

**CITY OF CHEYENNE  
PLANNING COMMISSION MINUTES  
July 5, 2022  
6:00 P.M.**

**MEMBERS PRESENT:** Philip Griggs, Chair; Brian Tyrrell, Vice-Chair; Robert Chamberlin, Secretary; Bob Mathia, Boyd Wiggam (on Zoom), Megan Connor

**MEMBERS ABSENT:** None

**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; Lonnie Olson, Planner I

**OTHERS PRESENT:** John Edwards, John Biggs, James Bowers

**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 May 16, 2022. Bob Mathia seconded the motion. The minutes from the May 16<sup>th</sup> Planning Commission meeting were approved unanimously.

Brian Tyrrell made a motion to approve the meeting minutes from June 6, 2022. Bob Mathia seconded the motion. The minutes from the June 6<sup>th</sup> Planning Commission meeting were approved unanimously.

**ITEM 3: PLANNING PROJECTS**

**ITEM A:** (postponed from June 6, 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.

Philip Griggs, Chair, stated the applicant requested a postponement.

Mr. Lloyd stated staff had requested the applicant postpone the item and the applicant agreed. He stated the applicant was not present.

Mr. Tyrrell made a motion to postpone the item to the August 1<sup>st</sup> Planning commission meeting. Bob Mathia seconded the motion.

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

**ITEM B:** [East Cheyenne Community Park Master Plan](#)  
([Staff Memo and Draft Resolution](#))  
Case Planner: Jeanie Vetter, Parks and Greenway Planner

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

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Jeanie Vetter, Parks and Greenway Planner, presented the item.

John Biggs, Russel & Mills Studios, presented the item.

Philip Griggs, Chair, asked if the pool and courts would be fenced in.

Mr. Briggs stated they would be fenced in.

Mr. Griggs stated the City would need to look at some means of security for the pool and courts.

Mr. Biggs stated it would definitely be needed for the pool. He stated the courts could be open at certain times of the day.

Mr. Griggs asked for questions from the Board.

Bob Mathia asked if a cost estimate has been developed for the park maintenance.

Mr. Biggs stated they did a cost estimate for the construction but not for maintenance or operation.

Megan Connor asked who was asked to take the survey.

Ms. Vetter stated there were a few online surveys, some press releases and social media posts to collect the survey results.

Mr. Biggs stated there were over 1,000 responses for the first survey which they had never seen before.

Mr. Mathia asked how they would improve the stream bed.

Mr. Biggs stated the creek needs some improvements to include it as an amenity to the park.

Mr. Mathia asked if the alignment would be changed.

Mr. Biggs stated there would be minor adjustments to the alignment.

Robert Chamberlin asked if the south end of the park was in the FEMA floodplain.

Mr. Bigg stated it is out of the floodplain but the FEMA maps have not been updated yet.

Boyd Wiggam asked about the phasing and the cost of the phasing. He asked how flexible is the plan for the phasing.

Mr. Biggs stated it is very flexible. He stated this is the first concept for the phasing but they would work out final phasing with City staff.

Mr. Wiggam stated the gymnasiums are very expensive phase. He asked what would happen if funding was not found for the gym space.

Ms. Vetter stated this was just a plan and they were setting up locations for future amenities. She stated this was for a general idea but there would be many more construction plans for each phase. She stated they would build the park slowly and as the City grows. She stated the Kiwanis Club has pledged to donate money to the park and the funding will grow as Cheyenne grows as a community.

Mr. Wiggam asked if one of the phases did not have funding would the space be kept as green space.

Ms. Vetter stated they needed a master plan to show all of the amenities that are needed in the community. She stated all of the amenities included in the plan may not actually be built. She stated

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funding will be a phased process. She stated this is a ground level plan and things can change over time.

Mr. Mathia asked if they would have public input over time.

Ms. Vetter stated they would have public input for each phase.

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

Brian Tyrrell stated he was disappointed that the plan was done by a firm from Colorado.

Mr. Tyrrell made a motion to adopt Planning Commission Resolution 2022-01 approving the East Cheyenne Community Park Master Plan and forwarding to the Governing Body for certification. Mr. Mathia seconded the motion.

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

**ITEM C:**     UDC-22-00005 / 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, AICP, Planning and Development Director, presented the item.

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

Brian Tyrrell stated he has heard from several people about the 201 Agreements. He stated we are penalizing people that are coming into the City.

Mr. Bloom stated this amendment is to support the annexations of the County pockets. He stated this would reduce the cost associated with annexations. He stated this would remove the cost for individuals to annex. He stated they are trying to correct the emergency response to the county pocket areas. He stated the U.S. Census already counts the properties as within the City.

Bob Mathia asked what are the history of the pockets and why did they exist. He stated 65 pockets is a large amount.

Mr. Bloom stated it was a good question. He stated different properties annexed at different times and created County islands.

Mr. Mathia asked if public improvements are required for the properties that will be annexed.

Mr. Bloom stated at the time of annexation the properties could stay as they are but if they decide to develop the property they would then be required to build public improvements.

Mr. Griggs asked what would a new buyer's responsibility be if someone were to annex and leave the property as it is and then they sell the property in a few years.

Mr. Bloom stated any non-conforming use would continue through sales of property.

Mr. Tyrrell asked what would happen if someone is already on water and they have a 201 Agreement in place. He asked if they would only be responsible for paying for a sewer connection.

