

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

Thursday, December 13, 2012

- 121213 00** The Laramie County Planning Commission met in regular session on Thursday, December 13, 2012 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioner Frank Cole; Gary Kranse, Planning & Development Director; John Shepard, Senior Planner; Barbara Kloth, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Jim and Estelle Haefele, 7000 Ranger Drive, Cheyenne, WY; Andy McMahon, 9891 Hynds Blvd, Cheyenne, WY; Lorraine Grigsby, 8113 Hynds Blvd, Cheyenne, WY; Maxine Litecky, 206 Cribbon Avenue, Cheyenne, WY; Sam Galeotos, 8827 Shellback Road, Cheyenne, WY; Lew Stubbs, 503 Edward Drive, Cheyenne, WY; Justin Beckner, Beckner Consulting Services, 1501 Academy Ct., Suite 204, Fort Collins, CO; Joseph Stanfill, 401 W Idaho St, Cheyenne, WY; William Price, 9415 Buckbrush Road, Cheyenne, WY; Nancy Olson, Cheyenne MPO, 2101 O'Neil Avenue, Cheyenne, WY; Brad Emmons, AVI PC, 1103 Old Town Lane, Cheyenne, WY; Casey Palma, Steil Surveying Services, 1102 W 19th St, Cheyenne, WY; Jeff Parker, 404 W Idaho St, Cheyenne, WY; James Broomfield, 9525 Buckbrush Road, Cheyenne, WY; Brett Walker, City of Cheyenne, 2101 O'Neil Avenue, Cheyenne, WY; Linda Heath, 4031 Winterset Dr, Burns, WY; Patti and Ric Waddell, 624 W Riding Club Rd, Cheyenne, WY; Jennifer Price, 9415 Buckbrush Road, Cheyenne, WY.

- 01** Review and action of a Subdivision Permit and Plat for Swan Ranch Rail Park 6th Filing located in Laramie County, WY.

Brad Emmons, agent for the applicant, came forward to give the purpose of the application, which was to plat and dedicate public right of way. This involved extensions of existing roadways – Berwick Drive and Wallick Road – which have been revised from previous versions. In response to the County Engineer's comments, the applicant has submitted an updated plat to address comments 1 through 4. With regard to comment 5 requesting drainage easements be included on the plat, Mr. Emmons clarified there were no easements at this time, and the drainage lies outside the road right of way. He stated further development requiring drainage easements would necessitate recordation under separate documents, as they would be outside the plat boundary of Swan Ranch Rail Park 6th Filing. Commissioner Cole asked to whom the drainage easements would be dedicated and for what purpose? Mr. Emmons said they would be county dedicated and maintained. Commissioner Cole asked if the County was willing to maintain the drainage easements, as they were outside the right of way? John Shepard, Senior

Planner, stated that staff would check with the County Engineer to make sure the intent was carried forward prior to the Board meeting. Commissioner Cole said the County Engineer's comment 5 was confusing, and that the easement needed to be dedicated to someone other than the property owner, otherwise the drainage easement should not be shown on the plat. Mr. Emmons said this was only in construction phase, and the applicant would work with County Planning Staff to resolve. Commissioner Qualls stated the FEMA floodplain areas should be included on the plat. Mr. Emmons responded a revised plat showing the floodplain area had been submitted to the County. Mr. Shepard showed the corrected version of the plat on the overhead screen. Commissioner Clark asked for the staff report.

John Shepard gave an overview of the staff report and reviewed agency comments received on the application. He stated the property affected by the right of way was zoned Planned Unit Development (PUD) and Light Industrial (LI). Staff found the application to be in conformance with the plans and policies of PlanCheyenne and the Laramie County Land Use Regulations, and recommended the Planning Commission recommend approval of the subdivision permit and plat application.

Commissioner Clark opened the hearing to the public. Hearing no comment, the public portion of the hearing was closed. Commissioner Qualls moved to recommend approval with condition 1 and adopt the findings of facts a and b of the staff report. Commissioner Cole seconded the motion; and it passed with a vote of 3 - 0.

02 Review and action of a Subdivision Permit and Plat for Swan Ranch Rail Park 7th Filing, located in Swan Ranch Rail Park, 4th Filing: Lot 5, Block 1, Laramie County, WY.

Brad Emmons, agent for the applicant, stated the purpose of this application was to create 2 lots from 1 lot. He explained that with a transmission line running through the middle of the property, it was more suitable to split the property into 2 parcels. He stated the applicant concurred with the County Engineer's comments.

John Shepard gave an overview of the staff report. He explained there was no conflict with PlanCheyenne or the Laramie County Land Use Regulations with regard to lot sizes or proposed future development based on the Swan Ranch PUD zone designation. Staff recommended the Planning Commission find the application meets the criteria for a subdivision permit and plat, and recommend approval to the Board with condition 1 of the staff report.

Commissioner Cole asked if the access easements shown on the plat were for the utility companies, and recommended the plat define which companies had rights to access the property via the easements.

