

CITY OF CHEYENNE
PLANNING COMMISSION MINUTES
August 1, 2022
6:00 P.M.

MEMBERS PRESENT: Philip Griggs, Chair; Brian Tyrrell, Vice-Chair; Robert Chamberlin, Secretary; Boyd Wiggam, Megan Connor, Amy Hernandez

MEMBERS ABSENT: Bob Mathia

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

OTHERS PRESENT: Brad Emmons, Mark Rinne, Dave Reed, Brenda Cowley, Joe Bennett, Vanda Edington, Carol Davenwright, Joe Patterson, Duke Mark

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 6 members present.

ITEM 2: APPROVAL OF MINUTES

Brian Tyrrell made a motion to approve the meeting minutes from July 5, 2022. Robert Chamberlin seconded the motion. The minutes from the July 5th Planning Commission meeting were approved unanimously.

ITEM 3: PLANNING PROJECTS

ITEM A: (postponed from July 5, 2022)
[UDC-22-00129 / Cheyenne Fox Farm, Expedited Plat](#)
Agent: Brad Emmons, AVI, PC
Case Planner: Seth Lloyd, Planner II

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

Brad Emmons, agent, presented the item.

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

Boyd Wiggam asked if there were still issues with the easements and utilities.

Mr. Emmons stated phase I of the project can be sewerred from the northeast. He stated the eastern 2/3rds of the property cannot be serviced by sewer at this time. He stated they are working on off-site improvements to get sewer to that part of the property. He stated they are working on getting a sewer line from Avenue 2C to the LCCC property. He stated they need one more easement to complete the connection and they are working on getting the easement.

Megan Connor asked if the easements would be obtained in phases and what their plan was for providing the easements.

** 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. Emmons stated the water and utility easements on the plat are only for the 1st site plan phase. He stated they would record easements or do an administrative plat for the other phases as they didn't know where the easements were needed at this time.

Ms. Connor asked if all parties are on the application.

Mr. Emmons stated all property owners have signed the application.

Mr. Lloyd gave the staff report.

Robert Chamberlin asked the agent if the conditions from staff were acceptable.

Mr. Emmons stated they were all reasonable items and felt they had met the conditions.

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

Brian Tyrrell made a motion to approve the Cheyenne Fox Farm Expedited Preliminary Plat and recommended granting an exception to UDC Section 4.3.3.c. and advancing the Final Plat to the Governing Body with the staff conditions listed in the staff report. Mr. Wiggam seconded the motion.

Roll Call: The motion to approve the item was passed unanimously by a vote of 5-0.

ITEM B: (postponed from July 5, 2022)
 [PLN-22-00009 / Infrastructure and Reimbursement, Text Amendment](#)
 Case Planner: Charles Bloom, AICP, Planning and Development Director

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

Charles Bloom, Planning and Development Director, stated they would like the item withdrawn. He stated they have proposed amendments to Title 1 instead of moving it to the UDC.

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

Boyd Wiggam asked would the City still be able to deal with the County pocket annexation cost issues.

Mr. Bloom stated they will still be able to move forward without additional costs for annexation.

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

Mr. Wiggam made a motion to acknowledge the withdrawal of the proposed text amendments to the Unified Development Code Article 1, General Provisions and Article 4, Subdivision Standards, to relocate and clarify infrastructure reimbursement and associated definitions from Municipal Code to the Unified Development Code. Megan Connor seconded the motion.

Roll Call: Motion to withdraw the item was passed by a unanimous vote of 5-0.

ITEM C: [UDC-22-00227 / Comea, Expedited Plat](#)
 Agent: Brad Emmons, AVI, PC
 Case Planner: Seth Lloyd, Planner II

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

Robert Chamberlin recused himself from the item.

Brad Emmons, agent, asked if they could hear Item C and D together.

** 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.*

Philip Griggs, Chair, stated they could hear the items together.

Mr. Emmons presented the item.

Boyd Wiggam stated he was in support of the plat but he felt it was an environmental injustice to place the Comea Shelter next to the railroad tracks.

Mr. Griggs asked if there were any issues about the alleys that may or may not have been vacated.

Mr. Emmons stated this map will clean up all the issues.

Charles Bloom, Planning and Development Director, stated the best way to clean the area up was to vacate everything and replat the site.

Mr. Lloyd gave the staff report.

Brian Tyrrell asked why Mixed Use Residential was considered.

Mr. Lloyd stated the current zoning on the property is LI and CB. He stated the most appropriate zone for the applicant was the CB zone. The zone change was requested to the CB zone. He stated the Future Land Use designated this area as Mixed Use Residential. He stated the Future Land Use designation suggests this area be a mix of residential and commercial.

Mr. Wiggam stated it is important to advance this project so Comea can expand. He stated he felt vulnerable populations were being placed in area next to UP Railroad.

