

**CITY OF CHEYENNE
PLANNING COMMISSION MINUTES
May 16, 2022
6:00 P.M.**

MEMBERS PRESENT: Philip Griggs, Chair; Robert Chamberlin, Secretary; Bob Mathia, Boyd Wiggam

MEMBERS ABSENT: Brian Tyrrell, Vice-Chair; Greg Palmquist, Jeremy Arneson

CITY STAFF PRESENT: Charles W. Bloom, Planning & Development Director; Seth Lloyd, Planner II; Erin Fagan, Planner I; Valerie Pickard, Planning and Development Office Manager; Stephanie Boster, City Attorney; Mark Christensen, Planner II

OTHERS PRESENT: Jasmine Hall, Kristina Richards, Alex Davison, Pete Laybourn, Chad Willett, Jim Weaver, David Hatch, Steffanie Feezo, Randy Lebeaumont, Jason Aguiar, Tara Curry

ITEM 1: CALL MEETING TO ORDER / ROLL CALL

Philip Griggs, Chair, called the meeting to order at 6:00 PM

Roll Call was done by Seth Lloyd, Planner II. There was a quorum with 4 members present.

ITEM 2: APPROVAL OF MINUTES

None

ITEM 3: PLANNING PROJECTS

ITEM A: UDC-22-00008 / [Data Center Text Amendment](#)
Case Planner: Charles Bloom, Planning and Development Director

Seth Lloyd, Planner II, read the item into the record.

Charles Bloom, AICP, Planning and Development Director, asked to postpone the item.

Philip Griggs, Chair, asked for questions from the Board. Hearing none, he asked for public comment. Hearing none, he closed the public comment.

Boyd Wiggam made a motion to postpone the item to the next Planning Commission meeting. Robert Chamberlin seconded the motion.

Roll Call: Motion to postpone the item was approved unanimously by a vote of 3-0.

ITEM B: UDC-22-00157 / [Storey Boulevard Extension Partial Plat Vacation](#)
Case Planner: Seth Lloyd, Planner II

Seth Lloyd, Planner II, read the item into the record.

Mr. Lloyd presented the item.

Philip Griggs, Chair, asked for questions from the Board.

Boyd Wiggam asked if we knew what the intent was for these lots.

Mr. Lloyd stated the lots have been used for detention. He stated that detention can be allocated in another way and these lots can be used for something else.

Mr. Griggs asked for questions from the Board. Hearing none, he asked for public comment. Hearing none, he closed the public comment.

Mr. Wiggam made a motion to approve the item. Robert Chamberlin seconded the motion.

Roll Call: Motion to approve the item was passed unanimously by a vote of 3-0.

ITEM C: UDC-22-00017 / [West Edge Rezoning](#)
Case Planner: Mark Christensen, Planner II

Seth Lloyd, Planner II, read the item into the record.

Mark Christensen, AICP, Planner, presented the item.

Philip Griggs, Chair, asked for questions from the Board.

Boyd Wiggam asked if staff could review what is being changed on the Use Table in the UDC.

Mr. Christensen stated outdoor sales, automobile service repair, automobile service station (limited and general), large scale automobile service station, general industrial, limited outdoor storage, outdoor storage, impoundment yards, salvage yards, railroad yards and maintenance buildings would be prohibited uses. He stated added uses would include residential uses such as detached dwellings, semi-detached dwellings, cottage lots, dormitories, multi-dwelling, mixed use dwellings, accessory dwellings and urban loft buildings. He stated the following commercial uses were added, food service uses, lodging uses and service uses including business services and general services. He stated they wanted to highlight this area as most of it is light industrial.

Mr. Griggs asked if he had a residential unit in the area, it will not be affected.

Mr. Christensen stated the rezoning will change the residential to a conforming use. He stated all established uses in the boundary, will be allowed to continue.

Mr. Griggs asked for questions from the Board. Hearing none, he asked for public comment.