Commissioner Clark opened the hearing to the public. Hearing no comment, the public hearing was closed. Commissioner Cole motioned to recommend approval with condition 1 of the staff report, and the addition of condition 2 that easement dedication and ownership rights shall be identified on the plat. Commissioner Qualls seconded the motion, and it passed with a vote of 3 – 0.

03 Review and action of the Subdivision Permit and Plat for Trinity Estates 1st Filing, located East of Hynds Boulevard and North of West Riding Club Road, Laramie County, WY.

Casey Palma, agent for the applicant - Orthodox Christian Church of Cheyenne WY, came forward to present the application for the purpose of creating seven single-family residential lots and one lot for establishment of a church. This subdivision covered 50.48 acres east of Hynds Blvd and north of Riding Club Rd. He stated that shared access was approved by WYDOT, with 3 lots accessible from Hynds Blvd. and 4 accessible from Buckbrush Rd. The applicant met on-site with County Planning staff to discuss alignment and improvements of Buckbrush Rd. A traffic worksheet was submitted to the City Traffic Engineer's office, as per their request via agency comments on this application.

John Shepard gave a summary of the staff report. Access issues have been discussed and resolved to the satisfaction of the County Planning office. He explained the proposed residential lot sizes were compatible with adjacent properties, and that lot sizes, proposed uses, and inclusion of open space all align with the plans and policies of PlanCheyenne. Trinity Estates 1st Filing is located within the Agricultural Residential (AR) Zone. Based on the uses by right for this zone district, staff found this application to be in conformance with the plans and policies of the Laramie County Land Use Regulations Section 4-2-100 governing the AR Zone. WYDOT has concurred with two shared access points on the west side of the subdivision.

Trinity Estates 1st Filing is within the 1 mile boundary of the City of Cheyenne. The City of Cheyenne Planning Commission voted to move forward with the plat on December 4, 2012, with the stipulations regarding shared access approval from WYDOT along Hynds Boulevard. Based on agreement by the applicant, condition 2 of the staff report stipulates that Buckbrush Road be built to County road gravel standard from Riding Club Rd to the north end of Tract 5, with said notation made on the plat prior to recordation.

Commissioner Cole agreed that Buckbrush Road needed to be built, but stated opposition to the utility easements shown on the plat, as every lot did not need to be totally surrounded by easements. He recommended they be removed. He also stated that he would like to see preliminary plats with contour lines, to assist in understanding the proposed land development.

Commissioner Clark asked if Idaho Street was privately or county maintained. Mr. Shepard said he was not sure. Commissioner Clark stated she visited the area, and it looked like the County maintained it. She wondered why the

County could not maintain Buckbrush Road. Mr. Shepard said he understood that no new roads would be accepted for County maintenance. Commissioner Clark said she thought it would be convenient enough for the County to maintain. Mr. Shepard said he could pass the information on, but that the applicant would have to work with the City, as well.

Mr. Palma responded that the plat specified the utility easements – Cheyenne Light Fuel & Power, CenturyLink and/or Optimum Cable. He stated that an on-site meeting had taken place regarding the location of the gas line on the east and west boundaries of the proposed subdivision, and how the lots would be serviced through the center easements. He added that there was the possibility that the County may end up maintaining Idaho St., and that Buckbrush Rd. would be almost centered on the right of way.

Commissioner Clark opened the hearing to the public. James Broomfield, 9525 Buckbrush Road, came forward to ask why all access couldn't be from Hynds Blvd. He stated the County maintained Buckbrush once a year, and that at all other times, it had a washboard surface. He expressed concern of increasing traffic on Idaho Street, and did not feel that the increase would be appropriate due to children in the area and the general terrain of the road. Mr. Broomfield also expressed concern about adding seven more water wells to the area, as it would compromise the flow rate and quality of existing wells. He claims he maintained Buckbrush Road adjacent to his property when the snow piled up. Commissioner Cole asked what was Mr. Broomfield's tract number. Mr. Broomfield responded he thought it was tract 6.

Commissioner Clark asked why proposed tracts 5 through 8 could not have access from Hynds Blvd. Mr. Shepard responded since Hynds Blvd. was the frontage road for Interstate 25, the State had specific requirements. The applicant had met with WYDOT, which resulted in the waiver being granted for the two shared access points.

Andy McMahon, 9891 Hynds Blvd, and referred to the County Engineer and Public Works comments. He was confused about the access easements in relation to his property, and asked how the lack of outlet to the north was being addressed. Commissioner Clark asked Mr. Shepard to respond to these concerns. Mr. Shepard responded he was not clear on the question about the easements. Commissioner Clark clarified that going north from the proposed development on Buckbrush Road, Mr. McMahon had a garage located on the northeast corner of his property, and wanted to know if the easement would go through his property. Mr. Shepard said the agency comments received only addressed the applicant's property, not others in the area. Various options to minimize impacts to the surrounding area have been explored. With regard to the current proposal before the Planning Commission, Buckbrush Road would be a gravel road going north to the end of Tract 5, but not any further, with an appropriate method of turnaround at that point. The road would not be going any further north.

Commissioner Cole expressed he thought that Tract 4 should have access from Hynds Blvd., as there was not much traffic on that road.

