

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

Thursday, May 12, 2011

- 110512 00** The Laramie County Planning Commission met in regular session on May 12, 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; Planning & Development Director Gary Kranse; Senior Planner Abby Yenco; Associate Planner Lyndsay Hazen; Recording Secretary Nancy Trimble.

Those signing the meeting register were: Tim Hupp, 1090 Road 110, Cheyenne; Dan Hupp, 7775 Kelbran, Wellington; Robert Herb, 1424 Lampman Court, Cheyenne; Robert Parrott, 1907 Park Avenue, Cheyenne; Edward Ernste, 1807 Capitol Avenue, Suite 108, Cheyenne; Marilyn Ham, 2360 Road 217, Cheyenne; Mel Qualls, 2316 S. 5th Avenue, Cheyenne; Joe Sara, 2275 W. College Drive, Cheyenne; Lisa Pafford, 2101 O'Neil Avenue, Cheyenne; Nancy Olson, 2101 O'Neil Avenue, Cheyenne; Frank Waters, 2209 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 and explained that this application was before the Planning Commission at the last meeting two weeks ago asking for a zone change from A-1 to PUD, and that he has attempted to address the public concerns regarding water contamination, truck traffic, and density of development. Sources that could cause water contamination have been removed from the PUD. Traffic concerns have been clarified, as there should be very low impact from personal storage units; in fact, much less than residential traffic. To address the density of development concern, Mr. Hupp supplied a conceptual drawing, which hopefully answers those questions. The two areas of the property have been separated, with the commercial located behind the ridge running down the center of the property, which would screen future residential development from the storage units. He supplied copies to the commission members and audience of a Google map of the property which showed the natural drainage as it exists now. He explained the layout and elevation positions on the property indicated on the map, with points 6 and 9 being the lowest - point 6 located in the immediate area, and point 9 on his property. Natural drainage appeared to run from the northeast property corner, and southeast from the ridge line. There was also a little on the east boundary line, but this was not located on the build site. He acknowledged that a professional engineer would have to address drainage issues on the property before any building permits could be issued, and

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asked if the commission members had any questions.

Abby Yenco gave the staff report, confirming that the application was postponed at the April 28th Planning Commission meeting to allow the applicant time to address concerns. The PUD has been revised to only allow watercraft recreational vehicle storage, and provides a larger open space for future greenway development, while preserving the natural ridge lines on the property. The PUD zone change application was before the Planning Commission today to recommend approval of the updated proposed uses, and did meet the criteria for a PUD. The applicant has met the criteria for proposed uses, not site or building plans. Ms. Yenco asked if the members had any questions.

Commissioner Clark opened the hearing to the public. Ed Ernste, 8235 Westedt Rd, commented that the steepest portion of the property is lot 3, indicated as mixed use residential, and asked what the plan was to get water and sewer to that area. At the past meeting, well and a septic system was discussed. He stated there was no preliminary plat to describe what's planned for the property. What about the traffic study, and the City's comments presented at the last meeting? Is anyone responding? There are high and low points on the property, with three specific low points causing drainage to run down the prevailing streets in Orchard Valley. A preliminary plat would show the detention pond and other development requirements. He stated that the oil pipe storage was eliminated, but watercraft would leak oil and could still contaminate running water.

Tim Hupp addressed oil leakage from vehicles, and responded yes, they do occasionally leak oil, but typically not a lot. He has been in business since 1990, and has observed no major oil spills, just spots. He noted that oil leaks also happen in residential areas with a much greater percentage. In regard to the traffic study and detention pond, he expressed that was putting the cart ahead of the horse, as the applicant was asking for a zone change now to determine it was worth spending money before breaking ground. The applicant has no problem with providing those items, but wants to get the PUD zone change first, and does know that the items must be done before building permits would be issued. With regard to water and sewer service, well and septic had been proposed, as a house was intended to be placed in the back portion for the manager of the storage facility. Ms. Yenco stated that some concerns brought up by Ed Ernste were valid, and there were attempts to address the City's comments. Density of development on lot 3, per the PUD, could be single-family or duplex residential, small offices, and similar uses. Well & septic systems were limited to 5 acre parcels, as required by Environmental Health, and that requirement was still in place. Water and sewer for denser development would need to be dealt with through annexation or South Cheyenne Water and Sewer District. The traffic study could be performed once information regarding the specific uses was generated.