Jim Weaver asked if a property changed ownership what would happen to the existing use.

Mr. Christensen stated any use that had been legally established prior to the zone change could continue to be used. If anything would need a site plan, it would need to come into compliance. He stated a business owner may need to go through a conditional use process to expand a business that is nonconforming. He stated there is a relief process for nonconforming conditions on an existing site if there are problems with bringing the site into conformance.

Mr. Weaver asked if a building addition would require a site plan and would that prohibit the use.

Mr. Christensen stated a site plan would be required and a conditional use would be required to expand a nonconforming use. He stated there are some relief processes that the applicant could take.

Mr. Weaver asked about the notification process for the property owners with the rezoning area. He asked if the City had confirmation that the property owner received the notification.

Mr. Christensen state the notification processes are detailed in the UDC. He stated they do not send certified mail. He stated they are required to notify all the property owners within the rezoning area and property owners within 300' of the rezoning area. He stated they used the most current property

owner information on the County Assessor website. He stated they also posted a notice in the newspaper and with signs around the boundary.

Mr. Griggs asked for public comment.

Pete Laybourn stated this issue was long needed for the residential property owners in the area. He stated he was in support of the zone change. He stated he was concerned about the parking in the area. He stated the zone change will attract people to the area. He stated he was concerned about the area developing and not having parking requirements. He stated we need some substantial public parking and that it is long overdue.

Steffanie Freezo stated she was there for St. Mary's School. She asked that properties around the school be designated for residential uses.

Mr. Christensen stated some of the areas surrounding St. Mary's is already zoned MUB. He stated they would be applying the UU overlay to the properties. He stated residential uses are already permitted without the rezoning. He stated residential would be allowed adjacent to the school but they haven't looked at limiting commercial businesses.

Ms. Freezo asked why residential uses are not a priority around the school.

Mr. Christensen stated they wanted to have a mechanism for existing businesses in the area to exist and that having a mix of commercial uses with residential uses is the vision of the West Edge.

Ms. Freezo stated the light industrial use that is existing on the west side doesn't allow bars and liquor stores but making it MUB with the UU overlay would allow it and to have that potential use next to the school was a concern.

Randy Lebeaumont stated he has concerns about the redevelopment as he owns several light industrial sites in the area. He stated his properties are currently a use by right but will not be with the zone change. He stated he did not want to see a tax increase for the DDA area. He stated he is concerned about parking.

Mr. Christensen stated the DDA boundaries would have to vote on the expansion to include the West Edge area. He stated the impotence for the rezoning is based on the plans for the area. He stated there has been development interest in the area. He stated there have been 3 applicants within the boundary of the rezoning apply for the liquor license and two of them are moving forward. He stated his legal nonconforming uses would need to come into compliance if he expanded.

Mr. Lebeaumont stated he bought property in the area because it was an industrial use. He stated the best use for the properties along Crow Creek are light industrial. He stated the zone change should stop at Snyder to leave the industrial uses alone. He stated spot zones should be allowed for the industrial uses.

Jason Aguiar stated he would like current industrial properties to remain as Light Industrial if the property owner would like to stay. He stated he has two industrial warehouses in the area and the zone change will not allow his properties to operate his businesses in the future.

Mr. Griggs asked for further public comment. Hearing none, he closed the public comment. Mr. Griggs asked for questions from the Board.

Boyd Wiggam stated this is a long overdue zone change. He stated the residences are legal nonconforming uses in the Light Industrial zone and have not been able to expand or repair their homes. He stated they would have to go through a conditional use to improve or change their homes. He stated it seems as though they are targeting auto oriented businesses. He stated he could not vote for spot zoning. He stated he doesn't have an issue with the parking requirements.

Mr. Griggs stated spot zoning was an issue and was a reason why the overlay was developed. He stated parking will be dictated by the uses that are developed. He stated he is not concerned about parking and the zone change is long overdue.

