

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

Thursday, October 11, 2012

- 121011 00** The Laramie County Planning Commission met in regular session on Thursday, October 11, 2012 at 3:30 pm.

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

The meeting register was signed by: Kelly Hafner, BenchMark Engineers, 1920 Thomes Ave., Cheyenne; Chris Thew, BenchMark Engineers, 1920 Thomes Ave., Cheyenne; Gary Hickman, Environmental Health, 100 Central Ave., Cheyenne; Terrie Warren, 313 Second St., Carpenter; Del Lummis, Lummis Livestock Company, 1825 Campstool Road, Cheyenne; Cynthia Lummis, Lummis Livestock Company, 1825 Campstool Road, Cheyenne; John Barela, 315 4th St., Carpenter; Lisa Pafford, Cheyenne Development Office, 2101 O'Neil Ave., Cheyenne; Casey Palma, Steil Surveying Services, 1102 E 19th St., Cheyenne; Linda Heath, 4031 Winterset Dr., Burns; Lorayne Leastman, 4858 Adams, Carpenter; Paul Auclair, 4859 Road 203, Carpenter; Karen Walden, Carpenter; Donna Ford, Carpenter; Larry Kane, Carpenter; Jack Delello, Carpenter; Gary Ford, Carpenter; Gary Walden, Carpenter; Sreyoshi Chakraborty, Cheyenne MPO; Nancy Olson, Cheyenne MPO; Larry Gallagher, Summit Engineering, 5907 Townsend Pl., Cheyenne; John Steil, Steil Surveying Services, 1102 E 19th St., Cheyenne; Bruce Downing, P.O. Box 184, Lyons, CO 80540.

- 01** Preliminary Review and comment of proposal for a change in Zone district from A2 (Agricultural) to PUD (Planned Unit Development) for the Sweetgrass Development located south of College Avenue and east of Avenue C, Laramie County, WY.

Gary Kranse gave an overview of the application purpose and introduced Del Lummis and Bruce Downing to give the presentation. Del Lummis, representing Lummis Livestock Company, of 1825 Campstool Road, gave the credit for the Sweetgrass concept to his father, who was the original owner of the subject property. His father had taken a proactive approach to the development of that area, and donated land for the Laramie County Community College (LCCC) campus. With anticipated growth for the area, and as a result of inquiries for potential land purchases, the decision was made to move forward with this project in order to respond to both the Cheyenne community and the college. As this proposed project is quite large, the applicant was encouraged to present in this fashion, so the County could see the long-term planning and assist with phasing the project into

production. With the entire project encompassing over 2000 acres, and a development of 200 – 300 acres per phase at approximately 3 years involvement per phase, the development would be very controlled, which provided the opportunity to fully grasp the development. The desire was to provide quality versus quantity, with amenities to include housing, and potential student housing for LCCC. Mr. Downing was selected to carry out the design of the project, as he shared the vision of development with the landowner.

Bruce Downing was introduced as the designer and came forward to present the technical aspect of the plan. Mr. Downing referenced the booklet created for this project that was presented for review to the members. He gave the history of the relationship between his family and the Lummis family, an overview of his qualifications leading up to this proposed project, and his background pertaining to master planned communities. Although this plan had been ready to initiate in 2006, the economy took a turn for the worse, causing the delay until now to proceed with the project. Mr. Downing explained this style of development could be accomplished under the local city and county standards, and said there would be no housing fronting the collector streets, with sections being separated by green belts, and the introduction of much-needed recreational amenities. As the size of the individual filings would be at 25 to 30 units, with smaller homeowner associations, the project would be easier to manage. Also noteworthy of the project was the proximity to LCCC located to the north, with consideration given to the college's future growth plans, and the need to move the agricultural facilities off-site to accommodate placement of additional buildings. The Sweetgrass development would provide the opportunity for a shared regional recreational complex. Other ideas for the development include a golf course, equestrian center, hospitality center, or even an area for extension of the college agricultural facilities.