Lisa Pafford, Cheyenne Building and Development Office, came forward, and stated that Ms. Yenco had answered her questions. She stated she would like clarification on the density requirements. There would be a minimum lot size of 5 acres, unless water and sewer were provided. The single family

residences were currently in conformance. Would the landowner be able to mix office and single family residence on the same 5 acres? Ms. Yenco responded that the existing residence were in conformance with the PUD, as it allows 2 residences on one piece of property. The applicant doesn't want to lose that use, and the PUD provides for the existing structures to remain. Commissioner Clark asked if the 2 houses were on well & septic systems. Ms. Yenco responded yes. Mr. Hupp also responded yes, adding that there were 2 septic systems and 2 wells, with one well currently operational for both residences. Commissioner Clark asked if they could they replace the septic system if something happened? Ms. Yenco responded that it would be up to Environmental Health to determine the answer to that question, and a representative was not present at the meeting.

Nancy Olson, Cheyenne Metropolitan Planning Organization, came forward and explained her office handled transportation planning for the urban area. She stated she was not clear how the extra right of way needed get provided. This zone district allowed 25 foot setbacks, and another 20 feet were needed based on College Drive being a principal arterial right of way. She noted the PUD was missing landscaping and design standards. Commissioner Cole reiterated that this was not a plat, only a PUD. There was not an official map that reserved the extra 20 foot right of way. Ms. Olson asked if a plat would be required for development of property adjacent to College Drive. Ms. Yenco stated it would depend on the intensity of development, but there was no need to take the right of way at this time. This item would be addressed at the time of a subdivision permit submittal. The potential to expand College Drive would be considered at the time of a site plan, or building permit. With regard to the question of platting, she stressed that we were not talking about boundaries, but uses.

Rob Parrott, 1907 Park Ave, asked for clarification of zoning. The property could be used as residential today, what was the applicant proposing that required a PUD. Ms. Yenco responded it was initially to allow storage; this use, along with offices, assisted living facilities, and such, were not allowed in the A-1 zone district. Mr. Parrott asked what Capital Tracts was zoned? Ms. Yenco responded that property directly adjacent was zoned CB (community business) and mixed use zoning also occurred along College Dr. Mr. Parrott responded that CB also had office buildings and storage, and wanted to know why the applicant required a PUD? As the PUD proposed mixed use residential, he asked what was allowed in the current zoning of the property right now. Ms. Yenco responded that there were similar uses, but A-1 did not include storage units or outdoor storage. Mr. Parrott asked that the current zoning did not allow storage? Ms. Yenco responded that was correct.

Commissioner Clark closed public comment, and opened the item for discussion and motion. Commissioner Cole requested that a change be made to the Uses by Right in the Mixed Use Residential section of the PUD. Under item (g), he asked that the word "Indoor" be added to "Storage Facilities". Commissioner Qualls said her only question related to the first access point from College Drive, which was approached coming from the west around the curve. She stated that there was not sufficient sight distance to use that property access, but felt that the second access further east was

better. Ms. Yenco responded that comments from WYDOT and the MPO were received which stated the first access point did not meet the sight distance requirements, and therefore would not be allowed as an access point to the property. The second access point would be closer to the existing one. Commissioner Cole stated that most properties have two accesses, and sooner or later WYDOT would have to allow two, or the land wouldn't be useable for anything. Commissioner Cole motioned to approve the zone change to PUD with the change to "Indoor Storage Facilities" in the Uses by Right for the Mixed Use Residential section of the PUD. Commissioner Ward seconded, and the motion passed with a vote of 5 - 0.

