

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

Thursday, August 28, 2014

- 140828 00** The Laramie County Planning Commission met in regular session on Thursday, August 28, 2014 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Bert Macy, James "Pat" Moffett, and Bonnie Reider; Dan Cooley, Director of Planning & Development; Brett Walker, Planning Manager; Barbara Kloth, Senior Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: June Casey Samuelson, 427 W. 6th Ave., Cheyenne; Gary M. Hickman, 100 Central Ave., Cheyenne; Lorraine Grigsby, 8113 Hynds Blvd., Cheyenne; Linda Heath, 4031 Winterset Dr., Burns; Casey Palma, 1102 W. 19th St., Cheyenne; Mike Basom, 3029 Sitting Bull, Cheyenne; Robert Winkler, 7508 Tate Rd., Cheyenne; Lona Souza, 7203 Tate Rd., Cheyenne; Dawn Irvine, 3317 Farthing Rd., Cheyenne; Terry Shapard, 7203 Tate Rd., Cheyenne; Bob & Kathy Janssen, 3840 Butch Cassidy Trl., Cheyenne; Ray & Anne Dick, 3870 Butch Cassidy Trl., Cheyenne; Wanda Forkner, 11219 Doc Holliday Loop, Cheyenne; William Rooney, 7105 Tate Rd., Cheyenne; Tom Mason, 2101 O'Neil, Cheyenne; Frank & Carol Lamirand, 3855 Butch Cassidy Trl., Cheyenne.

- 01** Review and action of a Variance application for Horse Creek Ranch (The): Tract 19, Laramie County, WY.

Barbara Kloth, Senior Planner, requested discussion of the variance and subdivision permit applications concurrently. Commissioner Clark agreed. Ms. Kloth introduced Casey Palma, agent for the applicant. Mr. Palma explained the variance request was to allow a 6-acre minimum lot size in the A-1 zone district, as the proposed subdivision of Tract 19 (at 12 acres) would result in 6 acres on each parcel. He passed out an acreage calculation aerial map exhibit which had not been included in the staff report packets to the members (a copy of which is attached to the minutes document). He referred to both developed and undeveloped lots in The Horse Creek Ranch subdivision, with a resulting average parcel size of 9.21 acres. After discussions with County staff, the applicant chose to apply for a variance to formalize two separate lots on Tract 19, which would retain the same ownership. He asked if the commission members had any questions.

Commissioner Moffett asked which lot on the exhibit was being proposed for subdivision. Mr. Palma responded that Tract 18 had been illegally subdivided by deed, but the variance request presented today was to allow for the split of Tract 19 into two lots.

Commissioner Clark allowed hearing of the two applications together, with separate motions. Ms. Kloth gave an overview of the staff reports. The boundary line adjustment previously filed with the Clerk's office, which affected Tracts 18 & 19, was not valid as the property was already platted. The applicant seeks to correct this issue and legalize the new boundary line. Additionally, the applicant would like to split the resulting larger Tract 19 into two lots. If the variance was granted, the subdivision permit and plat would be in conformance with the Laramie County Land Use Regulations. The applicant has failed to provide evidence to satisfy all 6 criteria, which is required for the Planning Commission to approve the variance. Staff recommended denial of the variance request. For the subdivision permit, staff recommended approval of the 2nd filing for Tracts 18 & 19, with the condition the plat was revised to show only the boundary line adjustment, and exclude the lot split for Tract 19.

The hearing was opened to the public. June Casey Samuelson, 427 West 6th Ave, came forward as the owner and president of Horse Creek Ranch LLC. She gave a history of the subdivision creation, and justified the previously filed boundary line adjustment by saying it allowed better access to Tract 19 from Butch Cassidy Trail. She stated the covenants allowed for lot splits, and only one lot split had been allowed in the history of the development. She wanted to split Tract 19, since it was now just a big vacant lot.

Carol Lamirand, 3855 Butch Cassidy Trail, came forward with a couple questions. Since Ms. Casey Samuelson had split off and sold part of her property, Ms. Lamirand wanted to know if she could sell 2 acres of her property. What was to stop her from doing the same thing without going through a process?

Ms. Kloth explained the boundary line adjustment did not create a new lot. The difference in this situation was both lots were still above the minimum lot size. She clarified that covenants do not supercede compliance with the Laramie County Land Use Regulations and going through the public hearing process. Ms. Lamirand stated a new house on the subdivided property would be right next to her house, and could potentially be very large and obstruct her view.

Commissioner Clark stated if 2 acres were to be removed from Ms. Lamirand's property, the parcel then would not meet the minimum lot size requirement. Ms. Lamirand asked how the boundary changes could have been made...what was stopping anyone from doing the same thing? Commissioner Clark said the lot size requirements for wells and septic systems must meet with the regulations. Ms. Kloth reiterated there were two separate items being heard today. The lot line adjustment would not split Tract 18 into two lots, just make an adjustment to the north boundary line. The variance request and the subdivision permit would be voted upon separately. If the variance were denied, then only the boundary line adjustment would go through on the subdivision permit.