Bob Mathia stated he would like to have staff address the last public comment.

Mr. Christensen stated Mr. Wiggam made some good comments about spot zoning. He stated if a property owner was able to opt out, all property owners would need to have the option to opt out. Mr. Christensen stated the Planning Commission can possibly make an amendment to amend the zoning boundaries. He stated this is a zoning map amendment and not a UDC amendment.

Charles Bloom, AICP, Planning and Development Director, stated any expansion of a towing business would require a conditional use with or without this zone change. He stated Mr. Aguiar's property was for personal use and did not require any parking when it was established. He stated any change to his property will require parking and ADA parking spaces. He stated moving forward with the zone change he would not be required parking but auto service use would not be allowed. He stated the best route would be to submit a site plan and variance under the LI zone and request relief from the parking requirements. He stated the use would be grandfathered in with the zone change. He stated the variance would be limited to that property and his specific use. Any expansion would need to be reviewed.

Mr. Wiggam asked if either of the uses that the public commented on are located north of 17th Street.

Mr. Christensen stated Mr. Aguiar is north of 17th Street, adjacent to Ames and Dillon on W. 19th Street. He stated Randy's Towing is between Dillon and Snyder and between 17th and 18th.

Mr. Wiggam asked if it fronts on 17th Street.

Mr. Bloom stated it is located on the south side of 18th Street, between Dillon and Snyder.

Mr. Wiggam asked how essential it is to have the UU overlay along Lincolnway.

Mr. Bloom stated at the public meeting there was a request to include a property at the corner of Lincolnway and Snyder so they could remove the parking requirements as it has limited redevelopment in the past for that property. He stated the industrial uses in that area are not the best fit for the area and do not fall in line with the West Edge area plan. He stated they could look at it as a more phased approach. He stated they can reevaluate the uses and what would be permitted under the Conditional Use process.

Mr. Wiggam made a motion to recommend approval of the zoning map amendment for the West Edge District from MUB, MUR, LI, and CB to MUB Mixed Use Business Emphasis with Urban Use Overlay District as shown in the attached zone change map with property descriptions, noting that the project meets the review criteria of UDC 2.2.1.d for approval. Robert Chamberlin seconded the motion.

Mr. Wiggam made a motion to amend the proposed zoning map such that the southern boundary would fall along the mid-block alley between 17th and 18th Streets, which would form the southern boundary of the UU Overlay District. Mr. Chamberlin seconded the motion.

Mr. Wiggam stated the line should be between blocks in the alley as developments that face each other would be the same. He stated he is not in favor of prohibiting auto uses on Lincolnway.

Mr. Griggs asked where the east boundary should be drawn.

Mr. Lloyd showed the proposed boundary line drawn on a map.

Mr. Wiggam agreed with the example shown by Mr. Lloyd and stated he did not propose any adjustment to the eastern or western boundaries.

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*

Mr. Chamberlin asked if there is a concern with the proposed adjustment.

Mr. Bloom stated public comment needs to be taken from the public that was on Zoom.

Chad Willett stated he owns property at 15th and Bent and 16th and Bent. He stated this zone change is important for his development and the zone change needed to be extended to 15th Street, near Bent and Oneil south of Lincolnway.

Mr. Bloom stated Tara Curry, who was on Zoom, from 1700 Snyder wants the MUB zone for her property.

Mr. Griggs stated there is an amendment to the original motion. He stated the amendment would change the boundary of the zone change.

Mr. Wiggam stated the public comments have indicated they want the MUB zone instead of commercial business. He stated there is also the urban overlay district. He stated he was concerned about prohibiting auto based businesses along Lincolnway. He asked if they should be dealing with the underlying zoning and the overlay district separately.

Mr. Christensen stated the UU Overlay District needs to have a base district of MUB, P or MUR. He stated staff would like to change the MUB zone change and overlay district at the same time.

