

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

Thursday, June 28, 2012

- 120628 00** The Laramie County Planning Commission met in regular session on June 28, 2012 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioners Frank Cole and Bert Macy; Abby Yenco, Senior Planner; Amber Dancliff, Zoning/Permitting Technician; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Sreyoshi Chakraborty, 2101 O'Neil, Cheyenne, WY; Jeff Wiggins, 2101 O'Neil, Cheyenne, WY; Linda Heath, 4031 Winterset Drive, Burns, WY.

- 01** Review and action of a variance in the front setback distance from a minimum of 25 feet in the Agricultural and Rural Residential (A1) zone district to a minimum of 14 feet for the property located at Lot 7, Block 4 of Lunar View Estates, Laramie County, WY at 2008 Eagle Drive.

Rory Hayes, agent for the applicant, came forward to explain that the variance was requested to construct a garage, and due to the topography of the property, the applicant was requesting a reduction in the setback distance from 25 feet to 14 feet. He referred to a comment received regarding possible placement of the garage on the west side of the residence, but explained that was not possible, due to the drop off of the property in that area. He also stated that 200 feet away from the house was not practical, as the applicant was not able to travel that distance to get to his vehicle, due to lack of mobility.

Commissioner Clark asked for the staff report. Abby Yenco stated that the application was submitted for a request in reduction of the front property setback from 25 to 14 feet. PlanCheyenne designated this area as best suited for Urban Transitional Residential uses. The proposed garage addition was in conformance with PlanCheyenne. She explained that this property, at 4.45 acres, was less than the minimum lot size of 10 acres specified for the A1 zone district. This property was subdivided in 1970 and met the lot size requirements in effect at that time. The Planning Commission may grant a variance only if it finds that the application satisfies the criteria as listed in the staff report. The intent was to place the garage on the east side of the home, as the steep grades and varying topography of the property posed a challenge. Staff visited the site, and found that placement of the garage on the east side was the most economical and viable solution. Staff found no evidence that the variance would affect the neighborhood character; however, there were concerns expressed about aesthetics and snow drifting, as well as visual impairment for approaching traffic.

Commissioner Clark opened the hearing to the public. Patricia McKenney came forward to state she was an adjacent landowner, and wanted to know if anyone else could do the same type of work without the Planning Commission's approval? Commissioner Clark responded no, they could not. Ms. McKenney asked if the garage was going to be placed closer to the street, as she saw there were stakes out, and wondered if the garage would go where the stakes currently were. Mr. Hayes confirmed the stakes were placed where the garage would go. Ms. McKenney addressed the applicant to ask if the garage was going to be attached? The response was no, it would be placed right next to the house, but the garage would extend further towards the street than the house. Ms. McKenney said she was confused about the location of the garage, but wanted to know if it would be placed closer to the side of her adjacent property to the east. Mr. Hayes indicated it would be to the east side of the house, but the garage would not be placed within the 25 foot side setback. Ms. McKenney responded that she did not agree to the variance, and did not want any structures closer to the street.

A gentleman who resided on Space Drive came forward and asked if everyone in the vicinity of 2008 Eagle Drive was included in this action. Commissioner Clark responded no, that each variance would have different criteria and would need to be a separate application.

Commissioner Clark closed the public comment. Commissioner Cole stated with the garage 14 feet off the right of way, it would not seem a car could be parked in the driveway, as it would extend into the right of way. He expressed he did not see any unusual circumstances, and suggested that 75 feet to the west would work for access. Commissioner Cole motioned to deny the variance; Commissioner Qualls seconded the motion.

Commissioner Macy asked if there was a homeowners association, and if the applicant had received approval from the association. He added although the Planning Commission did not enforce covenants, he just wanted to know. The applicant said the homeowners association was dissolved. Commissioner Macy asked if there were covenants; Mr. Hayes stated they were defunct and void, and no one was operating the homeowners association. He also addressed Commissioner Cole's suggestion about the 75 foot distance, and explained that the applicant used crutches, and that it was more like 150 feet to the west. He explained the applicant had 4 vehicles he wanted to put in a garage. Commissioner Cole pointed out that there was a double garage attached to the house. Mr. Hayes responded the applicant intended to finish the existing garage, and add a new one. Commissioner Cole expressed that the variance request appeared to be for convenience, which did not qualify as one of the criteria to be met. Elaine Stevens addressed the concern about aesthetics, and said the garage exterior would be finished just like the exterior of the house. She thought it would be better to have a nice garage to contain all the vehicles within, instead of parking them outside on the property.

Commissioner Clark reopened the public hearing, and asked if there were covenants. The gentleman from Space Drive said there were, and one double-car garage per residence was indicated. Commissioner Qualls asked

if the covenants were recorded in the Clerk's office for each piece of property upon which the covenants applied. He said yes, and the covenants covered all the properties. Commissioner Qualls added that the covenants needed to be filed on each deed. The gentleman said he thought they were. Commissioner Clark said it would be the homeowners that needed to enforce the covenants, as the Planning Commission had no jurisdiction.

Commissioner Clark reopened the hearing for motion. Ms. Yenco said if the Planning Commission intended to deny the variance request, the motion would need to be amended to include a statement that the findings would be reissued for a formal vote at the July 12, 2012 Planning Commission public hearing. Commissioner Cole motioned to deny the variance; Commissioner Qualls seconded, and the motion to deny was passed 4 – 0.

