not be allowed to go past the school on Allison Road.

Commissioner Ward moved to approve the subdivision permit and plat application with conditions 1 -6 of the staff report; Commissioner Macy seconded, and the motion passed 4 - 0.

03 Review and approval of a setback Variance for the property located at 917 Ashford Court Lot 24, Block 5 of Winchester Hills 1st Filing, Laramie County, WY.

Duane Brown, BHI Contractors, came forward to review the purpose of the application. He explained the variance was requested in order to construct an addition on the existing home of a 14 x 20 foot garage which would extend into the 25 foot setback requirement designated by the zone district. The owner was asking for a reduction in setback to 10 feet, and Mr. Brown stated he believed there would be space for a vehicle to park in front of the garage. He observed that there were seven houses on Ashford Drive that had garages constructed within the setback. He stated that the property owner had a handicapped aunt residing with her, and the garage would provide a wind barrier, and allow easier access to the home.

Abby Yenco explained that the zoning for this property was MR – Medium Density Residential, and the setback requirement was 25 feet from the front property line. She explained that the addition of the proposed garage would not infringe upon the right-of-way or easements. With regard to the Cheyenne MPO's comments about obstruction for any future sidewalks, Ms. Yenco explained that the need for sidewalks would be unlikely, as the street was a cul-de-sac, and there was plenty of space for pedestrian traffic to travel safely in that area. She explained the criteria listed in the staff report that needed to be found in order for the Planning Commission to approve the variance request, and that since the existing home was located on a corner lot, a variance was the only viable option in order to build the proposed garage in the setback area.

Commissioner Clark opened the hearing to the public. Hearing no comments, the public hearing was closed. Commissioner Cole moved to approve the variance to allow a front yard setback of 10 feet; Commissioner Ward seconded, and the motion passed 4 - 0.

The meeting was adjourned at 4:18 p.m.