Mr. Downing stated that research would be done to find legal and financial ways to move the project forward. He expressed to the commission members the present opportunity to provide suggestions on how to better this vision, in order to proceed with the draft of the Final PUD, which he anticipated presenting to the Planning Commission in November 2012, for recommendation to the Laramie County Board of Commissioners for approval prior to the end of the year. He explained they were targeting the first phase of the development to begin in Spring of 2013, and added they also wanted to place an information center in the area of the village center showing on the concept plan. He reflected that the plan could be a good fit with the ranching community image and the Cheyenne atmosphere. Commissioner Clark asked for a confirmation of his name and address, with his response of Bruce Downing, 806 Mountain View Drive, Lyons, CO 80540.

Gary Kranse explained the purpose of the Preliminary PUD was to solicit comments from outside agencies and the public, and recommendations from the Planning Commission, in order to move forward with the zone change application requesting a change in zone district from A2 –Agricultural to PUD

– Planned Unit Development. He added that conceptual traffic and drainage studies would be needed to see how the development would affect the land, and that the PUD would be incorporated into PlanCheyenne to account for this level of future development. He stated the separate phases would be reviewed in greater detail as the development progressed, and that the applicant would prepare the Final PUD based on the recommendations made today to move forward with the approval process.

Commissioner Cole said he has wanted to see a really nice concept plan, and as this was a good representation, he was anxious to see this master plan move forward. He suggested the plan be included on land use maps for future use. Mr. Downing responded it was a large project, and as a lot of time had been invested, he thought the plan deserved attention and participation of a lot of people to make it happen. He welcomed any ideas for gathering folks to discuss how to make the plan work well.

Commissioner Qualls expressed that she had known Doran Lummis almost all of her life, and that he had been very important to her, as well as having encouraged her to serve on the Laramie County Planning Commission. She was happy that the Lummis family was carrying forward the forward-thinking characteristics of their father. Ms. Qualls said this plan would be a fantastic addition to the entire community of Cheyenne, and she was very pleased with the concept.

Commissioner Clark opened the hearing to the public. Hearing no comment, the public hearing was closed. Commissioner Qualls motioned to adopt the finding of fact a and recommended the applicant address comments received in preparation of the Final PUD. Commissioner Cole seconded the motion with the condition that the Final PUD be written in stages. Commissioner Qualls seconded the amended motion, and it was passed by a vote of 3 – 0.

02 Review and Action of a Site Plan for a Portion of Lot D, situated in the South 1/2 Section 31, T 13N, R 62W, of the 6th P.M., Laramie County, Wyoming, located at the Northwest corner of intersection Road 203 & Fifth Street, Carpenter, WY.

Gary Kranse presented the second agenda item, stating it was a special review of a site plan application, and added this was the first time Staff had presented a site plan to the Planning Commission for review and approval. Mr. Kranse, as the Director of Laramie County Planning & Development, had determined the approval of the site plan application should be deferred to the Planning Commission based on the comments received upon review of the application package. He introduced Kelly Hafner to come forward and discuss the project.

Kelly Hafner, of BenchMark Engineers, came to the podium and said both the developer and property owner were present to provide additional information regarding this project. Mr. Hafner gave a brief overview of the

proposed site development, saying the construction company was interested in this site to establish a 12,000 square foot building, with office space and vehicle repair (for 4 – 5 operations vehicles) located inside the structure, and storage on the outside. He said there may have been confusion as to what the plan was for this site, and clarified it was not for a truck stop or commercial truck repair, with the repairs only taking place on the trucks used to operate the private construction company. Mr. Hafner introduced Jack Delello, the owner of the construction company.

Mr. Delello came forward and stated that his construction company needed a local site to place an operations building, as their closest site was in Colorado. He explained the company had looked at quite a few properties, and that property not contaminated by dumping was scarce. The construction company owns 7 Peterbilt trucks with 4 trailers, and wants to establish a local facility. The business has conducted contaminated soil remediation, moved oil rigs, and was also a pipeline contractor in the 1980's – which the company would like to resume due to the oil play in the area. The company is proposing the large building to facilitate tractor/trailer repair inside without having to disconnect the units, and the insulation would keep the noise level low. Mr. Delello said the property would have an advanced security system, and fencing could be added as needed – for safety and/or aesthetic value.

