

CITY OF CHEYENNE – CITY COUNCIL AGENDA ITEM SHEET

DATE OF COUNCIL MEETING: April 27, 2015

TYPE OF DOCUMENT: (ORDINANCE) (RESOLUTION) (PRELIMINARY PLAT/
PRELIM PUD ZONE CHANGE) (LEASE/CONTRACT) (CHANGE ORDER/CONTRACT
MODIFICATION) (CONSIDER BID) (APPLICATIONS/LICENSES/PERMITS)
(APPOINTMENTS) (ANNOUNCEMENTS/REPORTS/MOTIONS) (OTHER)

SPONSORS: (ORDINANCE OR RESOLUTION) Annette Williams

EXACT WORDING FOR AGENDA: An ordinance pursuant to Sections 1.1.6 and 2.4.1(b) of the
Cheyenne Unified Development Code (UDC), amending the qualifying area for notification
mailings for sections 2.1.4, 2.2.1, 2.2.2, 2.2.4, & 2.3.2.

(1% Sales Tax Funding/Years) N/A

(Other Funding _____) (Grant _____)

CONTACT PERSON: Logan Graves PHONE: 637-6352 DEPT: Planning/Development

OTHER CITY DEPARTMENT AFFECTED: _____

OTHER GOV'T AGENCIES AFFECTED: N/A

FINANCIAL IMPACT PROPOSED OR CONDITIONS WHICH AFFECT CITY: N/A

CONTRACT TERM: N/A STARTING DATE: N/A

	YES	NO	N/A
Is funding budgeted?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Were Bids called for?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Affected parties notified of Council procedure and dates?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has bond, insurance or other security been arranged?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have legal descriptions been checked?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Agenda Item approved / reviewed by :

Risk Mgr () City Attorney () Dept. Head ()

General Comments: The City of Cheyenne Planning Commission recommended approval of the
above described text amendment by a unanimous vote of 6 to 0 at its meeting on April 20, 2015.
See the attached Staff Report for more information.

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Submitted by: Logan Graves Title: Planner Date: April 21, 2015

UPON PASSAGE OF THE AGENDA ITEM, COPIES SHOULD BE SENT TO:

Development Office City Clerk's Office

akm
Date 4/21/15

ORDINANCE NO. 4069

ENTITLED: "AN ORDINANCE PURSUANT TO SECTIONS 1.1.6 AND 2.4.1(b) OF THE CHEYENNE UNIFIED DEVELOPMENT CODE (UDC), AMENDING THE QUALIFYING AREA FOR NOTIFICATION MAILINGS FOR SECTIONS 2.1.4, 2.2.1, 2.2.2, 2.2.4, & 2.3.2."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

WHEREAS, the proposed amendments to the Cheyenne Unified Development Code (UDC) that are the subject of this ordinance were presented to the City of Cheyenne Planning Commission on April 20, 2015; a motion to approve the amendments that are the subject of this ordinance was made and seconded; and the motion was approved by the Planning Commission on a 6 to 0 vote.

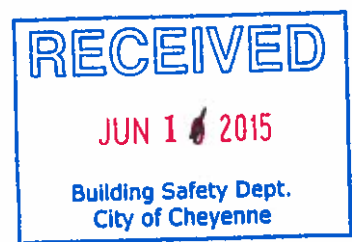
Section 1. That UDC 2.1.4.c.2.b.3., is amended to read: "All owners within ~~140'~~ 300' of subject property shall be mailed notice indicating the general location of the property, the nature of the application, the location for further information on that application, and the date, time and location of the Planning Commission public hearing. When mailed notice is properly addressed based on the latest property information and deposited in the mail at least 15 days prior to the scheduled hearing, failure of a party to receive such notice will not be grounds to invalidate any action taken."

Section 2. That UDC 2.2.1.c.2.b.3., is amended to read: "All owners within ~~140'~~ 300' of subject property, ~~excluding rights-of-way~~, shall be mailed notice indicating the general location of the property, the nature of the application, the location for further information on that application, and the date, time and location of the Planning Commission public hearing. When mailed notice is properly addressed based on the latest property information and deposited in the mail at least 15 days prior to the scheduled hearing, failure of a party to receive such notice will not be grounds to invalidate any action taken."

Section 3. That UDC 2.2.2.c.3.b.3., is amended to read: "All owners within ~~140'~~ 300' of subject property, ~~excluding rights-of-way~~, shall be mailed notice indicating the general location of the property, the nature of the application, the location for further information on that application, and the date, time and location of the Planning Commission public hearing. When mailed notice is properly addressed based on the latest property information and deposited in the mail at least 15 days prior to the scheduled hearing, failure of a party to receive such notice will not be grounds to invalidate any action taken."

Section 4. That UDC 2.2.4.c.2.b.3., is amended to read: "All owners within ~~140'~~ 300' of subject property, ~~excluding rights-of-way~~, shall be mailed notice indicating the general location of the property, the nature of the application, the location for further information on that application, and the date, time and location of the Board public hearing. When mailed notice is properly addressed based on the latest property information and deposited in the mail at least 15 days prior to the scheduled hearing, failure of a party to receive such notice will not be grounds to invalidate any action taken."