Mr. Bloom stated someone with that agreement in place is currently paying 1.5 times the rate for water. He stated it is referred to as an Outside Users Agreement. He stated their rate would drop to the City

rate when they annexed. He stated they had the option to connect to sewer but it would be their decision as when they wanted to do that.

Boyd Wiggam asked if everything included was necessary to the County pocket annexations.

Mr. Bloom stated the scary part is the definition of development action was interlaced with 1.18 of the municipal code. He stated to make it all together as one and delete the reference to annexation. He stated the amendment package is the minimum necessary for the County Pocket annexations and it will not trigger public improvements at the time of annexation.

Mr. Wiggam asked if this would generate a major public improvement be built by a developer.

Mr. Bloom stated no it would not put the burden on a single property owner. He stated for example, there is a development agreement that was entered into by Meadowlark Estates and Whitney Ranch LLC and they are responsible for the portion their development creates for traffic in the round-a-bout. He stated there could be other developments in the area that may contribute to the roundabout. He stated they would not require a small property be responsible for an entire roundabout.

Mr. Wiggam stated he did not want to see an increasing upfront cost while dealing with affordable housing issues.

Megan Connor asked about the wording for Amendment 3.

Mr. Bloom stated when a development is brought forward the City Engineer determines improvements that will need to be made. He stated the developer would be required to pay for the improvement if there is one required. He stated there could be a separate agreement.

Ms. Connor stated the section isn't clear with the edits.

Mr. Griggs asked for public comment.

John Edwards stated the off-site improvement portion is in direct opposition to affordable housing for the area. He stated development costs have increased. He stated if developers are required more off-site improvements then the cost will be offset to the housing price.

James Bowers stated he would like to look at Amendment 3 and the proposed language for 4.5.7.e. He stated he had concerns that the City can spend dollars and seek reimbursement without Governing Body approval.

Mr. Bloom stated that is an existing section of municipal code. He stated it is being relocated to the new 4.5.7 Section in the Unified Development Code.

Mr. Bowers stated he has concerns about off-site improvements for projects and the need for affordable housing.

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

Mr. Tyrrell made a motion to recommend the Governing Body approve 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 as outlined in this staff report. Mr. Mathia seconded the motion.

Mr. Wiggam asked about PDF page 8 and asked if the reference to the Chapter in City Code would be relevant if it is moved to the UDC.

Mr. Bloom stated it is acceptable because it is in the Unified Development Code Section 4.5.

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Mr. Lloyd stated everything that is being referenced is also being moved to the Unified Development Code.

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

Mr. Bloom stated they would need a motion to move forward to the Governing Body. He stated they could move for denial and would need reasons for denial.

Mr. Tyrrell stated he did not see the cost savings up front. He stated this is not the right text amendment.

Robert Chamberlin agreed with Mr. Tyrrell and the other developers that spoke. He stated additional costs on developers would cause housing prices to go up. He stated it doesn't make sense to do that at this time. He stated this will push developers and developments to go to other locations.

Mr. Lloyd stated all the code is already in municipal code and there is no increase in costs to developers. He stated if a developer builds on the edge of town, they have to build water and sewer lines to that new development. He stated those water and sewer lines may pass properties that are undeveloped and the developer may enter into the reimbursement process to get that money back. He stated that is currently an option and in code. He stated this is an opportunity for the developer to receive reimbursement if someone uses the water or sewer line that they established. He stated they are not creating any new burdens on developers but moving the code from the municipal code to the Unified Development Code. He stated they are changing when the reimbursement occurs. He stated they are changing the code to state someone does not have to do all their public improvements at the time they connect to a water line. He stated the point of the amendment is to make it easier on people that want to connect to City water. He stated the current code states that annexation is a development action which would trigger public improvements and they are changing the code so that someone could connect to services and not have to do public improvements at the time of annexation.

Mr. Tyrrell stated there is no curb and sidewalks in Mustang Ridge and they are in the City. He stated if this was in place they would all be like Mustang Ridge.

Mr. Bloom stated at the time Mustang Ridge was developed there was an exception granted for water and sewer lines. He stated they were granted an exception for septic systems to be put in place. He stated roads were not required to be built to standards. He stated when you develop a subdivision you are required to develop to standards with curb, gutter and sidewalk.

Mr. Tyrrell stated the UDC is written to have all developments meet the same code. He stated that there will be 201 agreements throughout the City and it will not fix the problem.

Mr. Wiggam stated people are concerned about the upfront investments associated with affordable housing. He stated the code was written when there was a slow growth approach. He stated they should consider postponing the item. He stated they should change the wording to state the developers are responsible for their share of off-site improvements. He stated there is an urgency to clean up the County pockets. He stated maybe they should ask for cash in lieu payments for off-site improvements.

Mr. Griggs stated the reasons to deny were due to an increase in development costs and possible impact on affordable housing.

Mr. Wiggam stated he was willing to reconsider the item based on the response from staff.

Mr. Tyrrell made a motion to postpone the item to the August 1st Planning Commission meeting. Mr. Chamberlin seconded the motion.

Mr. Wiggam stated he was in favor of the motion to postpone.

The motion to postpone was passed unanimously by a vote of 5-0.

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**ITEM 4: FOLLOW-UP INFORMATION ON PREVIOUS ACTIONS:**

NONE

**ITEM 5: OTHER BUSINESS/STAFF ANNOUCEMENTS:**

- No July midmonth Planning Commission meeting

**ITEM 6: MEETING ADJOURNED: 7:36 PM**



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Staff Signature



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Board Officer