



# BOARD OF ADJUSTMENT MEETING MINUTES

MAY 16, 2024  
6:00 P.M.

- MEMBERS PRESENT:** Mark Moody, Curtis Clabaugh, Markese Green, Linda Burt, Trent Carroll (Chair), Jeffery Boldt (Board Attorney)
- MEMBER ABSENT:** Dustin Brown, Erin LeBlanc
- QUORUM PRESENT:** Trent Carroll (Chair) called the meeting to order at 6:00 pm. Roll Call was taken; a quorum was present with five members in attendance.
- CITY STAFF PRESENT:** Valerie Pickard (Planning & Development Office Manager), Stefanie Boster (Staff Attorney), Athen Mores (Planner), Erin Fagan (Planner).
- OTHERS PRESENT:** Erin Berry, Hayes family, Ane Ridgeway, Brent Rhodes, Brian Rice, Robert Shank, Amber Conway, Kevin Georges.

**APPROVAL OF MINUTES:** [April 18, 2024](#)

Mr. Moody made a motion to approve the minutes from April 18<sup>th</sup> which was seconded by Mr. Green. Hearing no comments the minutes were approved unanimously.

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**ITEM A: REQUEST:** [PUDC-24-63: Conditional Use request to allow Multi-family Residential within the MR zone.](#)

Location: 711 W 28<sup>th</sup> Street

Agent: Erin Berry, Hirst Applegate  
Case Planner: Erin Fagan, Planner II

Mrs. Pickard read Item A into the record.

Mr. Carroll asked any questions for staff, hearing none he asked if anyone was speaking on the applicant's behalf.

Ms. Berry explained the staff report was correct and believed it met UDC requirements. The project is a multifamily residence on the property.

Mr. Moody asked if design is for 1 resident per unit, or other units for multifamily.

Ms. Berry stated the garage will hold 3, 1 bedroom units.

Mr. Green asked how long the property has been owned.

Ms. Berry stated 7 years.

Mr. Carroll asked for public comment, there was none.

Ms. Burt made a motion to approve item A

Mr. Moody second the motion.

A public outburst occurred about the address.

Mr. Carroll claimed public comment had been closed on this matter.

Mr. Moody entertained motion to re-open public comment.

Mr. Green second the motion

Motion was approved by all.

Mr. Hayes and the Hayes family came to the podium and spoke about the unfairness of the project, asking several questions.

Staff responded to questions, and it was later revealed that the Hayes family was mistaken, and the project is not the address they thought. They apologized and said to please disregard their comments on this project.

Mr. Carroll asked if there were any more public comments, hearing none, public comment was closed.

Ms. Burt entertained a new motion to approve Item A.

Mr. Moody second the motion.

Mr. Carroll asked for any discussion, hearing none he called roll for the vote.

All members of the commission voted yes.

**RESULT: The motion passed with all members present voting yes**

**ITEM B:**      **REQUEST:**    [PUDC-24-65: Conditional Use request to allow Entertainment, Amusement, Recreation – Other facility within the MUB Mixed Use Business Zone.](#)

Location: 3310 Ridge Road

Agent: Amber Conwell, TDSi  
Case Planner: Erin Fagan, Planner II

Mrs. Pickard read item B into the record.

Ms. Fagan read the staff report for item B into the record. The project is an off-track betting facility with a previous building and parking lot. The bar will remain functional, and explained how the use falls within the UDC requirements, and has similar characteristics as other businesses in the neighborhood. Staff recommends approval.

Mr. Carroll asked for staff questions.

Mr. Moody asked why an access to Pershing will be closed.

Ms. Fagan explained it was an engineering requirement and that a staff engineer was online.

Mr. Moody waited a bit, and no one was online to reply at the moment.

Ms. Fagan stated it was an engineering requirement due to spacing issues and safety.

Mr. Moody asked what the issue with leaving it as is would be.

Ms. Fagan again answered per UDC there are spacing requirements, and the spacing does not meet minimum spacing requirements and is a safety issue.

Mr. Carroll asked for questions, hearing none.

Ms. Conwell came to the podium and stated the project has similar characteristics of the existing use when it come to traffic and hours. She will conduct a traffic study and explained how the developer wants to develop the property and make upgrades to it.

Mr. Moody asked if she agreed the access on Pershing closing will be a burden.

Ms. Conwell said it would, but there are looking more into the site plan and on Birch it might increase light pollution from traffic in homes.

Mr. Carroll asked for more questions and heard none.

Ms. Pickett from engineering was online and answered Mr. Moody's original question that the spacing requirements were short, and it was a safety issue.

Mr. Carroll asked for public comment, there was none, and comment was closed.

Mr. Moody motioned to approve the project without closing the Pershing access.

Mr. Carroll said he needed to use suggested language.

Mr. Moody read the corrected language for the motion.

Mr. Green seconded the motion.

Ms. Burt explained the original motion and most recent motion by Mr. Moody conflict.

Mr. Boldt explained the first motion wasn't seconded and the 2nd motion was the discussion at hand.

Mr. Moody asked to amend the motion to remove all conditions A-E.

Mr. Boldt explained we have a motion conflict.

Mr. Moody answered that he wants to remove section A through E in the motion.

Mr. Green asked what we were seconding or approving.

Mr. Carroll answered we were amending a motion and that's what we were reviewing. The motion was made and not second.

Mr. Moody asked to amend the motion by deleting portion E only. The motion was made but not seconded.

Original motion was seconded and approved by all members voting yes.

Mr. Carroll asked for any comment and hearing none adjourned the meeting.

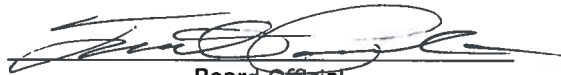
**RESULT: The motion passed with all members present voting yes.**

**OTHER BUSINESS:** No other business was mentioned.

**ADJOURNED: 6:33pm**



Produced by City Staff



Board Official

*\* 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.*