

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

Thursday, August 27, 2015

- 150827 00** The Laramie County Planning Commission met in regular session on Thursday, August 27, 2015 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Jason Caughey, Frank Cole, Bert Macy and Pat Moffett; Dan Cooley, Planning Director; Brett Walker, Planning Manager; Barbara Kloth, Senior Planner; Karen Bryant, Associate Planner.

The meeting register was signed by: Sandra Erickson, P.O. Box 21653, Cheyenne; Ryan Terry, 7537 Reese Road, #30, Cheyenne; Gary and Nancy Kelley, 6565 Ashley Drive, Cheyenne; Donald Kelley, 9365 Kooper Trail, Cheyenne; Bill Pacheco, 9131 James Cole Court, Cheyenne; Roy Kennedy, 9255 Kooper Trail, Cheyenne; Tom Duncan, 9409 McKenna Trail, Cheyenne; Stephan Pappas, 2617 E. Lincolnway, Cheyenne; Bruce Krug, 5106 Westedt, Cheyenne; Brad Emmons, 1103 Old Town Lane, Cheyenne; Tom Cobb, 1103 Old Town Lane, Cheyenne; Tom Stoker, 7501 Kennedi Lea Lane, Cheyenne; Mike Weddell, 9270 James Cole Court, Cheyenne; Tim Hupp, 1090 Road 110, Cheyenne; Boyd Wiggam, 1902 Thomes, Suite 201, Cheyenne; Mitchell Osborn, P.O. Box 21971, Cheyenne; Allan Ness, 1925 Grand Ave, Billings, MT; P.K. Lawson, Cheyenne; Rob Tompkins, 8216 Stagecoach Rd, Cheyenne; Jed Cicarelli, 7502 Rilley Rd, Cheyenne; Erica Fairbourn, 7501 Kennedi Lea Lane, Cheyenne; Tom Mason, 2101 O'Neil, Cheyenne.

- 01** Review and recommendations on the Preliminary Development Plan for Highlands Park Ranch, located in the W ½ W ½ NW ¼ of Section 17, T. 14 N., R. 65 W., of the 6th P.M., Laramie County, WY.

Brett Walker, Planning Manager, read the first agenda item into the record. Brad Emmons, AVI, gave an overview of the project. He stated a preliminary PUD document and map were also submitted in consideration of expansion of the grandfathered use, and explained the background on this application. The initial plan, which was presented at a neighborhood open house on July 14, 2015, showed a 50/50 split on the property to allow for R.V.'s & mobile homes. Some changes have been made to the plan since that open house. This was the second version with 83 spaces, which reflected the largest use of the property – approximately 6,000 square feet in size with landscaping, parking, and screening along the roadway. The park space was also moved and the existing access remained. The applicant met with the developer since the staff report was sent, and agreed with staff recommendations to reduce the spaces to a 44 - 50 range. He also spoke with DEQ on the requirements. Tom Cobb, AVI, met with SEO & DEQ and it appeared the necessary requirements could be fulfilled.

Allan Ness, applicant, agreed that the number of spaces, at 44 – 50, was more reasonable.

Mr. Walker gave an overview of the staff report. He explained the purpose of the PDP was for review and recommendations, prior to submittal of further applications. An exceptional PUD regulation must be developed for staff to recommend approval. He recommended the Planning Commission provide the five review comments as shown in the staff report, and would be happy to answer questions. He added the applicant provided a unit/space visual layout concept.

Commissioner Moffett commented the proposal should limit the number of spaces, and questioned if this layout was not accurate. Mr. Walker confirmed this was not the updated layout, which showed about half the usage of this image. The reduced-space layout was what the lagoon was originally permitted to handle.

Commissioner Clark opened the hearing for public comment. Gary Kelley, 6565 Ashley Dr., expressed concern with the open lagoon. The surrounding fence was not enough, and – as he's a biochemist & microbiologist - he had concerns with mosquitos, smell, etc. While growing up in Orchard Valley, there was a nice lagoon they used to play in – it smelled bad, but no one got sick. It wouldn't be appropriate to call this open lagoon "nice". It was approved for 22 spaces in '95. That number would be like having 20 dogs on 5 acres, and now wanting an increase in the spaces and putting a fence up (and calling it sanitary) – he doesn't see it. He's sure Reese Road can handle the traffic, as the County does a good job maintaining it. Back in the 40's, Orchard Valley connected with City services; his family built the trailer park across from school, and people wanted to live there. His biggest concern is the lagoon, as it would take an amazing amount of water for that many people to live on the subject property.