Section 5. That UDC 2.3.2.c.2.b.3., is amended to read: "All owners within ~~140'~~ 300' of subject property, ~~excluding rights-of-way~~, shall be mailed notice indicating the general location of the property, the nature of the application, the location for further information on that application, and the date, time and location of the Board public hearing. When mailed notice is properly addressed based on the latest property information and deposited in the mail at least 15 days prior to the scheduled hearing, failure of a party to receive such notice will not be grounds to invalidate any action taken."



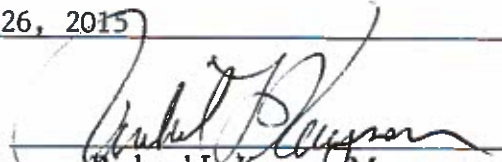
Section 6. Sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.”

Section 7. That this Ordinance shall be in full force and effect upon its approval and publication.

FIRST READING: April 27, 2015

SECOND READING: May 11, 2015

THIRD AND FINAL READING: May 26, 2015


Richard L. Kaysen, Mayor

(SEAL)

ATTEST:


Carol Intlekofer, City Clerk

Published: Wyoming Tribune-Eagle
June 3, 2015



Article 2 Qualifying Notification Area

UDC TEXT AMENDMENT

CASE NUMBER: PLN-15-00006

PREPARED BY: Logan Graves

MEETING April 20, 2015 – Planning Commission

DATES: April 27, 2015 – City Council

STAFF REPORT UPDATE: At its regular meeting Monday, April 20, 2015, the Cheyenne Planning Commission recommended approval of the above described Text Amendment by a unanimous vote of 6 to 0.

OVERVIEW

The Development Office has received a petition to amend various sections in Article 2 of the Unified Development Code (UDC). The text amendment described herein is a revision of an earlier version that went before Planning Commission March 2, 2015. Specifically the proposal amends the mailed notification radius to three hundred (300) feet for all Article 2 applications requiring mailed notice, with the exception of appeals and annexations.

The proposed ordinance is attached to the staff report (Attachment 1).

PROPOSAL

Land use decisions can have a significant impact on landowners, neighbors, and in some cases the entire community. The purpose of providing notification is to encourage public engagement in land use decisions and provide a transparent process, assuring those affected have an opportunity for full and open discussion.

Public notice requirements related to land use applications are outlined within the Unified Development Code. The requirements include mailed notice prior to the public hearing, published notice, timing of notice, minimum notification area, and the posting of signs on the subject property. The UDC meets all minimum requirements mandated by Wyoming State Statute. Table 1-1 provides a summary of notice requirements:

TABLE 1-1: SUMMARY OF REVIEW AUTHORITY									
Application Type	Pre-app meeting	N'hood meeting	Review Body				Notice		
			Staff	PC	CC	BoA	Pub.	Mail	Post
Text Amendment			R	R/H	D/H		<input checked="" type="checkbox"/>		
Map Amendment ("rezoning")	<input type="radio"/>		R	R/H	D/H		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Subdivision – Administrative Plat	<input checked="" type="checkbox"/>		D	A*					<input checked="" type="checkbox"/>
Subdivision – Preliminary Plat	<input type="radio"/>		R	R	D		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Subdivision – Final Plat	<input type="radio"/>		R	R	D		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Site Plan Review	<input type="radio"/>		D			A			<input checked="" type="checkbox"/>
Master Development Plan / Regulating Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	R	R/H	D		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Administrative Use Approval	<input checked="" type="checkbox"/>		D			A			<input checked="" type="checkbox"/>
Conditional Use Approval	<input type="radio"/>		R			D/H	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Temporary Use Approval	<input checked="" type="checkbox"/>		D			A			
Administrative Adjustment	<input checked="" type="checkbox"/>		D			A			
Appeal of Administrative Decision	<input type="radio"/>					D/H		<input checked="" type="checkbox"/>	
Variance	<input type="radio"/>		R			D/H	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Subdivision Standard Waiver	<input checked="" type="checkbox"/>		D	A	A				
Annexation	<input type="radio"/>		R		D		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Street Vacation	<input type="radio"/>		R	R	D		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

R = Recommendation
 D = Decision
 A = Appeal
 H = Public Hearing
 PC = Planning Commission

CC = City Council
 BoA = Board of Adjustments
 = Required
 = Recommended or Optional
 * May be appealed as a preliminary plat application to Planning Commission.

Additional notification methods include an online mapping application that is updated and maintained by staff. This application provides detailed information on all current land use applications and can be found on the City's website.

This text amendment would change the qualifying mailed notice area for the following land use applications: Zoning Map Amendments, Master Development Plans, Conditional Use Approvals, Variances, and Street Vacations. Currently, all properties within 140' of the subject property undergoing one of the aforementioned procedures are required to be sent written notification that describes the nature of the proposed development action. This required notice is prepared and sent by the applicant, but is verified by staff. The proposal would change the required notification area from "140 feet, excluding rights of way" to "300 feet". Omitting the language "excluding rights of way" would likely simplify and clarify the process of determining which properties are required to be notified. This in turn would increase consistency and predictability, and would ultimately benefit planning staffs efforts to verify required notice and administer the code.

POLICY CONSIDERATIONS

Defining the qualifying area for notification mailings is, as this proposal suggests, an important policy decision. Staff is supportive of engaging a broader audience and simplifying the mailed notice procedures by omitting the language "rights of way". A 300' radius is an adequate geographic area to sufficiently apprise those parties affected by a contemplated land use action.

ATTACHMENTS

Attachment 1: Ordinance of proposed changes