Kelly Hafner addressed the conditions listed on the staff report. There were no issues with additional screening or landscaping, as a lot of area was available on the site; however, he suggested berming would not be a good idea due to the effects on drainage. All access to the property was proposed to the south, from Road 203. Mr. Hafner stated there was no issue with restricting outdoor activity to the hours of 8 am – 5 pm, as repairs would be taking place inside the building.

Commissioner Cole questioned the phrasing on condition 3 about activity, and suggested specifying “other than trucks coming and going to and from the property”. Mr. Hafner deferred to staff to clarify what was the specific intent. The applicant thought the hours referred to outside repair activity. Mr. Kranse responded the intent was to limit outside repair activity to within those hours, not access to the property; however, the staff and members may need to listen to the neighbors' concerns first, in order to define the condition.

Gary Kranse gave an overview of the staff report. The property is located outside the zoned boundary, so no use restrictions were applicable. The Laramie County Land Use Regulations require a site plan for all non-residential uses in the unzoned portion of the County. Mr. Kranse covered the comments received from agencies regarding drainage, wastewater and septic systems, and emergency access points to the property. He reviewed the three criteria that the Commission must find the site plan meets in order to approve the site plan. Staff recommended the Planning Commission approve the site plan with conditions 1 through 3 of the staff report, and

adopt the findings of fact a and b.

Commissioner Qualls expanded on the comments received from Fire District No. 4 about preferring to see two forms of access to the site from different areas. She said in the past, two access points could not be from the same location - if an accident blocked one access, emergency services may not be able to get to the second access. She expressed the second access should be from another road, but that would not be beneficial to the community. Mr. Kranse responded that prior to the comments being submitted, the site plan was revised to include the second access, intended to be used only on emergency basis for travel around the site as an alternate route.

Commissioner Cole commented there were two good routes, to the north and west is the fire station location, so he did not see an issue with the proposed access.

Commissioner Clark opened the hearing to the public. Residents coming forward to express opposition are listed below by category of concern:

Accuracy of hours of operation/activity:

John Barela, 315 4th Street, Carpenter, WY

Aesthetic concerns – view of property/outdoor lighting:

John Barela, 315 4th Street, Carpenter, WY

Lorayne Leastman, 4858 Adams, Carpenter, WY

Truck traffic – speed limits, children and pets/livestock in area:

John Barela, 315 4th Street, Carpenter, WY

Lorayne Leastman, 4858 Adams, Carpenter, WY

Noise pollution – trucks, jake brakes, air tools:

Paul Auclair, 4859 Road 203, Carpenter, WY

Terrie Warren, 313 2nd Street, Carpenter, WY

Lorayne Leastman, 4858 Adams, Carpenter, WY

Air pollution/truck exhaust:

Paul Auclair, 4859 Road 203, Carpenter, WY

Terrie Warren, 313 2nd Street, Carpenter, WY

Second site access point location:

Paul Auclair, 4859 Road 203, Carpenter, WY

Lorayne Leastman, 4858 Adams, Carpenter, WY

Safety issues – open access to property/fencing/trespassing:

Paul Auclair, 4859 Road 203, Carpenter, WY

Terrie Warren, 313 2nd Street, Carpenter, WY

Effect on property value:

Paul Auclair, 4859 Road 203, Carpenter, WY

Business located in residential neighborhood instead of area development for use:

Terrie Warren, 313 2nd Street, Carpenter, WY

Water Contamination – improper disposal of vehicle fluids:

Terrie Warren, 313 2nd Street, Carpenter, WY

Lack of communication with community about proposed use:

Terrie Warren 313 2nd Street, Carpenter, WY

Public coming forward to express support of the proposed use:

Growth to community/economy – added employees/housing, etc.:

Larry Kane, 305 2nd Street, Carpenter, WY

Karen Walden, Carpenter Realtor

Tom Bare, 4845 Adams, Carpenter, WY

Donna Ford, 401 Road 148, Carpenter, WY

Provide valuable service to oil field industry:

Karen Walden, Carpenter Realtor

Commissioner Clark closed the public comment, and asked the applicant, Jack Delello, to come forward and address the expressed concerns.