Mitchell Osborn came forward as the attorney representing Mr. Allan Ness. He understood the PUD document specified 83 spaces, which was now being reduced to 44. Through the entire process, DEQ had to approve each step – the lagoon must be engineered to handle those 44 spaces. Mr. Ness has made great improvements since buying the property. With 44 spaces, it would allow Mr. Ness the revenue needed to increase the aesthetics - park, open space, trees, greenway. Mr. Osborn stated the nonconforming use wasn't going anywhere, and said this application should be approved to facilitate the improvement of this legal nonconforming area – which would make it a gem!

Tom Duncan, of 9409 McKenna Trail, stated lagoons were barely minimal in '95. As far as he could tell, they've never been tested for depth or lining to keep from seeping into aquifer. They need to be tested even with the current use levels of 21 units. Also, the amount of water coming out was a concern. He asked what the plan would be in case of a fire?

Commissioner Clark asked Mr. Walker if the lagoons had been tested? Mr. Walker responded he had a copy of '95 correspondence from DEQ. Essentially, they placed the 21 maximum number based on the size of the lagoon, and he would look more for testing details.

Denise Osborn, a realtor with Coldwell Banker, stated when she first sold the property to Mr. Ness, there was a map showing 44 units on the property, so they thought it was approved for that. Neighbors should be happy the owners are now improving the area (paint, etc.) and getting tenants who can pay rent, making this a nicer home for families.

Tom Stoker, 7501 Kennedi Lea Lane, said thank you for the neighborhood meeting held in July, before this application was submitted. He expressed concerns with traffic, even with a reduction of 50 units, since Reese Road does not have a shoulder. The security gate was good, but the location of the rv/modular spaces would provide more opportunity for crashes from stopped traffic on the road waiting to get in the gate. Water was a significant concern even with the space reduction (usage estimated at 500,000 to 1 million gallons). He thought there would be public safety concerns, with challenges for a fire and limited resources from the sheriff department. He stated 44 spaces was a welcome sight, compared to 83.

Commissioner Clark asked if there was a traffic study? Mr. Walker responded yes, and it was found to be adequate.

Paula Lawson, 7537 Reese Road, stated she lives in the park. This park was the only place that would take dogs, which is why she still lives there - since '04. She can't move, due to her health. The previous owner was frustrating because he wouldn't clean things up. Mr. Ness is good – he has cleaned up the property more in 6 months than the last owner had in 10 years. Most of the changes have occurred on the 'back side' of the park, which is not visible from the road. Other promises of improvement have been made, including planting trees. She hopes Mr. Ness can continue with the plan for 44 spaces, so he can continue to get things cleaned up. She wants it to look and be nice, too! Since some people have been evicted, the police haven't been there in months, which makes this a safe place for families with children.

Robert Tompkins, 8216 Stagecoach Road, echoed the concerns about the sewage lagoon and water consumption. He attended the open house with his wife. The spruce trees that were proposed for the perimeter of the property would consume a lot of water. He thought drought-resistant trees should be planted instead.

Ryan Terry, 7537 Reese Road, #30, approved of what Mr. Ness has done with the property, but there was still a long way to go. Mr. Terry wanted more transparency on what's going on now. Until the property was cleaned up and housing improved, some of the units should be junked.

Mike Sandidge, 9604 E Four Mile Rd, stated he missed the open house and didn't receive the details or information on this project. He expressed concerns with part of his property being required for the right-of-way, space for school busses, traffic generated by RV units, and water. He didn't think the revenue should be the contingency for improvement to the park, and didn't feel there was any guarantee the improvements would be made if not done prior to this approval.