**02** Review and action of amendments to section 2-2-129 of the Laramie County Land Use Regulations.

Abby Yenco explained that this action was for the sign section of the land use regulations, which were adopted on February 15, 2011 by the Board of County Commissioners. Staff was directed by the Board to address comments made regarding electronic message signs and large freestanding signs. The changes made to this section were significant enough to require the Board to authorize rulemaking notice in conformance with State statute. The amended version was recommended for approval at the February 24th Planning Commission meeting, and the Board initiated rulemaking notice on March 15, 2011. The amended sign regulation has been in use since then. This hearing is to facilitate officially adopting the amended sign section. No further public comments have been received since rulemaking was initiated, and nothing in the regulation has been modified since the Planning Commission recommended approval on February 24th.

Commissioner Clark opened to the public for comments. Hearing no comments, the public hearing was closed. Commissioner Cole stated he had done a lot of research on this subject. The last Planning Commissioner's Journal publication referred to billboard control. He said the approach into Cheyenne exhibited more billboards from the state line into Cheyenne than from the state line down to Denver. The article expressed being against billboards, and Commissioner Cole agreed that we don't need billboards, and stated that the Downtown Development Authority did not want them either.

Commissioner Ward said he didn't think billboards should be eliminated, but should be limited to some extent, as they make the area appear more industrial. He expressed that the tourist industry needed to have some information at the state line. Commissioner Qualls agreed with Commissioner Ward's comments, and stated she did not like fireworks stands any more than billboards. As she agreed that tourists did need information, she explained that the new Southeast Wyoming Welcome Center should provide them with as much information as they would need. She expressed that it was up to businesses in the area to make sure the information was available. Commissioner Cole added that billboards were useable for tourist attractions, but that they didn't need to be 300 square foot in size. He also stated that advertising for residential developments were not needed. Commissioner Ward agreed that tourism centers were valuable, but

**110512** some folks don't stop at them, and added that it was not our place to determine the use of the billboards, but to manage control of size and quantity. Commissioner Qualls said there were small signs allowed in the city limits which had multiple advertisements for food establishments and motels, but on a smaller scale. Commissioner Ward responded the State would control those signs on the freeway. Ms. Yenco emphasized that with this regulation, the County attempted to be content neutral, but did regulate size. On and off premise language had been removed.

Commissioner Clark asked if approval was needed? Ms. Yenco responded that in order to move forward to the Board for final adoption, recommendation was needed by the Planning Commission. Commissioner Qualls moved to recommend adoption to the Board, with finding of fact "a" of the staff report, Commissioner Ward seconded the motion.

Commissioner Cole said he had comments on some items in the sign regulations. On page 122 at the bottom, on advertising for sale of vehicles, he expressed that the site must be owned by the owner of the vehicle. He also had comments on page 123 at the bottom that backlit external lighting should be allowed. He also stated that on page 124, where signs under 6 square feet were allowed for internal site advertising as long as they could not be seen from a public right of way, was not realistic. Also, on page 125 regarding wall signs not exceeding 25 percent of the wall area, along with the 100 square foot size on freestanding signs, he thought both were excessive.

Commissioner Ward asked what was the issue with backlit signs? Ms. Yenco responded that it was a continuation from the old regulations, and was restricted to agricultural and residential areas, and did not have to remain in the regulations.

Commissioner Clark took a vote on the first motion, as there was no second on Commissioner Cole's comments. The first motion passed 4 - 1, as originally stated with no conditions.

**110512 03** Update discussion on Laramie County Comprehensive Plan.

Abby Yenco gave a quick update on the comprehensive plan schedule exhibited and distributed to the commission members. She stated that early next week, new comprehensive plan information would be available on the Laramie County Planning website. There would be a survey to provide guidance where we need to address concerns. She said the survey would be sent to the members, and it was essentially the same as the one presented at the meeting between the Planning Commission and Board members, but some modifications had taken place. She outlined the comp plan schedule as displayed, and asked if there were any questions.

As there were no questions or comments, the public meeting adjourned at 4:33 pm, and members were diverted to an executive session meeting.