Mr. Delello said his understanding was that the hours for activity restriction applied to outside repairs being performed on the truck. With regard to noise and air pollution, the trucks have late-model Cummins ISX motors, which are the newest technology and computer controlled, and produce nothing from the stacks. He explained that Jake brakes are not needed on level ground, and won't be needed to leave the property, so the trucks should not be generating any imposing noise. He pointed out that the average diesel passenger truck produces more noise than this particular type of truck. Commissioner Clark asked if the trucks would be stored inside when it was cold. Mr. Delello responded yes, and if they were outside, they would be plugged in.

Commissioner Cole commented that most contractors work from 7 am – 5 pm in the summer, and that 8 am – 5 pm was an unreasonable restriction. He stated the site plan looked good and showed appropriate access, and that any property can be used commercially if it has been platted. Zoning for the entire county had previously been approached, but residents were not receptive. He added that nothing has been indicated about site improvement on this parcel.

Commissioner Qualls asked why this particular property was selected for this project. Mr. Delello responded that this property provided access to high speed internet, natural gas service, water service, was perfectly flat, and was

therefore ideal so many ways. The property owned by Mr. Bruegman (directly to the East on Road 203) would not provide direct access to Road 203 (which is paved, county-maintained road) and has not been developed at this point in time. Commissioner Qualls asked Mr. Delello to confirm that his response was the reason why he chose not to go to an already-developed area. Mr. Delello responded yes, and a site without these amenities would increase the costs to establish his business. He added that Mr. Bruegman's site was not ready for inhabitants, plus this site provided better access.

Commissioner Cole confirmed that there had been no development on Mr. Bruegman's property. Commissioner Clark asked about damage that may be caused by trucks to the roads in the vicinity of the site. Mr. Kranse responded that the truck traffic was restricted to Road 203, and though this restriction could not ideally be enforced – as they were public roads – the applicant was depended upon to comply. He added there should be no issue, except in the case of emergency services needing to go through town to use the secondary access. There was not an expectation that the trucks would need to use the town road. Commissioner Clark asked about repairs to the vehicles with regard to contamination to the soil if it rained. Mr. Kranse said there would be two different issues. The drainage for this property was designed by BenchMark Engineers, which facilitated on-site drainage. If there were contamination issues, it would be a violation of the Wyoming DEQ requirements. There was to be no on-site storage of remediated materials.

Kelly Hafner, of BenchMark Engineers, explained the drainage system would be located inside the building, with flow to a separate vault, avoiding drainage through the sewer system. A special company would provide clean-out services of the vault.

Commissioner Cole motioned to grant approval of the site plan with conditions 1 and 2, adoption of finding of facts a and b, and modification to condition 3 restricting outside vehicle maintenance to the hours of 6 am – 8 pm. There was no second to the motion, so the motion failed.

Commissioner Clark asked if concerns could be addressed in writing at a later date. Mr. Kranse responded there needed to be a motion and findings, and suggested the application could be continued for review and adoption at the next Planning Commission meeting. He explained a motion was needed for approval or denial, which was necessary to have the correct findings of the meeting, and that a failure of motion was no action.

Commissioner Qualls motioned to postpone the decision on the site plan application until the public hearing of October 25, 2012; Commissioner Cole seconded the motion, and it passed by a vote of 3 – 0.

Commissioner Clark expressed concern that the neighbors claimed they did not receive the notice letter for this application, and that the hours of 8 am – 5 pm were not accurate for the construction industry. The commission

members agreed that the postponement would allow the applicant time to meet with the neighbors to help resolve the differences.

Mr. Delello stated he had no intention of being a bad neighbor, and would have control of the property access area in order to provide adequate maintenance should any damage take place at the access point.

Commissioner Clark reflected that the way to encourage growth in the Carpenter area was to establish good relationships with the residents, and it would set the tone for other businesses wanted to come in to town. Mr. Delello said this was the first time he saw the restrictive hours condition, and he understood them to apply to outside repairs. The trucks should not be on the property most of the time. Commissioner Clark said there seemed to be a lot of misunderstanding, and the extension would provide a chance to hold a town hall meeting, where some suggestions might be made to make the property safer to children and more appealing to the town.

The meeting was adjourned at 5:24 pm.