

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

Thursday, August 22, 2013

- 130822 00** The Laramie County Planning Commission met in regular session on Thursday, August 22, 2013 at 3:30 p.m.

Members in attendance were: Commissioner Paula Qualls, Vice Chairman; Commissioners Frank Cole, Jim Ward and Bert Macy; Gary Kranse, Planning Director; John Shepard, Senior Planner; Barbara Kloth, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Vicki Graham, 615 Grammercy Drive, Cheyenne; Linda Heath, 4031 Winterset Drive, Burns; Todd Smalley, 7019 Aztec Drive, Cheyenne; John Sedgwick, 11253 Coonrod Road, Cheyenne; David Johnson, 3663 Piper Lane, Cheyenne; Marc Woods, 7805 Yarina Way, Cheyenne; Mo Salih, 1665 Morningstar Road, Cheyenne; Michael Ann Broad, 3602 Road 215, Cheyenne; Karen Nagel, 1466 Turquoise Road, Cheyenne; Casey Palma, 1102 West 19th Street, Cheyenne; Boyd Wiggam, 1902 Thomes Avenue, Cheyenne.

- 01** Review and action of a change in zone district from A2 (Agricultural) to AR (Agricultural Residential), for portions of Section 12, T. 14 N, R. 66 W, of the 6th P.M., Laramie County, WY.

John Shepard, Senior Planner, introduced the project and Marc Woods, the applicant. Marc Woods, 7805 Yarina Way, came forward to explain the request for a change in zone district from A2 (Agricultural) to AR (Agricultural Residential) was to prepare for residential development on the subject property.

Barbara Kloth, Associate Planner, gave an overview of the application details for the zone change request. Adjacent platted properties range in size from about 4.5 acres to 6.5 acres and are zoned AR and A1 (Agricultural and Rural Residential), which allow for 5-10 acre lots under current regulations. The proposed zone district would be a reasonable extension of the adjacent property zoning. Ms. Kloth listed the criteria upon which the Planning Commission must find at least one to be met in order to recommend approval to the Board. Staff recommended approval of the application with no conditions.

Commissioner Qualls, Vice Chairman, opened the hearing for public comment. Quinn Mathews, 9216 Christensen Road, had concerns regarding water wells in the area. He referenced a water study from 2009, which gave a 1984 study result on page 47 by Stockdale and Martin Engineers. (A copy of this material was not presented to staff or the Planning Commission members.) Mr. Mathews stated the water wells on his property "bump mud" a couple

times per week. The State has informed him that there was full penetration of the well, but no one can confirm that information to him. He stated that in 1997, there were 13 existing well and septic systems in the four sections spanning Hwy 30 to Iron Mountain Road, and Whitney Road to Christensen Road; and that today there were 416 systems in the same four sections. He expressed frustration regarding his rights as a landowner, and time spent clearing debris blown to his fence line from construction in the vicinity of his property. He claimed he had worked with Mr. Woods in the past years regarding these issues, and had received no resolution to his problems.

Todd Smalley, 7019 Aztec Drive, presented two maps reflecting floodplain in the subject area, and provided copies to all commission members present. (Staff did not receive copies of maps.) Mr. Smalley stated the first map was printed from the map server located on the County's website, and the second map was edited to reflect a more accurate picture of the floodplain. He claimed the last study done on Childs Draw was in 1993. The FEMA Zone A designation indicated a high-risk flood area, and there were no base flood elevations shown for this area. He added the plat was proposed based on old data, and expressed concern that the floodplain would be affected by urban sprawl.

As there was no further comment, the public portion of the hearing was closed. Marc Woods came forward to address public concerns. He referenced an area of the proposed development on the slide being displayed, and explained that just southwest of the proposed development, he had a well drilled 7 years ago that was 780 feet deep, at the bottom of the White Plains Aquifer. He stated he had the well drilled because he was looking to develop Fox Run First Filing to the north, and wanted to check water levels. He went out just last summer with Russ Dahlgren to check the well, and the water level had risen 27 feet. With regard to Mr. Mathews' concern with blowing trash, Mr. Woods stated if more residential tracts were developed, it would close up the wide-open space, which should reduce the trash path all the way to Mr. Mathews' property. Mr. Woods explained there were a lot of builders out in that area, and he shouldn't be held responsible for the results of multiple developments out there. He disagreed with Mr. Mathews' assessment of their having worked together, stating the extent of their working relationship was Mr. Mathews' attendance at meetings, voicing his concerns, and Mr. Woods' response to those concerns.

In response to Mr. Smalley's floodplain concerns, Mr. Woods stated the floodplain had changed due to more development in the area - some floodplain areas had been added by FEMA, and some areas had even changed or moved. He added that he felt the three developments in the area of this proposed project were very nicely done, and that the quality of the new development would be at the same level as the surrounding residential area.

Ms. Kloth clarified that with the subdivision permit and plat application, the process would take into account the State Engineer and Wyoming DEQ recommendations, and the submittal must be reviewed and receive non-adverse recommendations from the agencies. The floodplain would also be considered.