Mr. Walker stated the Four Mile right-of-way portion to be platted was currently on Mr. Ness' property. On the water issue, DEQ's 1995 comments go back and forth requesting information. The cattails which could puncture the lining of the lagoon were removed. The final letter approved 21 units but didn't indicate what final inspections were done.

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

Commissioner Moffett thought it was admirable Mr. Ness wants to improve the area and the park itself. As far as the concerns with the lagoon, water, and number of units proposed, it's almost like this issue didn't come to light until DEQ was called regarding the work being done on the property without permits.

Commissioner Caughey acknowledged the work which had already been done. He expressed significant concerns with the proposal – the density/number of units, lagoon, and non-permitted DEQ work. He asked if staff was agreeable with the number of proposed RV units (which are non-fixed) since the County standards were not being met. Was it possible to change the recommendation to 'expressly prohibit' RV's? Mr. Walker confirmed the recommendation could be revised, and the motion would need to include the revised statement.

Commissioner Clark asked what were the motion options.

Mr. Walker said although this application was not an action item, the public hearing provided the opportunity for comments and conditions to be addressed before the Zone Change and Subdivision Permit/plat applications were submitted. Staff recommended the Planning Commission provide the review comments as shown in the staff report, in addition to any they wanted to add. There would be no option for approval or denial of this application at this time, as the purpose of the preliminary development plan was to address all the concerns and comments prior to the formal application submittal.

Commissioner Moffett stated he could not support this project, as it has been proposed today. With additional restrictions, the project would meet the needs of the community, Planning Department and the Planning Commission. He moved for approval of the review comments 1 through 5, with comment 2 modified to only "expressly prohibit", not include "severely limit".

Commissioner Caughey seconded the motion.

Commissioner Clark asked if the situation with the lagoon was pending DEQ approval, and asked why a septic system couldn't be installed. Mr. Walker said that would require a different type of permit. The action would not go before the Board until the lagoon was approved by DEQ. Commissioner Clark stated they were proposing to double the amount going into the lagoon. Mr. Walker responded they had to go through the requirements of the DEQ process to increase the lagoon size, along with the water supply. Tom Cobb thought that it was doable.

Commissioner Caughey requested staff to read the 5 review comments for the public, please, so they could see what's been addressed from their comments. Mr. Walker read 5 conditions as amended, with number 2 expressly prohibiting RV units.

Commissioner Cole pointed out that Terry Bison Ranch has a lot of RV units. When considering Frontier Days, etc., with all the RVs not hooked up to services, this could be a good spot for cowboys to park if there are vacancies. We should provide for these situations as a community, and he thought the RVs should be allowed.

Commissioner Clark stated there were the fairgrounds to address RV parking issues for Frontier Days.

Commissioner Caughey asked if there was a County campground permit which would constitute approval for RV's, etc.? Mr. Walker responded yes, County Health would weigh in on that. He said he would familiarize himself more with the campground regulations, and believed it would be more desired outside the zone boundary.

Commissioner Macy said he was concerned with completely eliminating RVs, because there was a need for a clean area for construction people to work and live for 6 months at a time. He agreed with Commissioner Cole, and that there should be a limited number.

Commissioner Moffett agreed with both, but said RVs did not belong here in a rural residential plat. He said maybe the applicant could consider elsewhere. RVs did not belong in a 5 - 10 acre ranchette neighborhood.

Commissioner Cole stated there were several RV parks on the south side, but mostly for temporary RVs. Construction workers live in a spot for 6 months then move on, which is similar to oil field workers. He was opposed to taking RV spaces totally out, and he thought the county needed to provide spots for this type of use.

The motion to recommend the review comments, as amended, was approved by a vote of 3 – 2, with Commissioners Cole and Macy voting no.

Mr. Walker advised the public that there will be more meetings on this project moving forward, which will require additional notification.

Commissioner Moffett asked for confirmation that this project would be heard again by the Planning Commission. Mr. Walker confirmed it would. The action today did not constitute approval, it just enabled the owner to move forward with the application process.

02 Review and action of a Site Plan for the Croell Redi-Mix Concrete Batch Plant, located at Clear View Tracts: Tract 2 less 12' & Tract 3 in the 2200-2300 Block of East Fox Farm Road, Laramie County, Wyoming.