## **02 Public Meeting and Recommendation of Approval of the Cheyenne On Street Bicycle Plan and Greenway Plan Update.**

Sreyoshi Chakraborty came forward and explained that this plan was before the Planning Commission, as a preliminary presentation, about 1 month ago, and that today's presentation contained more details. She stated the project had been before the MPO Technical Committee and had received approval. She summarized that this was an 18 month project, and gave an overview of the bike plan, which was intended to help cultivate a friendlier environment in Cheyenne for bicyclists of all skill levels. She added that this plan would consolidate different documents into one, and gave a history of the planning process and elements contained within the plan.

Jeff Wiggins said there were 21 different agencies represented in the Bike Advisory Committee, which was formed to contribute input into the plan. Mr. Wiggins explained the comparisons made to other cities in the regions, and exhibited surveys, profiles, and a map compiled with the resulting information. He also covered the prioritization steps for the project.

Commissioner Qualls stated she was in favor of the Greenway, and inquired as to the status of the greenway path located from Parsley to Walterscheid, where it was to continue underneath as a tunnel to allow safe pedestrian traffic to Rossman Elementary and the Boys and Girls Club, but instead stops at Walterscheid.

Mr. Wiggins responded that from the top of the hill at the power station, underneath along Jefferson will begin later this summer; however, he was not sure it was in the plan to go through to Rossman. Commissioner Qualls expressed concerns that the City and the County need to work together on the greenway plan, and added that there were many entities involved in the committee but that the South Cheyenne Community Development Association was left out of the selection process. Ms. Qualls stated that the greenway

was a most vital project that the SCCDA was very much interested in and supported, and she felt they should be part of the planning process for the greenway. She gave the example of the greenway path in the County that can be accessed from West College which continues all the way to the Laramie County Community College, without the need to cross any streets.

Commissioner Cole expressed disappointment that 250 pages of this document had been omitted from the submitted review package. He motioned that the hearing be tabled until all the Planning Commission members had received a copy of the missing volume and had time to review it. Ms. Chakraborty responded that the memo submitted with the package points to their website link, where the plan could be viewed, so the MPO did not print the entire plan since it was expensive to print volume 3. She added the hope was that members would be able to use computer access to view the documents.

Commissioner Cole said it was difficult to review on the computer when there was the need to go back and forth during the review process.

Commissioner Qualls said she would like a copy of volume 3 to keep, along with volumes 1 and 2 which were given to each of the Commission members, in order to take to the SCCDA, so they can be informed of this plan. Ms. Chakraborty responded that once the plan was finalized, she would provide a full set. Commissioner Qualls expressed that then would be too late, and seconded the motion made by Commissioner Cole to table the hearing on the plan. The motion passed by a vote of 4 – 0.

Ms. Yenco asked what was the time frame for the MPO to provide copies of volume 3 to the Commission members? She clarified there was one Planning Commission public hearing scheduled in July on the 12th, as the second meeting – which occurred during Frontier Days – had been cancelled by a unanimous vote from the Planning Commission, and the next available meeting would be August 9th. Ms. Chakraborty said she would prefer the July 12th meeting, but could not guarantee the paper copies could be provided before then, and would check with the MPO director.

Commissioner Clark asked the members to clarify that the motion to table was because they didn't have a copy of volume 3. Commissioner Cole said he had a difficult time reading the plan online, and printed a copy out for himself. Commissioner Qualls said she had seconded the motion as she wants the third volume provided to her. She added that the need for a paper copy was so the plan could be reviewed by the SCCDA, but she could arrange for the MPO to give a presentation to the SCCDA board. Ms. Chakraborty said volume 3 was a draft, and once the plan was finalized and approved, she would be happy to print a final copy, instead of having to print the publication twice. She expressed she would have preferred to be contacted prior to the meeting. Commissioner Cole said it cost him \$50 to print out, and they should have provided it. Commissioner Qualls reiterated if the Planning Commission didn't get anything before the plan was finalized, then their input would not be considered before the finalization.

Commissioner Clark opened the hearing to the public. Linda Heath, of 4031 Winterset, Burns, WY, came forward to express with the number of projects that were heard by the Planning Commission, it put time constraints on the approval process by not providing adequate and complete documentation. Commissioner Cole responded this plan had been in process for two years, and there had not been enough notice in order to expect an approval. Mr. Wiggins indicated that the draft had been presented at the May 10th Planning Commission meeting, and was also available online. Volume 3 was not new information, only support documents which would assist with recommendations regarding volume 1. Commissioner Cole said one part of the plan he wanted to use as an example was where it mentioned modifications to the City code, and referred to volume 3, which was not provided. Ms. Chakraborty said it was not about an actual change to code, but instead recommended changes which may never happen. It's a reference/resource for when the City does code updates.

The Planning Commission reiterated concerns that the plan had not been provided far enough in advance for review; that volume 3 was missing from the submittal; and, since members of the South Cheyenne area may not have access to online viewing, there should be a full set of the publication available through the SCCDA.

Ms. Yenco requested that the Planning Commission make a clear motion. Commissioner Cole made the motion to continue the public hearing until the August 9, 2012 Planning Commission meeting; Commissioner Qualls seconded the motion. Ms. Yenco asked by what date the paper copies of volume 3 were needed. Commissioner Qualls requested July 3rd, which was one week before the next SCCDA meeting scheduled for July 10th. Commissioner Macy said July 3rd would be good for him as well. The motion to provide copies to the members by July 3rd, and to readdress the plan at the August 9th Planning Commission meeting, was passed by a vote of 4 – 0.

The meeting was adjourned at 4:47 p.m.