

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

Thursday, January 09, 2014

- 140109 00** The Laramie County Planning Commission met in regular session on Thursday, January 9, 2014 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Jim Ward, and Bert Macy; John Shepard, Senior Planner; Barbara Kloth, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Gary M. Hickman, Environmental Health Dept, 100 Central Avenue, Cheyenne; Casey Rooney, 902 Stevens Drive, Cheyenne; Ashley Rooney, 902 Stevens Drive, Cheyenne; Bill Rooney, 7105 Tate Road, Cheyenne; James M. Jones, 9320 Crystal Mountain Road, Cheyenne; Quinn M. Mathews, 9216 Christensen Road, Cheyenne; Dan Cooley, 3966 Archer Pkwy, Cheyenne; Deb and Marty Myers, P.O. Box 21567, Cheyenne; Linda Heath, 4031 Winterset Drive, Burns; Lisa Pafford, 2101 O'Neil Avenue, Cheyenne; Marc Woods, 7805 Yarina Way, Cheyenne; Tom Mason, 2101 O'Neil Avenue, Cheyenne.

- 01** Review and action of a Variance in lot size from a minimum of 5 acres in the AR (Agricultural Residential) zone district to a minimum of 3.5 acres for the property located on a Tract in the N 1/2 of Section 36, T. 14 N., R. 66 W., of the 6th P.M., Laramie County, WY.

John Shepard, Senior Planner, introduced the first and third agenda items, requesting they be heard concurrently, as the subdivision permit process depended on the variance request being granted by the Planning Commission. Commissioner Cole motioned approval of the concurrent hearing; Commissioner Ward seconded the motion, and it passed with a vote of 3 – 0. (Commissioner Macy had not yet arrived to the meeting.)

Barbara Kloth, Associate Planner, introduced the applicant for the variance and subdivision permit applications. Casey Rooney, 902 Stevens Drive, came forward, and explained his father, Bill Rooney, lived at 7105 Tate Road. The applications were submitted in hopes that Casey Rooney would be able to build and reside adjacent to his father's residence.

Ms. Kloth gave an overview of the staff reports. Various lot sizes exist in this AR zone district, and staff found the property to be reasonably comparable with the surrounding zoning and potential future development for this area. Environmental Health reviewed the application, and required the applicant to submit a lot size variance request to their office, based on the Laramie County Small Wastewater System Regulations requirement of at least five acres for a septic system. The applicant has complied with this requirement. Gary

Hickman, Environmental Health Director, was present to respond to any questions. Ms. Kloth gave the criteria which the Planning Commission must find the application satisfies in order to grant the variance request, and read the recommended conditions of approval listed on the staff reports for the Variance and Subdivision Permit. Commissioner Cole asked whether there would be a metes and bounds description or a final plat for the subdivision. Ms. Kloth responded there would be a metes and bounds description for the purpose of recordation, due to the subdivision being under 5 lots, and referred the members to the map of survey which would be recorded as an exhibit to the Subdivision Permit resolution

Commissioner Clark opened the hearing to the public. Martin Myers, P.O. Box 21567, Cheyenne, came forward. He stated he owned property in the vicinity of the subject property, and had been told his 5.92 acre parcel could not be subdivided, and - due to the proximity of adjacent lots - there could be issues with well and septic systems. Mr. Myers asked if floodplain had been considered. Ms. Kloth responded there was no regulatory floodplain on the property, and - with regard to runoff affecting other properties - there was no requirement of a drainage study for smaller subdivisions. Mr. Myers asked why he couldn't subdivide the 5.92 acres. Ms. Kloth said it could be discussed, and asked Mr. Myers to indicate the property to which he was referring. Mr. Myers indicated a property south of Tate Road on the unfinished portion of Foster Avenue. Gary Hickman approached Mr. Myers for clarification of the property location, then approached the Planning Commission members to show them. Commissioner Ward asked Mr. Myers if he had applied for a subdivision permit. Mr. Myers responded no he had not, and was told they could not subdivide when they purchased the property. Commissioner Ward asked if he remembered who had told him that. Mr. Myers said he thought it was the title company. Commissioner Ward said Mr. Myers may not have received accurate information.

Lisa Pafford, Cheyenne Development Office, came forward to ask if this property was within 1 mile of the city limits. Ms. Kloth said it was within the 1 mile boundary. Ms. Pafford stated if the subdivision permit created a third split of this property, the plat would need to be submitted to the Cheyenne City Council for approval.