Commissioner Ward motioned to recommend approval of the zone change request with no conditions; Commissioner Macy seconded the motion, and it passed with a vote of 4 – 0.

02 Review and action of a Subdivision Permit and Plat for Sedgwick Subdivision First Filing located within a portion of Section 30, T. 15 N, R. 66 W, of the 6th P.M., Laramie County, WY.

John Shepard introduced the project and Casey Palma, Steil Surveying Services, as agent for the applicant. Mr. Palma stated this was a simple 2-lot subdivision. The property owner would like to maintain less land, and there is an easement from Coonrod Road to provide adequate access.

Barbara Kloth gave a summary of the staff report. The property is outside the zone boundary and PlanCheyenne area. The Laramie County Comprehensive Plan (2001) describes this property as best suited for Rural Density uses. Adjacent subdivisions have parcels ranging in size from 7 to 20 acres. The proposed lots are compatible with surrounding properties. Staff recommended approval with condition 1 in the staff report – the title block of the plat shall be changed to add “Plat of” and clarify the ownership, prior to recordation.

Commissioner Qualls opened the hearing for public comment. Mohamed Salih, 1665 Morningstar Road, lived north of the proposed homes. He had several questions regarding placement of the new homes, construction specifications to reflect existing standards in the surrounding developments, and asked if there would be any covenants to govern the subdivision.

Receiving no further comment, the public portion of the hearing was closed. Mr. Palma responded there were no proposed covenants, and a specific design was not yet determined, but there were a couple builders interested in the property. The topography of the property had a hill through the middle, but the new construction shouldn't be too visible, since the development would be on the downhill side.

Ms. Kloth clarified that no covenants had been proposed with the plat. Once the subdivision was approved, building permits would be required prior to construction, and new construction must meet property line setbacks, but could be located anywhere on the property. She added this hearing was not to approve any building envelopes.

Commissioner Ward asked for confirmation that there were no covenants being considered. His opinion was that if there was new development right in the middle of a neighborhood, then adjacent properties - that do have covenants - should be considered, and recommended that the property be treated similarly. Mr. Palma expressed appreciation for the perspective, but stated he did not know what was intended, and thought the quality would be commensurate with North Star Ranch. John Sedgwick approached and stated both tracts were under contract with one person, whose plan was to only build on one tract. There was no guarantee, but Mr. Sedgwick thought there

would probably be one sales transaction for both tracts. Commissioner Ward said protective covenants were intended to ensure quality of life, and to uphold the standards of surrounding property. He expressed concern for the possible deterioration of the neighborhood and what the future would hold.

Mr. Palma said this neighborhood area seemed to have maintained integrity, and he assumed that would continue.

Commissioner Qualls reminded the members that neither the Planning Commission nor the Board of County Commissioners could regulate covenants, as they would be controlled through a Homeowners Association, but she understood Commissioner Ward's concern.

Commissioner Cole moved to recommend approval with condition 1; Commissioner Macy seconded, and the motion was passed 4 – 0.

03 Review and action of a Subdivision Permit and Plat for Prairie Sunset Subdivision First Filing, located within a portion of Section 1, T. 14 N, R. 65 W, of the 6th P.M., Laramie County, WY.

John Shepard introduced the project and Casey Palma, Steil Surveying Services, as agent for the applicant. Mr. Palma explained this was a plat for a six-lot subdivision, which realistically contained five buildable lots, as tract 6 remained due to inconsistencies in deeds between the road right-of-way, Warren Livestock and the railroad. Road 215 was declared a public road a long time ago; the plat would dedicate it as right-of-way. There had been some concern expressed about the Suncor Pipeline location in the vicinity of tract 6, which was verified to fall entirely within the right-of-way.

Mr. Shepard gave a summary of the staff report. The proposed Prairie Sunset Subdivision is located at the end of the paved portion of Railroad Road (Road 215) between Feldspar Road and Durham Road (Road 136), north of the Union Pacific railroad. The applicant is requesting to subdivide two parcels totaling approximately 49.93 acres into 6 residential lots. Tract 6 (the portion below Railroad Road) will not be developed. As Tract 6 is a narrow strip, it would be difficult to build, but not prohibited. The applicant submitted an updated Plat on August 13, 2013 to address major comments from the agency review period. The extent of the dedicated Road 136 right-of-way needs to be shown as dedicated ROW on the plat. Given the considerable development constraints of the proposed narrow Tract 6, staff recommends it be eliminated and added to the Road 215 ROW dedication. One neighbor met with staff and mentioned poor visibility on Road 136 at Jade Road, but did not object to the proposed subdivision. Other comments were received this morning via email, which were printed and given to the Planning Commission members at this meeting. Staff recommended approval with conditions 1 – 7, as shown in the staff report.

