

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

Thursday, September 25, 2014

- 140925 00** The Laramie County Planning Commission met in regular session on Thursday, September 25, 2014 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Bert Macy, Pat Moffett, and Bonnie Reider; Dan Cooley, Planning Director; Brett Walker, Planning Manager; Amber Dancliff, Recording Secretary.

The meeting register was signed by: Nick Winkler, 3313 Farthing Road, Cheyenne; Terry Shapard, 7203 Tate Road, Cheyenne; Dave Rose, 6526 US 30, Cheyenne; Mike Basom, 3029 Sitting Bull Road, Cheyenne; Robert Winkler, 7508 Tate Road, Cheyenne; Lorraine Grigsby, 8113 Hynds Blvd, Cheyenne; John Lafond, 3425 Christensen Road, Cheyenne; Dennis Dawson, 400 S Snyder Ave, Cheyenne; Bill Rooney, 7105 Tate Road, Cheyenne; Dawn Irvine, 3317 Farthing Road, Cheyenne; Linda Heath, 4031 Winterset Drive, Burns.

- 01** 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.

Mike Basom, agent for the applicant, stated that he had not received the staff report, though his client had. There were some questions he had about architectural design standards that he wanted to address, so he would like to withhold his comments until the next hearing.

Commissioner Clark asked staff what was their recommendation.

Brett Walker offered to go first, if desired, and asked whether the Commission would like to hear a brief synopsis or the full staff report, given the additional members of the public that were present.

Commissioner Clark agreed that with the additional audience members, the Commission should hear the full report.

Mr. Walker presented the full staff report and updates.

Mike Basom stated that this was not an expansion of Bud's Wrecking. The PUD came here in lieu of LI zoning. He stated the Board had asked them to bring the zone change request here as a PUD. All the property owner wanted to do was park his business vehicles on this property. Mr. Basom stated that this was getting out of hand. The last version of the PUD was marked up with

specific items, and they had addressed them. The way he read the mark-ups now, in addition to the staff report, made him question if staff now wanted some sort of architectural design standards?

Mr. Walker said no. The application was claiming that the PUD was an appropriate designation based on the third criteria, which stated that the use of architectural design standards was one way of mitigating the negative effects of the development to the surrounding neighborhood.

Mr. Basom asked if they were to understand that this was what staff wanted.

Mr. Walker said no. It was the applicant that was claiming the PUD they were presenting was appropriate based on criteria number three. It was staff's opinion that there was nothing in the PUD that justified approval based on the third criteria. The PUD itself was now a much better document than the original version submitted. The County would be able to regulate with the current version.

Mr. Basom asked if they needed to have architectural design standards in the PUD to receive a positive recommendation from staff.

Mr. Walker stated that it didn't matter which one of the criteria was met, just that one standard be met. It was not clear which criteria was being met and in what manner, and staff was not to clearly and reasonably assign one for the applicant.

Mr. Basom stated that staff promised to work diligently with them on this, but that they have not. He stated that the north property would be fenced, and the west property setback would be 100 feet from the neighbor, and the only other thing on the property to the south would be an office building. He also pointed out that the salvage yard has been there since 1949, before anybody else. As Mr. Cole noted, the original zoning was probably in error. Mr. Basom emphasized there had not been as great a number of neighbor objections as had been implied - perhaps 3 or 4 who want it to stay as a field. If they wanted that, they should have bought it to keep it that way. He read 2 letters of support into the record (Pat Wagner and Tom Scott) and mentioned there were some there in person who will speak in favor. He requested the letters be entered into the record.

Commissioner Reider asked if the zone change would affect just this property?

Mr. Basom said yes, that it was just this property (both the north and south).

Commissioner Reider asked if the architectural design standards would be addressed on the site plan.

Mr. Walker stated it would be addressed, or be enforced, during the site plan processed, but the PUD was what we look toward for guidelines.

Commissioner Reider stated that she understood the concerns from both sides, as she herself has been there before. She is also concerned about the radius for notification, and notification in general. Do all the neighbors get notification?

Mr. Walker said that there was a posted sign notice, but they might not necessarily get mailed notification if they are not in the 140 foot radius.

Commissioner Reider stated that notices should go out to all concerned parties.

Commissioner Moffett asked Mr. Basom about the letter dated August 20, 2014, which simply stated a desired use of the southern property for the lawful use of parking, and nothing else. Now it is a month later and we have all these other uses proposed for the site. How did the mission creep occur?

Mr. Basom stated that was the result of the Commissioners telling them to bring this back as a PUD. The owner wanted an LI zone on that little northern tip and the Commissioners wanted the zone change request to come back as a PUD.

Commissioner Cole made some comments on the map and the need for corrections, though it didn't impact the approval here. He stated this was a salvage yard, and salvage yards were necessary and needed to be allowed. We all use them. This one had been here since he was in 7th or 8th grade. He doesn't know why that land should be AR and he had no problems with the proposal, especially since it was backed up against a railroad.

Commissioner Reider stated that change was hard. However, with a 6-foot fence around the property, it would be an improvement to the salvage yard. Maybe the property should be cleaned up a bit and perhaps this would enhance the surrounding property.

Commissioner Clark opened the meeting to public record.

David Rose, 6526 HWY 30 (Big Al's Towing), said he took salvaged vehicles to Bud's Wrecking for disposal, and that they both work with the fire departments to let them utilize vehicles for training. He explained the fence was working for his property and should work for Bud's Wrecking. He said that in his conversation with the applicant, the intent was just to park equipment like tow trucks, front-end loaders, etc. This was reasonable since, when you get several hundred cars, it became tough to keep the other stuff on there. He said Bud's Wrecking business didn't really affect the neighbors. It didn't run 24-7 like his tow business. He didn't think he would put anything on the west side of the triangle. They would have to go through the Planning Commission again with the site plan approval.