Mr. Shepard responded Gary Kranse was the Planning Director when this subdivision permit was submitted, and had determined a plat was not required by the County Planning Office. Should the City decide to require a plat for this subdivision, staff would defer to the County Attorney's recommendation.

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

Commissioner Cole moved to approve the variance request with the finding of fact a, and recommended clarification on the legal description of the tract, prior to recordation of the resolution; Commissioner Ward seconded the motion, and it passed with a vote of 4 - 0.

With regard to the subdivision permit, Commission Ward asked if it would be premature to approve the subdivision permit, prior to confirmation of a plat

requirement. Ms. Kloth responded the subdivision was less than five lots, does not affect Right-of-Way, and there was no requirement for a plat through the County. She referenced a discussion that had occurred with Gary Kranse and Mark Voss, County Attorney, resulting in the consensus there should be no issue with this application. Commissioner Ward motioned to recommend approval of the subdivision permit with conditions 1 – 4; Commissioner Macy seconded the motion, and it passed with a vote of 4 – 0.

**02 Review and action of a Zone Change for the Archer Complex Planned Unit Development Amendment #1.**

John Shepard presented this zone change application, as the representative of Laramie County, property owner. The purpose of the PUD Amendment #1 was to add provisions for development of water, sewer, roads and common areas in Archer Complex. The original PUD was approved in 2010. This amendment would not change the property area covered under the original PUD document. Due to services contracted to develop marketing plans for private development on lots in the Archer Complex, there was the necessity to clarify performance standards for future development. Tri-State Generation expressed concern about additional fees for water and sewer, since they have an unmanned site. It had been determined that Tri-State Generation would be excluded from this amendment. Staff found this application to be consistent with the plans and policies of Laramie County, and recommended approval with no conditions.

Commissioner Cole found the terminology of Amendment #1 to be very vague in how costs would be assigned, and recommended additional effort to improve the comprehension of the document. Mr. Shepard responded the PUD was drafted by the Planning Director, and reviewed by Mark Voss, the County Attorney. The real estate brokers required the amendment in order to market the Archer Complex property. Commissioner Ward agreed with Commissioner Cole, deferring to his development experience. Commissioner Cole understood the necessity of the amendment to the PUD, but encouraged improvements to increase clarity.

Commissioner Ward suggested that discussion of the amendment document take place during the Planning Commission work session scheduled for January 23, 2014. Mr. Shepard explained the reason for inclusion of the amendment in the PUD was to give direction for private contracts, and the details could be more appropriately negotiated in the future with a prospective buyer. Commissioner Ward said the document should be presented to prospective buyers in a professional manner. Commissioner Cole expressed there should be specification on how the costs would be distributed; for example, per square footage. Commissioner Macy added the terminology was too vague even for existing entities already located within the complex.

Commissioner Clark opened the hearing to the public. Hearing no comment, the public portion of the hearing was closed. Commissioner Cole moved to continue the application until the next Planning Commission meeting to allow time for further study; Commissioner Ward seconded the motion. Mr. Shepard requested confirmation that the motion was to continue until January 23rd. Commissioner Ward reiterated the previously-mentioned suggestion that discussion take place on January 23rd, and the application return before the Planning Commission at the public hearing scheduled for February 13th. Clarification was needed as to whether Planning Commission could continue for one meeting or one occurrence. Ms. Kloth responded an application could be continued one time. Commissioner Cole motioned for continuance until February 13, 2013; Commissioner Ward seconded the motion, and it passed with a vote of 4 – 0.

- 03** Review and action of a Subdivision Permit for Rooney Tate Subdivision located on a Tract in the N 1/2 of Section 36, T. 14 N., R. 66 W., of the 6th P.M., Laramie County, WY.

This application was heard concurrently with agenda item 1, and was recommended for approval with a separate motion.

- 04** Review and action of a Subdivision Permit and Plat for Fox Run 2nd Filing, located in portions of the NE ¼ and the NE ¼ of the NW ¼, Section 12, T. 14 N, R. 66 W, of the 6th P.M., Laramie County, WY.

Barbara Kloth introduced Marc Woods, owner of Horizon Homes, 7805 Yarina Way. Mr. Woods stated the plat presented today was different from the plan submitted with the Fox Run / Fox Creek Preliminary Development Plan application, as there has been a 20% lot reduction. He stated he was in agreement with conditions 1 – 6 listed in the staff report, and would be happy to answer any questions.

