

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

Thursday, September 11, 2014

- 140911 00** The Laramie County Planning Commission met in regular session on Thursday, September 11, 2014 at 3:30 p.m.

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

The meeting register was signed by: Chuck West, 422 Stampede, Cheyenne; Lorraine Grigsby, 8113 Hynds Blvd, Cheyenne; Lona Souza 7203 Tate Rd, Cheyenne; Terry Shapard, 7203 Tate Rd, Cheyenne; Michael D Basom, 3029 Sitting Bull Rd, Cheyenne; Dawn Irvine, 3317 Farthing Rd, Cheyenne; Nancy Olson, 2101 O'Neil, Cheyenne; Linda Heath, 4031 Winterset Dr, Burns; Dennis Dawson, 4005 Snyder Ave, Cheyenne; Bill Rooney, 7105 Tate Rd, Cheyenne; Boyd Wiggam, WY Liberty Group, Cheyenne; Chris McRady, 714 E College Dr, Cheyenne.

- 01** Review and action of a change in zone district from CB (Community Business) to MU (Mixed Use), for Wallick and Murray Gardens: Tract 6, Laramie County, WY.

Chuck West, #1 Properties, came forward to introduce the application on behalf of Gary Lyon. The applicant requested a zone change to MU (Mixed Use), as the current zoning of CB (Community Business) did not adequately provide for development of an apartment complex on the property. Mr. West stated there was an absence of suitable rental housing, and an abundance of commercially owned land. In order to attract a developer for this property, a zone change to a more appropriate district has been requested. Mr. West also complemented Barbara Kloth, Senior Planner, for her help with this process.

Ms. Kloth gave an overview of the staff report, stating the property was currently used as a single family residence with outdoor storage on the property. The outdoor storage was not permitted under the current CB zone district, nor would it be under the proposed MU zone district. The owner would need to come into compliance with the zoning regulations prior to any development on the property. This would require clearance of the storage, and submittal and approval of a site plan. Staff recommended the Planning Commission find that the application met the criteria for a zone change from CB to MU, with no conditions.

Commissioner Clark opened the hearing to the public. Hearing no comment, the public portion of the hearing was closed.

Commissioner Cole moved to recommend approval with no conditions; Commissioners Macy and Reider simultaneously seconded the motion, and it passed with a vote of 4 – 0.

02 Review and action of a change in zone district from AR (Agricultural Residential) to PUD (Planned Unit Development), 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.

Ms. Kloth stated this application was heard before the Planning Commission at the last meeting (August 28th), and was continued to allow for a work session, which did take place. The results of that work session, with Planning staff comments, was before the members now. Ms. Kloth introduced Michael Basom, agent for the applicant, who came forward and thanked Ms. Kloth for the comments, and stated the PUD document would be revised accordingly. He stated confusion on the Board hearing date. He said he had requested the Board hearing of this application be held on October 21st. Ms. Kloth explained the originally anticipated Board public hearing was scheduled for September 16th; however, that date did not allow enough time to resolve the PUD document issues, so a postponement to the October 21st Board public hearing had been requested.

Ms. Kloth stated there were no new comments in the staff report, and copies of the revised PUD were located on the entrance podium, for anyone who wanted a copy for review. She displayed a copy of the PUD map on the projector screen. Commissioner Cole stated he could not read the notations in red on the map, and requested the color be changed to a more visible color. Commissioner Clark asked if Ms. Kloth could change the color. Ms. Kloth responded the map was submitted in pdf format, and there had been no time to obtain a different format prior to the meeting. She requested the applicant change the text color for future reference.

Commissioner Clark opened the hearing to the public. Dawn Irvine, 3317 Farthing Road, stated she would like to see the paperwork, as she had nothing to reference, and could not see how it would affect her property. She was under the assumption that this zone change would change the property from residential to industrial, and asked if that was correct. Ms. Kloth stated there would be some industrial and commercial uses permitted under the PUD zone district. Ms. Irvine asked what kind of uses would be permitted. Ms. Kloth referred to the PUD document, and listed the uses by right and those that would require board approval. Ms. Irvine stated it looked like the applicant was planning on turning the neighborhood into a giant warehouse district, with parking and storage allowed. She stated this was a residential district, and the junk yard was an eyesore. She did not want it to expand to the other side of the road, and voiced her objection to the zone change.

Brett Walker, Planning Manager, stated there would be standards required for the existing site, as well as for the property to the south, which would mitigate

some effects of those uses.....it would not be a salvage yard to the south. Commissioner Clark added that, if the zone change was approved, Ms. Irvine would be notified of what use was proposed on each tract. Ms. Irvine responded that any zone change would be a violation of the original property owners' constitutional rights, and it could not be allowed.