Mr. Lloyd stated the existing Comea Shelter is already located on this land and they would like to expand.

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

Megan Connor made a motion to approve the Comea Subdivision, 2nd Filing Expedited Preliminary Plat, advancing the Final Plat to the Governing Body. Mr. Wiggam seconded the motion.

Roll Call: Motion to approve the item passed by a unanimous vote of 5-0.

ITEM D: [UDC-22-00239-01 / Comea, Zone Change](#)

Agent: Brad Emmons, AVI, PC

Case Planner: Seth Lloyd, Planner II

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

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

Megan Connor made a motion to approve the rezoning of the area to be known as Lot 1, Block 1, Comea Subdivision, 2nd Filing to CB Community Business as shown in the attached zone change map, noting that the project meets the review criteria for approval. Mr. Wiggam seconded the motion.

Roll Call: Motion to approve the item passed by a vote of 4-1.

ITEM E: [UDC-22-00236 / Pointe Plaza PUD Amendment](#)

Agent: Brad Emmons, AVI, PC

Case Planner: Connor White, Planner II

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

Brad Emmons, agent, presented the item.

** 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.*

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

Connor White, Planner II, gave the staff report.

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

Vanda Edington stated she has lived in the Pointe for eighteen years. She stated she did not feel Guardian had provided the mixed use commercial and neighborhood businesses like they had promoted. She stated she was against the proposed amendment. She stated she didn't want to see more residential units and was concerned about density.

Brenda Cowley stated she was on the Pointe HOA Board and she constantly had people wanting to know what is going on with the Pointe Plaza and why businesses haven't been established there. She stated that people had bought homes in the Pointe being told by Guardian they would have a commercial area in the Pointe Plaza. She stated the traffic was a problem on Gardenia and Powderhouse. She stated she was opposed to the amendment and would like to see commercial go in the area.

Dave Reed stated the original PUD zoning for Block 1 was limited to no more than 90,000 sq ft of commercial business. He stated there is a day care. He asked how much more sq footage would be taken away by residential with the zone change. He stated when they bought in the Pointe, they were told there would be commercial in the Pointe Plaza area.

Joe Bennett stated many people were told there would be a commercial development when they bought their homes and they would like to see the commercial area at the Pointe Plaza. He stated if this amendment is passed then there won't be a commercial area as they were promised.

Carol Davenwright said she agreed with the others that had spoken. She stated she was concerned about density, parking and traffic with the additional residential units.

Mr. Emmons stated the original PUD did designate 90,000 sq ft for commercial. He stated the day care is 16,000 sq ft. He stated there is one building that will stay commercial and it is 9,600 sq ft. He stated with this amendment the lower level of the building they were changing the use of was 22,000 sq ft. He stated the 22,000 sq ft could be either commercial or residential. He stated the traffic and parking would be higher for commercial than for residential uses. He stated the City Council had just approved a study for Powderhouse Road from Dell Range to US Highway 85.

Joe Patterson, Guardian Companies, stated they've sought commercial companies and small businesses and they haven't had businesses wanting to lease. He stated they don't want to build commercial units and have them remain empty. He stated they are working with two businesses to add to that area. He stated residential use will decrease the traffic compared to commercial uses. He stated the change to the PUD adds flexibility to do commercial or residential.

Megan Connor asked how traffic is less for residential uses than for commercial uses.

Mr. Patterson stated commercial uses demand a higher parking ratio over the amount required for residential uses.

Mr. Emmons stated residential is 8 to 10 trips a day. He stated commercial properties are at a much higher rate and traffic volume increases. He stated the parking is based off of 1.5 spaces for residential uses and commercial uses are 1 space for every 200 sq ft for retail and 1 space for every 300 sq ft for office uses.

Ms. Edington stated businesses do not want to lease a few years out with a building that has not been built yet. She stated other commercial business areas in Cheyenne have taken several years to lease their spaces after they are built. She stated they need to build the units first and then the businesses will

** 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.*

come and lease. She stated if they can't rent them, then they could convert them to residential at that time.

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

Boyd Wiggam stated he understood the concerns of the residents and he was in support of the mixed-use concept. He stated there is a high demand for residential at this time and he felt it would not be a good idea to impose building commercial space on a developer. He stated he was in support of the amendment.

Brian Tyrrell stated he was not a fan of PUD's. He stated he was not in support of the amendment.

Ms. Connor stated she did not see any supporting evidence that commercial spaces could not be rented.

Mr. Griggs stated there are many new commercial developments that are currently empty.

Robert Chamberlin stated it is difficult to get commercial businesses into spaces in Cheyenne. He stated having the flexibility in the amendment may spur commercial development.

Mr. Wiggam made a motion to recommend the Governing Body approve the Pointe Plaza PUD amendment noting that the amendment meets the review criteria for approval. Mr. Chamberlin seconded the motion.