Mr. Walker read the item into record. Stephan Pappas, Pappas & Pappas Architects, came forward as agent for the applicant, and gave an introduction for the project. Croell Redi-Mix was looking to add another plant in the area on Fox Farm Rd.

The site plan process was required to establish a new site, and this one is in an industrial area, which would be appropriate for this type of business. Originally, it was thought the applicant would need to pursue board approval for this use. The issues people may have with the project would be dust and noise. The owners are here to discuss this matter. This batch plant would be fully enclosed – the downtown plant is different and does produce dust and noise. This operation would be completely inside, so there would not be dust or noise associated with the production.

Brian Marchant, Croell Concrete, stated the objective was to move the current Russell Ave. facilities onto Fox Farm, which would provide a more ideal location for that plant, which would be a less congested area. The operations would be totally enclosed, which would mitigate dust and noise. Altogether a different type of plant, it would be the only plant with a drum spinning inside the building for mixing on-site, and the product would drop wet into the truck – thus, no dust. A vacuum cleaner for the cement dust would channel the dust back into the cement silos, which should be 99.9% effective at removing dust from the air. As far as addressing the noise issue, most of the truck would be inside. The noise produced by batching would be engine noise comparable to the current site, to which they have received no complaints. He asked if there were any questions from the members.

Commissioner Clark confirmed there were no questions, and requested the staff report.

Karen Bryant, Associate Planner, gave an overview of the staff report. The site plan meets the Laramie County Land Use Regulations for design and landscaping. The applicant has not submitted a response to agency comments nor submitted a revised site plan to staff at this time. Agency comments mentioned sidewalks, access spacing, a deceleration lane, and connection to South Cheyenne system for sewer service. Concerns received from neighbors included off-site impacts from noise and dust. Staff recommended site plan approval occur after board approval OR approval with the amendment “once all agency review comments have been addressed”.

Commissioner Clark opened the hearing to the public.

Tim Hupp, owner of Triple A Storage, appreciated the comments and information regarding dust control. He would like to see the stock piles of aggregate, particularly granite, addressed. When the product is moved with a loader, or driven over by trucks, it will produce dust, and he would like to know if it will be kept wet? Will there be a hard travel surface for the trucks? Also, there is an on-site manager at the storage facility, and Mr. Hupp has concerns with the trucks revving at 5 or 6 a.m. He also wanted to know to where does the detention pond drain?

Commissioner Clark asked Ms. Bryant if she could address these concerns. Ms. Bryant deferred to the applicant. Mr. Pappas responded the drainage would route to the southeast. The detention pond was there to capture water so it would stay within historical flows and rates. He also addressed other items: the site was intended to be fully graveled, other than the landscape areas. Future site pavement was also taken into account in the drainage study. Once the rock was down,

there would be very little dust. The owner has agreed with the conditions/comments noted in the staff report. The problem with placing a sidewalk would be that Fox Farm has not been built out to accommodate a sidewalk, so this might not yet be possible, but the applicant was agreeable to whatever the County requested.

Commissioner Clark asked what would be the hours of operation. Mr. Marchant responded it would depend on the job. Sometimes there would need to be night work. The rock arrives pre-washed, so there shouldn't be as much dust. The plant was permitted thru DEQ, and there have been no complaints or violations on the current site.

Tom Mason stated the Fox Farm Road plan calls for sidewalks. Right now, there is no money to rebuild the road, so it would be best to build what they can when re-development occurs, even if it is piecemeal. This section is not curb & gutter, but detached walk on other side of ditch, should be very possible.

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

Commissioner Cole stated the history of this road was industrial use. He said the future land use should not be commercial, and thought this was a good project. There is a truck wash near this site. This would help divert truck traffic from Russell Rd and in town. He thought installing the sidewalk now would be a waste of money because it would have to be redone with future road development.

Commissioner Cole moved to recommend approval with the condition that sidewalks should be built along the road, not only on the subject property, but on the properties adjacent (east and west) to the subject property. Commissioner Macy seconded the motion, and it passed with a vote of 5 – 0.

The meeting was adjourned at 4:50 p.m.