Lona Souza, 7203 Tate Road, stated that now the applicant wanted to build warehouses around her property, instead of just fencing. She stated she would have liked to see the plan ahead of time, in order to review it, and voiced her objection to the zone change.

Commissioner Clark requested information from the PUD, as to what could be built on the properties. Ms. Kloth asked if she was referring to property coverage. Commissioner Clark said maximum coverage on the property area, setbacks, etc. Ms. Kloth stated the PUD document currently read one large building could be placed 25 feet from all property lines and could cover up to 80 % of the property, with the building height limited to 30 feet tall. Ms. Souza stated 30 feet was too tall for a building placed adjacent to her property.

Bill Rooney, 7105 Tate Road, stated he was blindsided by this application. He stated Bud's Wrecking should bring the north lots into compliance, but the south property should be addressed separately. He did not believe more commercial or business properties should be established in the residential area.

Michael Basom came forward to offer response to the voiced concerns. He confirmed the area was residential, but the salvage yard had been there longer than anything else in that area. The goals of his client were to try to make the property better, and he had agreed to screen the property completely, which should improve the visual aspect. He stated the Board had recommended considering a PUD when his client had tried to address the south property separately. The other issues mentioned were site plan issues. His client did not want to cause problems, and would try to amend the PUD document to be more accommodating. Ms. Kloth respectfully disagreed that once a standard was set by the PUD, that would be what was allowed in that district.

Terry Shapard, 7203 Tate Road, reflected on the history of the salvage yard. He stated Mr. Winkler bought the yard from the original owner, and as other yards that previously existed have since closed, Mr. Winkler was overwhelmed by extra vehicles. Mr. Shapard stated the PUD would allow more expanded uses, and asked if the neighbors could have any influence/impact on this process.

Ms. Kloth responded the testimony heard today would be reflected in the meeting minutes, which would be presented to the Laramie County Board of Commissioners, who have the final decision. The neighbors' presence at that meeting would also be beneficial.

Lorraine Grigsby, 8113 Hynds Blvd, spoke about issues with junk yards and how difficult they were to mitigate. She suggested finding a better suited location for

the salvage yard, or proposing a less offensive use for this property. She asked the commission to show common sense and “have a heart”.

Mr. Rooney returned to ask if any study had been done for that property with the current access from Tate Road. He was concerned about the impact to Tate Road with heavier truck traffic, and there were already issues with tire damage from debris deposited on the road from the current business. He added there was also the need for more speed control on Tate Road.

Mr. Walker stated traffic and drainage studies were required for the site plan process, at which time there would be a specific proposed use. The zone change process established a range of uses and design standards prior to the site plan. Commissioner Clark asked Mr. Rooney if that answered his question.

Mr. Rooney stated the current speed limits did not slow down traffic, and nothing stopped junk from falling off the trailers – there was no enforcement of traffic.

Lona Souza asked for clarification that traffic would not be considered prior to the PUD approval. Mr. Walker confirmed that was correct – traffic was not considered until a site plan or plat of a property was submitted. Ms. Souza responded that sounded backwards. Mr. Walker stated a development must be proposed to determine what amount of traffic would be related to the business, in order to consider the impacts. A vacant lot does not create traffic, so it would be impossible to determine impacts to the road. Ms. Souza asked if the PUD was approved, and the applicant submitted a site plan which caused too much traffic, would he have to modify the PUD? Mr. Walker responded no, the traffic concerns would need to be mitigated during the site plan process.

Hearing no further comment, the public portion of the hearing was closed. Commissioner Cole had comments on the PUD document regarding items on page 5. The word “have” was missing in 4-d; 80% maximum property coverage wasted the remaining property; and, there was no reason for a 25’ setback from the south property line where the railroad tracks ran – this setback should be zero, since there would be fencing. He asked which lines on the map indicated the property lines. Dennis Dawson brought forward copies of an aerial map showing more accurate property lines. Commissioner Cole stated that the definitions section on page 7 should not reflect the company name (Bud’s Wrecking), but instead just state “salvage yard”. He added that storage units didn’t really generate much traffic – he found the average visit to a storage unit occurred once every 2 months.

Commissioner Cole wanted more time to review the rest of the staff notes on the PUD document, and would like a better map to read, once the color was changed for the notations on the tracts. He motioned the application be continued for two weeks, to the September 25th Planning Commission meeting.

Commissioner Clark asked if the application could be continued again. Ms. Kloth responded the bylaws said it could not, unless the applicant agreed with the continuance. Michael Basom stated the applicant agreed with the continuance. Commissioner Macy seconded the motion, and it passed with a vote of 4 – 0. Commissioner Cole added the document was not ready for recommendation to the Board for approval.

The meeting was adjourned at 4:25 p.m.