Commissioner Cole stated there was floodplain to the north which restricted buildable area. He said it was a unique situation, and the lot split would allow enough area to build without obstructing the view. Ms. Lamirand stated she

liked the open space and didn't want a house right next to hers. She expressed her opposition to both items.

Commissioner Reider said if the variance was denied but the lot line adjustment was approved, how would that affect Tract 20. Ms. Lamirand stated it would allow construction of a house where it could not have been placed prior to this action.

Brett Walker, Planning Manager, stated if there were no variance, the two upper lots would remain one larger lot. A house could still be built in the area where she was concerned about. Ms. Lamirand disagreed, and said if there hadn't been a quitclaim of the 2.5 acres, the property wouldn't be buildable in that location.

Commissioner Macy asked what was the Tract 19 frontage on Butch Cassidy Trail as it exists now. Ms. Kloth responded it was roughly 100 feet. Commissioner Macy said a 50 foot setback was required. Ms. Kloth confirmed the covenants required a 50 foot setback; the Laramie County Land Use Regulations' requirement would be less.

Ms. Casey Samuelson stated the frontage was 104 feet, and the home could be built in the center of Tract 19, making it closer to the Lamirand home. With the variance, the home could be moved further away. She didn't know she wasn't allowed to adjust the boundary line.

Mr. Palma explained the covenants did allow for a lot split. The variance was requested to split Tract 19, which would provide preferable building space further south. With the lot line adjustment, it would allow a residence to be built further away from Tract 20.

Wanda Forkner, 11219 Doc Holliday Loop, came forward. She stated that due to the incorrect placement of well on another lot, their property line was changed. They were told that no lot would be less than 10 acres, with no reference to average lot size. She objected to this application, and stated it was strictly for monetary reasons, in order to build 3 houses instead of 2. There would also be impacts with 1 additional septic system and well. Ms. Forkner said she believed someone's word should stand.

Bob Janssen, 3840 Butch Cassidy Trail, said he was also told the subdivision would consist of 10 acre lots, which was the reason for purchase of their lot. He objected to the further subdivision, as it was not right for lot size to be changed after development has taken place.

Ray Dick, 3870 Butch Cassidy Trail, stated The Horse Creek Ranch was a nice subdivision, with large lots and a good view, and added he was also told all lots were 10 acres. He agreed with the staff recommendation of denial on the variance request. Tract 19 might be impractical for Butch Cassidy Trail frontage, but he thought that issue should have been taken into account on the original plat. He expressed that moving the lot line would provide greater frontage on Butch Cassidy Trail, but it would also detract from the view for the surrounding property owners.

With no more comment, the public portion of the hearing was closed.

Commissioner Reider stated it was a difficult situation in such a beautiful area. She understood the residents preferred the wide open spaces. Commissioner Cole admitted that adjusting the boundary line to add space to the south of Tract 19 did open up frontage to Butch Cassidy Trail, and that granting the variance to allow the split of Tract 19 did provide better lots to work with, but it was a tough decision.

Commissioner Macy moved to deny the variance request for a reduction in lot size; Commissioner Reider seconded the motion, and the variance was denied by a vote of 4 – 1, with Commissioner Cole voting no.

**02** Review and action of a Subdivision Permit and Plat for Horse Creek Ranch (The): Tracts 18 & 19, Laramie County, WY.

(heard concurrently with variance request – agenda item 01, above)

Commissioner Reider motioned to recommend approval of the subdivision permit based on the variance denial, with the plat revised to only include the boundary line adjustment and exclude the further lot split; Commissioner Macy seconded the motion, and it passed with a vote of 5 – 0.

**03** Review and action of a PUD Zone Change for Foster Tracts: Portions of Tract 22 and 23, AND a Tract in a Portion of the NE 1/4 of Section 36, T. 14 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Michael Basom, agent for the applicant, came forward to represent Robert Winkler. He explained the previous application for a zone change from AR – Agricultural Residential to LI – Light Industrial was denied by the Planning Commission and the Board, with the Board's suggestion that the applicant work with Planning staff to apply for a PUD zone change. He expressed confusion regarding a proposed use of boulders for screening as stated in the current staff report. The applicant was proposing solid fencing, and added that Tract 1 was not fenced yet, and it was proposed to use smaller rocks to add variety along the Tract 2 property line. Mr. Basom stated there was no problem with a continuance request, and he would welcome suggestions on fencing and screening, as the applicant had plans to screen anyway. With regard to the parking issue on the south property, the applicant would like to put up a building for storage. Mr. Basom expressed appreciation to Planning staff for working with them on this application.

Barbara Kloth gave an overview of the staff report. Staff found the PUD regulations did not seem to be adequate, considering the use and location. Staff found the criteria had not been met, and recommended a continuation.