Mr. Wiggam asked if they could do the zone change to MUB and then a second item for the UU Overlay District. He stated he wanted to make sure they weren't banning automobile uses along Lincolnway.

Mr. Christensen stated the MUB zoning could be rezoned for the entire area and then the UU Overlay District could be applied to certain areas. He stated the UU Overlay District gives flexibility to the site and building standards and parking regulations.

Mr. Bloom stated the Planning Commission could recommend specific blocks be excluded. He stated they could draw the boundary differently.

Mr. Wiggam stated he would like to see a visualization for the boundary drawn differently to protect the auto uses in the area along Lincolnway. He stated he may withdraw his amended motion.

Mr. Bloom asked if Mr. Wiggam was asking for his motion to be withdrawn.

Mr. Wiggam withdrew his motion to amend. Mr. Mathia accepted the withdrawal of the amended motion.

Mr. Griggs stated the motion to amend has been withdrawn.

Mr. Wiggam made a motion to amend his original motion to recommend approval of the underlying zone submitted by the applicant.

Mr. Lloyd stated the Planning Commission is amending the motion to recommend approval of the zone change to the MUB zone instead of the zone change to the MUB zone with the UU Overlay. He stated Mr. Wiggam would like to make a second motion for the UU Overlay District with modifications.

Mr. Wiggam agreed.

Mr. Griggs stated Mr. Wiggam is amending the original motion.

Mr. Wiggam agreed that he made a motion to recommend approval of the underlying zoning amendment submitted by the applicant.

Mr. Griggs stated the motion is to recommend approval of the rezoning of the property from MUB, MUR, CB and P to MUB.

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*

Mr. Wiggam agreed.

Mr. Bloom stated Mr. Wiggam would like to change the action into two items. He stated one motion would be for the base zoning and a second motion would be for the UU zoning. He stated they would forward the recommendation on to City Council and they could approve the items based on the forwarded recommendation or with the staff recommendation.

Mr. Mathia seconded the motion.

Mr. Lloyd stated the motion is to approve the zoning map amendment from various zone districts to MUB.

Roll Call: Motion to approve passed unanimously by a vote of 3-0.

Mr. Wiggam made a motion to approve the UU Overlay District.

Mr. Lloyd asked if they just amended the main motion and if now they needed to make the main motion.

Mr. Wiggam agreed.

Mr. Lloyd stated the first motion was to amend the main motion to just MUB. He stated now they need to vote on changing the zone to MUB.

Mr. Griggs agreed.

Mr. Lloyd stated the first vote was to amend the main motion to just MUB. He stated now they need to vote on changing the zone to MUB.

Mr. Wiggam asked if they needed to divide the question now to preserve the UU Overlay.

Mr. Lloyd stated no.

Mr. Bloom stated they need to take public comment. Mr. Bloom stated, Tara Curry, who was on Zoom, had written in the chat, she owns property on the corner of 17th and Snyder and has had zoning issues.

Mrs. Curry stated she has not been able to rent out the property due to the parking and industrial zoning. She stated she needs the UU overlay district.

Mr. Griggs asked what corner she owned property on.

Mrs. Curry stated it was the south corner of 17th and Snyder.

Mr. Christensen stated it was the northwest corner.

Mrs. Curry stated it was the old Boys and Girls Club.

Mr. Wiggam asked if the owner of Prestige International, 914 W. 17th street, was the property owner that spoke previously that has an issue with the UU Overlay District.

Mr. Griggs stated he believed that was correct.

Mr. Lloyd stated it would be best to divide the question. He stated they should make a formal motion to divide the question so the MUB zone change is a different motion than the UU Overlay District. He stated they would vote on the MUB and the UU Overlay District separately.

Mr. Wiggam moved to divide the question as outlined by staff.

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*

Mr. Wiggam moved to withdraw the main motion.

Mr. Lloyd stated the main motion is withdrawn and they needed a new main motion or they could divide the question.