Commissioner Cole asked who owned the right-of-way? Mr. Shepard responded the Assessor's records showed the Cox family as the owner of the two parcels, one which includes the narrow strip. Commissioner Cole thought the plat consisted of four parcels, which might be owned by the same owner, but were separate parcels for tax purposes. Mr. Shepard stated there were two parcels shown under the Cox family ownership – proposed tracts 1 – 3 were owned by Cox as one parcel, with the second parcel (proposed tracts 4 – 6) was where the Cox home was located. The Assessor considered the home site and the remainder south of Railroad Road as one parcel. Commissioner Cole expressed concern with apparent junk shown on the aerial view of the property, and requested specific survey information indicating where proposed property lines were to be located. Mr. Palma said it did appear the majority of the mobile home frames were on the property included in the proposed subdivision, acknowledged the concern, and said it would be discussed with the owner. He understood that a family member had passed away, who had operated a business on the property, so there were some remnants that had not been cleared away yet.

Commissioner Cole suggested that, if Steil Surveying had not staked any of the property yet to determine precise location of property lines, the application be continued until a survey had been performed. Mr. Palma noted the concern, but requested the application move forward with a condition that the survey take place prior to recordation.

Commissioner Macy commented on the small triangular-shaped piece of property in the northeast corner of tract 5, and Commissioner Cole asked why it was there. Mr. Palma stated the property owner intended to continue to reside on tract 5, with that portion of the property to be for livestock. The subdivision of the property was proposed in that manner to keep the other sellable tracts with more uniform property lines. A discussion was held regarding possible options to change the layout of the proposed tracts within the subdivision.

Commissioner Qualls opened the hearing for public comment. Dave Gruver, 1418 Feldspar, stated he lived across the road, to the west of this property. He expressed concerns regarding: 1) the number of proposed tracts (where 5 would be exempt from State Statute requirements, and 6 would have to meet requirements); 2) an increase in development in that area over the last 25 years ago (affecting view from his property); 3) a requested waiver on the traffic study (since there was poor visibility due to topography); and, 4) the accumulation of old mobile homes (junk) which had not abated, but only gotten worse over the years. He preferred the situation be remedied prior to approval.

Dave Johnson, 3663 Piper Lane, said he lived 1-½ miles away, and travelled Road 136 twice a day. On the hill at the northeast corner of the proposed subdivision, there have been several serious vehicle accidents recently, one being fatal. There is an oil well in Section 36, which uses Road 136 to transport oil with semi-trucks. This has caused an increase in traffic, and has

added to the severity of sight distance issues, along with further damage to the road with winter conditions.

Michael Ann Broad, 3602 Road 215, said she had sent the previously mentioned email with her concerns, as she was unsure she would be able to attend today's hearing. Her main concerns were: 1) possible changes caused to the flood zone area with more construction; 2) the increased traffic resulting from the development (stating 90% of the accidents at the Road 136/215 intersection end up on her property); and, 3) poor visibility at the access point of the proposed residential lot located near the intersection of Jade Road and Road 136.

Hearing no further comment, the public portion of the hearing was closed.

Mr. Palma responded all these concerns were valid. He would expect that, prior to sale of a lot, there would need to be clean up of the property, and said he would address the situation with the owner, considering whatever manner was recommended by staff and the Planning Commission to resolve the situation. In response to traffic concerns, he expressed there would not be an extreme amount of traffic entering the proposed lots, and that traffic was actually distributed better than having all access through one point. Finally, with regard to modifying the floodplain, this proposed subdivision would not have near the impact of a larger one, and should not affect the floodplain. In reference to the County Engineer and Public Works reviews of this proposed subdivision, there were no concerns expressed regarding road access issues.

Commissioner Cole stated he had made a visit to look at the topography issue on Road 136, in relation to tract 2, but could not determine where the specific access point was located. Mr. Shepard said his site visit showed Road 136 topping out off-site. Typically, off-site improvements were not requested.

Commissioner Cole moved to continue the application to the next meeting, to allow the applicant time to follow-up on the junk situation on the property, and to remove the triangle point from tract 5. Commissioner Macy seconded the motion, and the continuation until the September 12th Planning Commission meeting was approved by a vote of 4 – 0.

04 Development fees comparison between the City of Cheyenne and Laramie County, as requested by Commissioner Cole at August 8, 2013 Planning Commission meeting.

Gary Kranse, Planning Director, gave an overview on the development fees comparison between the City and County. Mr. Kranse stated the County was justified in what they were charging for project application fees, and the building permit fees were actually less than the City's fees being charged.

Commissioner Cole asked why the County charged extra for the engineer review fees. Mr. Kranse responded there was no County Engineer on staff, and the applicant was only charged the actual cost of the review, for which the County required reimbursement. This fee applied to any number of the project applications, when the County Engineer's review comments were solicited. The County was justified in covering the costs to offset exactly what fees were being paid on behalf of the applicant. The City had an engineer on staff to review their applications. Commissioner Cole requested the commission members be informed of the average engineer review fees charged for a preliminary development plan at the next Planning Commission meeting, to be held on September 12, 2013.

The meeting was adjourned at 5 p.m.