Commissioner Cole questioned how long the property had been under the current type of use. Mr. Winkler responded the use had been in place since 1951, and was a legal use prior to the establishment of zoning ordinances.

Commissioner Macy noted if parking was intended on the south lot, would it not be more friendly to add fencing? Mr. Basom responded he thought that was the plan, as screening the entire property would mitigate negative impacts. Commissioner Macy agreed that if parking was proposed on the south property, fencing would be more appropriate than buffering.

The hearing was opened to the public. Lona Souza, 7203 Tate Road, asked if the intent was to make a parking lot all around the east and south sides of her property? Mr. Basom responded no, the plan was to park business equipment on a portion of the lot, as defined in the PUD document, located in the northeast corner of the property, with nothing south of her property. He stated the parked equipment should be on the other side of a hill, and should not be visible from her house. Ms. Souza stated her disbelief, and requested something in writing. She was concerned she would be surrounded by a junk yard, and was not sure what was being said. Mr. Basom explained the proposed use for the south property would be subject to a site plan, which would be submitted to the Planning Office. Staff would require compliance with the PUD regulations, which should address Ms. Souza's concern.

Commissioner Clark asked for use clarification regarding the PUD submitted? Ms. Kloth responded the current PUD document allowed any LI use on the southern property, and - although that use did not include expansion of a salvage business - it did allow outdoor storage. Mr. Basom explained the PUD, as written, forbade any expansion. There would be no inventory or "crushables", only parking of business equipment.

Brett Walker, Planning Manager, stated a site plan was required. The PUD needed clear design standards, in order to adequately review and compare with the site plan.

Terry Shapard, 7203 Tate Road, questioned if there was a definitive line showing where parking would be located. Ms. Kloth stated the PUD did not specifically define a parking area, which was what staff was recommending. Mr. Shapard asked if the PUD was approved, could parking or storage occur anywhere? Ms. Kloth confirmed outdoor storage was allowed, but not junk. Mr. Shapard stated the fencing of the property would ruin their view, as the fence would be located on two sides of their property. He stated the fencing would also create a problem with snow, adding to the existing drifting issue. He stated the neighborhood was residential, and was sorry that the subject property just *was not* the correct property for this use. He asked what was the process for this PUD zone change request?

Commissioner Clark asked Mr. Shapard what his suggestion was for buffering, if the PUD was passed. Mr. Shapard responded Ms. Souza would like to see the fence further away from the house. Mr. Shapard added no further suggestions, but stated he did not want an 8 foot fence on the property line. Commissioner Clark explained the process was to make a motion, based on staff recommendation for a continuation, then the members would vote, either to recommend continuance, denial, or approval of the application.

Mr. Shapard asked if the PUD was passed now, in its current form, could the applicant park anything on the property? Commissioner Clark confirmed outside storage would be permitted. Mr. Basom stated consideration was being given as to what type of fencing would be installed, in order to provide adequate screening.

Bill Rooney, 7105 Tate Road, stated he was confused. The PUD designation meant "planned unit development", and this application included the two north lots and the south lot. The north property was already developed into a salvage yard. If the PUD zone applied to all three lots, then shouldn't salvage be allowed on the south property, as well?

Mr. Basom explained the PUD had two separate districts outlined within the document. HI (heavy industrial uses) would be allowed on Tract 1, which was the current yard. Tract 2 was designated as LI (light industrial uses), which was a different use.

Mr. Walker explained the current yard operating as Bud's Wrecking was defined as a legal non-conforming use. The goal of the PUD was to actually bring the wrecking business into conformance within the PUD regulation. The PUD was structured with more detail. The Laramie County Land Use Regulations specified there could not be expansion of a non-conforming use. Mr. Rooney stated he understood the situation with the business on the north property, but did not support the use on the south property. Mr. Walker stated staff was working to ensure the PUD was specific regarding the uses on the separate properties. Mr. Basom stated that page 2, section 3 of the PUD document listed prohibited uses, which would address the expansion concern. With regard to parking, he agreed the PUD could be rewritten to be more specific for allowed use of the south property.

Mr. Walker stated the main concern was that, if uses were not clarified, more intense uses could locate on the south property.

Dawn Irvine, 3317 Farthing Road, stated her property was across the street to the east of Bud's Wrecking. She has owned the property for 40-plus years, and the neighborhood has been residential. If the change was made to PUD, it would open up to expansion of the current business, and would destroy the residential value of the area. She has adapted to living with the junkyard, but does not want industrial all around. She expressed objection to the change, and asked that consideration be given to the residences, to keep the area intact for families.

With no further comment, the public portion of the hearing was closed. Commissioner Moffett moved to continue the application to the September 11th Planning Commission public hearing; Commissioner Macy seconded the motion, and the continuance was passed with a vote of 5 – 0.

The meeting was closed at 5:03 p.m.

ATTACHMENT: Horse Creek Ranch Second Filing Calculation Aerial Map