Mr. Wiggam made a motion to recommend to the Governing Body to adopt the rezoning of the area to MUB and to adopt an Urban Overlay District applicable to the area of the study.

Mr. Lloyd stated the motion on the floor was to divide the question.

Mr. Wiggam stated that was the main motion.

Mr. Lloyd stated this was the main motion.

Mr. Wiggam stated the main motion is to adopt the underlying zone change and to adopt an Urban Use Overlay District as outlined by staff.

Mr. Mathia seconded the motion.

Mr. Wiggam moved to divide the question to address the underlying base zoning as one question and Urban Use Overlay District as a second question. Mr. Mathia seconded the motion.

Roll Call: The motion to approve was passed by a vote of 2-1.

Mr. Lloyd stated they would now vote on the 1st part of the motion.

Roll Call: The motion to approve the MUB zoning was passed by a unanimous vote of 3-0.

Mr. Wiggam moved to amend the Overlay Use District map to extend the southern boundary from along the alley way between 17th Street, eastward to Dillon Avenue, north to the alley, between 17th and 18th Street and eastward along the alley to Bent Avenue and then south on Bent Avenue. The motion failed due to no second.

Mr. Griggs stated that was too far east.

Mr. Wiggam moved to amend the Overly Use District map to extend the southern boundary starting at 17th Street to Dillon Avenue, north to the alley between 17th and 18th Street, east to Snyder Avenue, then south to the southern boundary of the district to the railroad property. The motion failed due to no second.

Mr. Lloyd stated the amendment to the boundary failed but the UU Overlay District is still on the table.

Mr. Wiggam stated he is uncomfortable banning auto uses along Lincolnway. He stated he was concerned about rendering an existing, active, legal nonconforming use and if they had to choose between it and a perspective business he would vote in favor of an existing business.

Mr. Lloyd stated they had a motion on the floor to adopt the UU Overlay District as proposed in the staff report with a second.

Mr. Bloom stated they need to take public comment.

Mrs. Curry stated she owns the property on the corner of 17th and Snyder and the proposed amendment would deem her property unusable due to not having the overlay district. She stated drawing the line down the alley will cause Hall Towing's property to be half within the UU Overlay District and half not in the UU Overlay District. She stated she really needed her building to be within the UU Overlay District boundary.

Mr. Griggs stated the motion to change the boundary failed.

Mr. Lloyd stated they have approved MUB zoning for the area. He stated they are now considering the UU Overlay District for the entire area.

Mr. Lebeaumont stated he did not want to see the 17th Street block split in half for the UU Overlay District. He stated he needed his property to stay industrial.

Roll Call: The motion to approve the UU Overlay District passed by a vote of 2-1.

ITEM D: UDA-22-00001 / [15th Street Corridor Urban Renewal Plan](#)
Case Planner: Mark Christensen, Planner II

Seth Lloyd, Planner II, read the item into the record.

Mark Christensen, AICP, Planner II, presented the item.

Philip Griggs, Chair, asked for questions from the Board. Hearing none, he asked for questions from the public.

Randy Lebeaumont stated he was in favor of the plan.

Chad Willet stated he was in support of the plan.

Mr. Griggs asked for questions from the public. Hearing none, he closed the public comment.

Boyd Wiggam made a motion to recommend approval of the 15th Street Corridor Urban Renewal Plan and Project to the Governing Body as presented by staff, noting the Plan and Project conforms with Wyoming State Statute §15-9-110 and PlanCheyenne. Bob Mathia seconded the motion.

Mr. Wiggam stated this is the best example of how they should be recommending urban renewal.

Roll Call: Motion to approve the item was passed unanimously by a vote of 3-0.

ITEM E: UDA-22-00002 / [The Hynds and The Hole Urban Renewal Plan](#)
Case Planner: Mark Christensen, Planner II

Seth Lloyd, Planner II, read the item into the record.