Roll Call: Motion to approve the item failed by a vote of 2-3.

Charles Bloom, Planning & Development Director, stated a motion to deny with a tie vote would fail the item and the item would move on to the Governing Body.

Mr. Wiggam made a motion to deny the amendment to the Pointe Plaza PUD noting the Planning Commission finding insufficient evidence for lack of demand for commercial space and the commercial space was an integral part of the marketing plan to sell houses in the community. Mr. Tyrrell seconded the motion.

Mr. Bloom stated UDC Section 2.2.2.d.8 and 15 of the review criteria not being met are the reasons for denial.

Roll Call: Motion to deny the item passed by a vote of 3-2.

ITEM F: [UDC-22-00248 / 2121 E 12th St, Zone Change](#)

Agent: Kirk Johanson

Case Planner: Seth Lloyd, Planner II

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

Duke Mark, agent, presented the item.

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

Mr. Griggs asked if the homes would be remodeled.

Mr. Mark stated that was correct and both homes are serviced by separate utilities.

Mr. Lloyd gave the staff report.

Mr. Griggs asked what the area would be for each lot.

Mr. Lloyd stated the plat would be heard at the next Planning Commission meeting.

Mr. Mark stated the front lot would be 3,800 sq ft and the other lot would be 2,477 sq ft.

Boyd Wiggam asked why this is not considered a spot zone.

Mr. Lloyd stated a spot zone is a significant difference in zoning. He stated the MR zone and the NR zone are similar and compatible. He stated the NR zone allows smaller lots.

Charles Bloom, Planning & Development Director, stated the Land Use Plan for the area is Urban Residential. He stated the proposed zone change is consistent with the Land Use Plan.

Brian Tyrrell stated this is the same type of issue that McDonalds had at a previous meeting.

Mr. Bloom stated that was correct and that the Land Use Plan category supports a variety of zones within it.

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

Mr. Tyrrell made a motion to approve the rezoning of Lots 1 and 1 1/2, Block 18, Resubdivision of Lake Minnehaha Addition to NR-2 Neighborhood Residential – Medium Density as shown in the attached zone change map, noting that the project meets the review criteria for approval. Robert Chamberlin seconded the motion.

Roll Call: Motion to approve the item passed by a vote of 5-1.

ITEM G: [UDC-22-00254-01 / Les Schwab, Zone Change](#)

Agent: Blake Widmer and Michael White

Case Planner: Seth Lloyd, Planner II

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

Philip Griggs, Chair, asked if the agent was present.

Mr. Lloyd stated the applicant was not present and gave the staff report.

Megan Connor asked if the residents to the east were notified of the zone change. She stated she was concerned about the commercial property being next to a residential property.

Mr. Lloyd stated the neighbors are required to be notified. He stated there is an alley between the property and the property to the east. He stated there is a buffer requirement between the CB and residential zone.

Ms. Connor stated they should propose at least a 6' tall buffer and to limit bright signs on the property to protect the residential property to the east.

Boyd Wiggam asked if it was appropriate to condition a zone change.

Mr. Lloyd stated a Level 1 buffer is required between the CB Zone and the adjacent property. He stated a Level 1 buffer requires a 10' landscaped buffer with trees and shrubs.

Mr. Griggs stated he felt the buffer requirement should depend on the type of commercial development that is going there.

Mr. Lloyd stated the CB zone allows a wide variety of commercial developments.

** 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.*

Ms. Connor stated a tire shop is applying for the zone change and that use is an intense use next to residential.

Mr. Lloyd stated you can't condition a zone change but they could deny the zone change based on the buffer being insufficient. He stated the buffer will be required to be 10' wide, will require at least 4 trees and 18 shrubs.

Mr. Wiggam asked if there is another zoning designation that would meet the needs of the applicant.

Mr. Lloyd stated the CB zone is the most suitable for the applicant.

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

Mr. Wiggam made a motion to approve the rezoning of Lots 1 & 2, Block 16, and Lots 3 & 4, Block 17, Frontier Gardens, 3rd Filing to CB Community Business as shown in the attached zone change map, noting that the project meets the review criteria for approval. Brian Tyrrell seconded the motion.

Roll Call: Motion to approve the item passed by a vote of 5-1.

ITEM 4: FOLLOW-UP INFORMATION ON PREVIOUS ACTIONS:

None

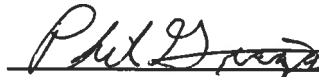
ITEM 5: OTHER BUSINESS/STAFF ANNOUNCEMENTS:

- Anniversary of the flood of 1985
- No mid-month Planning Commission meeting for August
- The UDC has been updated on the website

ITEM 6: MEETING ADJOURNED: 7:52 PM



Staff Signature



Board Officer