William Price, 9415 Buckbrush Road, agreed with Mr. Broomfield. Buckbrush Road was not County maintained now; if the road expansion were to take place, there would be more traffic and less maintenance. He also maintained his own part of Buckbrush Road. He asked if the road was built to County standards, would the County take over the maintenance? He was told the County was not accepting new roads for maintenance. Commissioner Clarks said the road would be so close to a currently County-maintained road, it shouldn't take extra work to consider maintaining the new road. She added that a lot of new roads were privately maintained, not maintained by the County, but she was worried about small children and speed of travel in that area.

Jim Haefele, 7000 Ranger Drive, came forward as Traffic Consultant , and stated that the applicant had met with WYDOT to work out access issues to the property, since the State was not allowing access off Hynds Blvd. WYDOT agreed to grant two shared access points from Hynds Blvd. for the tracts located on the west side of the subdivision.

Sam Galleotos, 8827 Shellback Road, came forward and introduced himself as the President of the Orthodox Christian Church. He explained they pursued the access situation with WYDOT to the extent they were able. With regard to Buckbrush Road, he agreed with Mr. Price that the County should reconsider maintaining the right of way. He explained the extra 40 foot easement was donated in order to make the road reasonable and safe for everyone.

Jennifer Price, 9415 Buckbrush Road, came forward to state there was one access point from their property to West Riding Club, and wanted to know how they would access their property during construction. Commissioner Clark responded there should be adequate space on one side of the road, so there shouldn't be an access issue. Ms. Price said the water well situation was also a concern. Commissioner Clark responded that all water wells were permitted through the State Engineer's Office. Water studies were performed prior to permitting, and the County proceeded based on the State's recommendations.

Hearing no further comment, Commissioner Clark closed the public hearing, and opened the item for discussion and motion. Commissioner Cole moved to recommend approval of the subdivision permit and plat with conditions 1, 2 and 3, and add condition 4 that the applicant remove all superfluous interior easements from the plat prior to recordation, and condition 5 that the County consider maintenance for Buckbrush Road. Commissioner Qualls seconded the motion, and it passed with a vote of 3 – 0.

04 Review and action of a Subdivision Permit and Plat for Riata Ranch at Campstool 2nd Filing, located in Laramie County, WY.

Justin Beckner, agent for the applicant, came forward to present the application. The purpose of the subdivision permit and plat was to create a 25 lot single-family gated community, with residential lots averaging 7.8 acres. Access to the subdivision would be through a 60 foot private ingress/egress easement, which would connect to Arena Lane. He stated the applicant was in agreement with the conditions set forth by the County.

John Shepard gave an overview of the staff report. He explained the property was outside the zone boundary and PlanCheyenne area of the County, and based on the proposed lower density, the application was found to be in conformance with the plans and policies of the Laramie County Comprehensive Plan. Staff found the application meets the criteria for a subdivision permit and plat, and recommended the Planning Commission recommend approval to the Board with conditions 1 through 3 of the staff report.

Commissioner Cole stated the plat was not accurate, since there were two lots with the same number, and no reference to this being the Second Filing in the title. He asked how this plat compared to what was platted several years ago, and was the road built? This plat only reflects easements along the roadway, and he could not read to whom they were dedicated.

Commissioner Clark opened the hearing to the public. Linda Heath, 4031 Winterset Drive, Burns, WY, came forward. She stated this proposed development was in her neighborhood, and she understood that the State had the area under control for no water wells allowed on property of less than 10 acres. She questioned how this development would impact the water flow in Crow Creek, as area farmers depended upon Crow Creek for irrigation, and the flow was already affected by water sold to the oil industry.

Commissioner Clark asked John Shepard to address these concerns. He explained the Wyoming Department of Environmental reviewed the proposed subdivision in October 2012, and issued a "non-adverse recommendation" finding. Justin Beckner stated the property encompassed 292.61 acres and with a subdivision of 25 lots, the minimum lot size would be met with "overall" intent. Commissioner Clark confirmed that DEQ's "non-adverse recommendation" would indicate the adequacy of the development. Mr. Shepard said the County Planning Office has been invited to participate in the State Engineer's Groundwater Study for Eastern Laramie County, which would pursue concerns such as these.

Commissioner Clark closed the public hearing. Commissioner Cole suggested the application be tabled until there was clarification of the title block. Mr. Beckner responded there had been an error and Second Filing would be added to the plat name. Commissioner Cole questioned the location shown on the plat in the title block. Mr. Beckner said the wording was per the County Assessor's records, and since there was a prior record of survey, the technically correct name needed to be referenced in order for the County Assessor to follow. Commissioner Cole asked what was the Riata Ranch at Campstool First Filing? Mr. Beckner responded it was for the Lot 13 split, which was approved in November 2012. Commissioner Cole asked if the roads would be built to county standards; Mr. Beckner responded yes. Commissioner Cole asked if the County had agreed with the road construction; Gary Kranse responded yes.

Commissioner Cole moved to recommend approval with conditions 1, 2 and 3 of the staff report. Commissioner Qualls seconded the motion, and it passed with a vote of 3 – 0.

The meeting was adjourned at 4:38 p.m.