Mr. Wiggam recused himself from the item. There was still a quorum of 2 members present.

Mark Christensen, AICP, Planner II, presented the item.

Philip Griggs, Chair, asked for questions from the Board.

Mr. Griggs asked if the Hynds building is built of cement and concrete walls.

Mr. Christensen stated he would defer the question to the agent for the applicant.

Jim Weaver, agent, stated it is made of steel and concrete. He stated it has pillars and limestone construction walls. He stated asbestos has been remediated. Mr. Weaver stated there is electrical and alarm systems on the main floor. He stated the entire building is not wired.

Mr. Griggs stated this process is advantageous for the owner.

Mr. Weaver stated he had a presentation. He stated he did not recommend approval. He stated they have specific issues with the plan. He stated a study was done a year ago for the Hole and the Hynds. He handed out a blight study that was done in 2021. He stated the plan is based on erroneous data. He stated it is up for discussion as whose deteriorating brick is existing. He stated the Hole is blighted but the Hynds building is being included in the URA because of its proximity to the Hole. He stated this could be an effort to take the property. He stated the plan has not taken into account of the improvements the current owner has made. He stated the windows have been improved and he has tenants and the electrical has been upgraded. He stated noticed was not received that the property was being put in the URA. He stated they received a document in May of 2022. He stated the owner is not in support of calling the property blighted. He stated they did not want passage of this plan. He stated the owner should have property rights. He stated staff should work with the current owner. He stated this is on a fast track and the building should not be condemned as blighted. He asked they not move this forward at this time.

Mr. Griggs asked for questions from the Board.

Robert Chamberlin stated the TIF works well. He asked if the property owner has a plan for the property.

Mr. Weaver stated the owner plans to sell the property. He stated the owner has financing. He stated the current property owner has made improvements to the building and prior to his ownership it was vacant for 40 years.

Mr. Griggs stated the paragraph has been rescinded.

Mr. Weaver stated it has been recommended. He stated the plan is not accurate. He stated it should apply to the Hole and not the Hynds building.

Bob Mathia asked what the owner has done to see if the structural integrity is intact for the building.

Mr. Weaver stated he has numerous studies for the building. He stated the building is structurally sound. He stated it has withstood over 100 years. He stated the west wall is in question but is it the Hynds wall or the old Mary's Bake Shop wall.

Mr. Mathia asked about the condition of the roof.

Mr. Weaver stated it is rolled asphalt. He stated the only time water has come into the building is when pigeons plugged the drain. He stated the property is maintained by the property owner. He stated they like the TIF but not at their expense.

Mr. Mathia asked if they remove the reference to the blighting would the City still have rights to add it to the Urban Renewal project.

Ms. Boster stated it would not.

Mr. Weaver asked if eminent domain and condemnation can not happen if it is taken out of the plan.

Ms. Boster stated State Statute gives the City the right to eminent domain.

Mr. Weaver asked if it would be fair to say it is less challenging road if the City has already adopted as being blighted. He asked since the property is within the URA that it makes it easier for the property to be taken.

Ms. Boster stated that is an argument to make.

Mr. Griggs asked for public comment. Hearing none, he closed the public comment.

Mr. Chamberlin made a motion to recommend approval of the Hynds and the Hole Urban Renewal Plan and Project to the Governing Body as presented by staff to modifying the plan and project document to remove references to condemnation, noting the Plan and Project conforms with Wyoming State Statute § 15-9-110 and PlanCheyenne. Bob Mathia seconded the motion.

Roll Call: Motion to approve the item was passed unanimously by a vote of 3-0.

ITEM 4: FOLLOW-UP INFORMATION ON PREVIOUS ACTIONS:

None

ITEM 5: OTHER BUSINESS/STAFF ANNOUCEMENTS:

None

ITEM 6: MEETING ADJOURNED: 8:16 PM



Staff Signature



Board Officer