Commissioner Clark asked staff to confirm that the site plan would not go through Planning Commission, if the zone change was passed.

Mr. Walker stated that was correct. The Planning Commission would not see the site plan.

Mr. Rose stated that it would still have to go through the Planning Department for other approvals like building permits, etc.

Terry Shapard, 7203 Tate Road, stated he knows we need a salvage yard, but he doesn't want to be surrounded by that. He stated that once it's approved, they won't have any more public hearings.

Bill Rooney, 7105 Tate Road, said he was unclear as to the exhibit map showing the "use areas" within the southern area, and whether they would all be separate lots.

Mr. Walker stated that the parcel south of Tate would be one 11-acre commercial parcel.

Commissioner Clark asked if the PUD and map would force the owner to construct it as such, or if the uses could happen all over the parcel, irrespective of what these use zone delineations illustrated?

Mr. Walker stated that the map was part of the PUD, and that it would have some significance in the regulation of the PUD. The labeling of the uses as occurring in "zones" is problematic and should be clarified or changed to something else later on if we move forward.

Mr. Rooney stated that the tracts are not big enough to be separated (at 5 acres a piece). He believed that the south area should not be commercialized, nor to try and make business legal with zoning codes. If we can take AR property and develop it as commercial property, then we have a property value difference, since commercial was more valuable than residential. He did not think the south property should be commercialized, which could allow anything to happen in this agricultural, residential area.

Commissioner Clark stated that if someone wanted to change the use from agriculture or residential to commercial, that they also would have to go through the whole process.

John Lafond, 3425 Christensen Road, stated he tried to buy the property to the south in 1996 to live there and Planning told him he couldn't put a well on it. He did buy a property to the east, and since he has lived there, the road was maintained better. Trash was contained and Mr. Winkler cleaned up other people's debris and litter. Cathy Heatherington told him (Mr. Lafond) that there were too many wells in the area and he couldn't build there. Otherwise, he'd be across from Bud's Wrecking right now.

Dawn Irvine, 3317 Farthing Road, stated she was overwhelmed with what was being contemplated. She stated this was their home, and Bud's Wrecking was just small business at the time they moved in, but now the zone change to make it industrial would expand and encroach on them. It would no longer be a small business. She asked them to consider the effect it would have on them. Please do not change the zoning to industrial; they don't want to be surrounded by business. She stated her little piece of land wasn't big enough to sell to some business – it was just big enough to put a house on it to live there for the rest of their lives. She realized change was necessary, but not in this area. They were guaranteed the right to life, liberty, and property, because the goal was to own property, and the government was not to prevent that. They should be secure in their property, but were being threatened by big

business, and she would not stand for it. She hoped the members would consider not changing their back yards into an industrial complex.

Nick Winkler, 3313 Farthing Road, said the railroad tracks were miserable to live next to and they wake him up every night. The junk yard was only open until 5:30 p.m., and you couldn't really hear it. A fence would make their houses even better. He didn't think small business could be prevented from expanding, because that's what also built this country.

Commissioner Clark closed the public hearing and opened the item for discussion.

Commissioner Macy asked if tract 22 and 23 are the tracts that are salvage yard?

Mr. Walker said yes.

Commissioner Macy asked for clarification about the County Commissioners request that this proposal come back as a PUD. Did they mean for both the current salvage yard area and the southern portion of 11 acres to be within the same PUD?

Mr. Basom said it came from the Commissioners themselves to include both properties.

Commissioner Reider asked if there have been multiple parking violations on this south property.

Mr. Basom stated that there have been violations in the past, but there are none currently.

Commissioner Reider asked if it was the County or the neighbors who were not allowing him to just park his cars on the southern portion.

Mr. Basom stated that it is the County not allowing him to park his cars on that property to the south.

Commissioner Cole said if we turn this application down, the salvage yard will not have a fence around it. If we pass the zone change request, within a year, the property would be fenced. That was a plus for the neighborhood. The south property was not residential. Storage did not cause a lot of traffic. He thought it was good for the neighborhood to put the property to use. He thought that this would fit the second criteria for a zone change request.

Commissioner Cole made a motion to recommend approval, and to not adopt the findings of fact a. Commissioner Reider seconded the motion. The motion passed by a vote of 4-1, with Pat Moffett voting no.

Staff and Planning Commission discussed a work session in the upcoming months under other business.

The meeting was adjourned at 4:23 p.m.

ATTACHMENT: Support Letters

9-25-14

To Whom it Concerns,

I have lived at 6614 Tate Rd for 25 yrs with Bud's Wrecking as neighbors the entire time. I am in full support of them building on the property they own across from the wrecking yard.

Pat Wagner
286-86517

BUCKSKIN BUILDERS LLC

3902 FOSTER AVENUE - CHEYENNE WYOMING 82001
307-631-7697

Building Contractor/Trade License # CT-14-26068
Liability Insurance- Timberline Insurance- 637-4757

Bud's Wrecking

Dear Bob,

I believe that the required zoning to allow your business to expand is a good idea. First it eliminates the overload at the present yard allowing more safety to access useable parts and organized vehicles. It also provides a local access to recycle vehicles and parts. The money stays in the local community and provides a close place to get rid of vehicles instead of sending them to Colorado etc.

It is very handy to have a good neighbor with good business ethics that provides a needed service to the east side of town.

We moved to Foster Avenue in the 80,s and have never had an issue with Bud,s Wrecking. Bob and his family are a great asset to the community.

I think as long as it is organized, Give it a chance.

I vote YES

Tom Scott
3902 Foster Avenue and 7015 Tate Road.
Contact - 307-631-7697

A handwritten signature in black ink, appearing to read "Tom Scott", with a stylized, flowing script.