Barbara Kloth gave an overview of the staff report. The application was in conformance with PlanCheyenne and the Laramie County Land Use Regulations for the AR zone district. The applicant submitted the project to DEQ for approval, but has not received a response yet. Ms. Kloth expected something should be received before the Board hearing. She added one neighbor comment was received just prior to today's hearing, regarding the right-of-way on Christensen Road, who expressed a preference of 80-foot versus 120-foot width. Staff recommended approval of the application with conditions 1 – 6.

Commissioner Clark opened the hearing to the public. Quinn Mathews, 9216 Christensen Road, came forward, and stated his property is located northeast of this development. He received the maps mailed out, and noted the FEMA floodplain runs through Tracts 7 and 8, and the east edge of Tract 7 abuts

Christensen Road. He expressed concerns with access to Tract 7, where the house would be located on the property, and possible septic system infiltration caused by drainage issues due to low spots in the area. Mr. Mathews also questioned the proposed location of Christensen Road, stating where it was indicated on the plat was not where the road was now located. He stated it was a private roadway owned by the adjacent landowners, from Yarina Way north, and had not been well maintained by the County, mainly being used for mail service and school bus routes. He asked if the living snow fence in the area of proposed Tracts 14 and 15 would remain, and expressed concern about meeting the required sight distance from proposed access points into the right-of-way. He also questioned if Riding Club Road would be built out to connect to Christensen Road.

Commissioner Clark asked Ms. Kloth to address the floodplain concerns. Ms. Kloth displayed the building envelope exhibit. She clarified there was sufficient buildable area in the northwest corner of Tract 7 for a residence and septic system, and there was no planned access to Tract 7 through the floodplain area. The Public Works Office would inspect for access points from Christensen Road. The existing alignment of Christensen Road lies within the 60-foot right-of-way showing on the plat. Riding Club Road was built east to Snowcrest Drive, and was a dedicated right-of-way all the way to Christensen Road, but there were no plans to build Riding Club Road further east at this time. Commissioner Clark asked for clarification that it could be built. Ms. Kloth confirmed the right-of-way was already dedicated.

Marc Woods explained that River Road, north of Tract 7, was not connected to Christensen Road due to the floodplain issues, and he would like to recommend allowing Tract 7 access from Christensen Road to the south of the floodplain. He clarified that Riding Club Road was platted over 6 years ago, and the right-of-way existed all the way to the Mathews property, and pointed out that the plat shows right-of-way, not roadway. The section line ran through the middle of Christensen Road, which was substantiated by a survey. Regarding increased traffic on Christensen Road due to new access points, Mr. Woods responded any traffic exiting the development would most likely turn right (south), as there would be no reason to turn left (north) since the road was not built through. He agreed to amend the plat regarding access to Tracts 14 and 15 in order to leave the living snow fence intact, and would like to reach a compromise – with access as far down the hill as possible – to avoid removing the trees.

Commissioner Clark asked for confirmation of enough property available on Tract 7 to locate the septic system. Mr. Woods assured her there would be more than 5 acres available in the south portion of the lot. Commissioner Cole commented the south half of the lot was the only logical location to build, as the northwest portion was not high enough. He stated that Tract 7 did need access off Christensen Road, in order to avoid travel across the floodplain area within the lot, and added that the living snow fence should be left undisturbed, with access to Tract 15 located south of the trees. Mr. Woods responded that 60 feet south of the tree line would be the appropriate location for access to Tract 15.

Hearing no further comment, the public portion of the hearing was closed. Commissioner Cole motioned to recommend approval of the subdivision permit and plat with conditions 1 – 6, and two added conditions as follows: condition 7: Tract 7 on the plat shall access from Christensen Road, at a location within 200' of the southern lot line, to the south of the floodplain crossing; and, condition 8: Tract 15 on the plat shall access Christensen Road within an area approximately 60' south of the living tree fence on the property. The motion was seconded by Commissioner Ward, and passed by a vote of 4 – 0.

**05** Update on PlanCheyenne.

Tom Mason, Director of Cheyenne MPO, came forward to give an update on PlanCheyenne, and distributed copies to the Planning Commission members. He summarized the contents of the final draft, which included updates regarding community and transportation. The land use plan had also been updated, but did not include parks and recreation this time. This was the first major update of the community plan, since its origination in 2006, and included projections for community growth with regard to jobs and residences.

Mr. Mason explained there was a Federal requirement to update the transportation plan every 5 years, which would include performance measures.

Mr. Shepard officially proposed a Planning Commission work session for January 23, 2014 at 3:30 p.m., to be held at the Archer Planning Office, to focus on the Laramie County Comprehensive Plan update.

The meeting was adjourned at 4:42 p.m.