

CITY OF CHEYENNE
PLANNING COMMISSION MINUTES
January 3, 2023
6:00 P.M.

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

MEMBERS ABSENT:

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

OTHERS PRESENT: Kristina Richardson, Richard Currit, Casey Palma, Brad Emmons, Jason Stephen, Bill Shelton, Jon Cecil, Gail Sundell, Mark Stokes, Roger Alexander, Alex Sutton, Peggy Escamelle, Jill Randall, Rebecca Merche, Jim Boyd, Barb Boyd, Kade Luthi, Tom Sundell, Shane Hansen, Bell Cecil

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, Senior Planner. There was a quorum with 6 members present. Boyd Wiggam arrived later to the meeting on Zoom.

ITEM 2: ELECTION OF OFFICERS

CHAIR: Philip Griggs

VICE-CHAIR: Brian Tyrrell

SECRETARY: Robert Chamberlin

Brian Tyrrell made a motion to keep the current officers. Robert Chamberlin seconded the motion. The motion was passed unanimously by a vote of 5-0.

ITEM 3: APPROVAL OF MINUTES

Brian Tyrrell made a motion to approve the meeting minutes from December 5, 2022. Megan Conner seconded the motion. The minutes from the December 5th Planning Commission Meeting were approved unanimously.

ITEM 4: PLANNING PROJECTS

ITEM A: **POSTPONED FROM 12/5/2022**
[UDC-22-00365-01 / Hill Heights Addition, 2nd Filing, Preliminary Plat](#)

Agent: Brandon Swain
Case Planner: Seth Lloyd, Senior Planner

Seth Lloyd, Senior Planner, read the item into the record. He stated the agent has requested postponement.

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Megan Connor made a motion to postpone the item to the next Planning Commission meeting. Brian Tyrrell seconded the motion.

Philip Griggs, Chair, asked if it would be postponed to the February 3rd meeting.

Mr. Lloyd stated it would be the February 6th meeting.

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

ITEM B: **POSTPONED FROM 12/5/2022**
[UDC-22-00367 / Industry Town, Preliminary Plat](#)

Agent: Brandon Swain
Case Planner: Seth Lloyd, Senior Planner

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

Philip Griggs, Chair, asked if the item has been requested to be postponed.

Brian Tyrrell made a motion to postpone the item to February 6th. Bob Mathia seconded the motion.

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

Charles Bloom, AICP, Planning and Development Director, asked for a 5 minute recess as one of the Planning Commission members was trying to get on the zoom link.

Mr. Griggs called for a 5 minute recess.

5 MINUTE RECESS

Mr. Griggs called for the meeting to resume.

Mr. Lloyd asked if the additional Planning Commission member was present on Zoom. He was not on Zoom yet.

ITEM C: [UDC-22-00425 / Dell Range Addition, 6th Filing, Zoning Map Amendment](#)

Agent: Brad Emmons
Case Planner: Seth Lloyd, Senior Planner

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

Brad Emmons, agent, presented the project.

Jason Stephen, owner, presented the project.

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

Brian Tyrrell asked how many parking spaces are planned.

Mr. Stephen stated they currently have a little over the required 1.5 spaces per unit. He stated they also have about 60 garages planned.

Mr. Giggs asked if this was the same design as the units on Ridge and Pershing.

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Mr. Stephen stated no. He stated this project would be similar to the project they are currently working on by Banner Bank.

Robert Chamberlin asked if they own the property to the south.

Mr. Stephan stated they do not own that property.

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

Mr. Lloyd gave the staff report.

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

Boyd Wiggam arrived on Zoom.

Bill Shelton stated he and his neighbors felt this was a down grade in the neighborhood. He stated Crestridge Subdivision requires a minimum amount of brick on their facades and 1,600 sq ft for the minimum area for the first floor. He asked if low-income housing could be built.

Mr. Lloyd stated low-income housing could be built in the NR-3 zoning.

Mr. Shelton asked if the neighbors could petition against the zoning.

Mr. Lloyd stated there is a provision in the Unified Development Code to petition against a zone change. He stated neighbors could also comment at this meeting and future City Council meetings.

Mr. Shelton asked who they would need to contact at the City to find out the process to petition against the zone change.

Mr. Lloyd stated the City Planning and Development Office would accept any petition protesting the zone change and they would work with anyone that had questions.

Jon Cecil stated the development is not consistent with the existing neighborhood. He stated the existing neighborhood is all single family homes. He stated there is a pipeline that runs through the area and the pipeline is not supposed to be built over. He asked how they can consider a zone change without knowing the exact plan for the development. He stated the drainage study shows the water will all drain towards the east. He stated he didn't think it would all go towards the east and he was concerned about drainage going towards his property. He stated the development should be consistent with the neighborhood.

Gail Sundell stated she wanted clarification on the drainage plan.

Mr. Griggs stated he didn't believe it had been completed yet.

Ms. Sundell stated she was concerned about her pasture flooding. She asked if sidewalk, curb and gutter would be required on Holland and Ridge. She asked if she would be required to add sidewalk, curb and gutter to her property.

Mark Stokes stated he heard the sewage was at maximum capacity. He asked how the sewer problems would be handled. He stated he was concerned about 3 level apartment complexes near his house. He stated he was concerned about the pipeline and if there would be enough room for installation of a new pipeline. He stated the area should remain single family homes.

Roger Alexander stated he was concerned about density and would prefer to see single family homes. He stated it is out of character for the neighborhood and he would prefer to see the zone changed to MR.

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Alex Sutton stated he lives right up against the pipeline. He stated the houses that were built to the east were not planned well in regard to drainage. He stated his house gets flooded. He stated he has concerns about drainage.

Peggy Escamelle stated the development would be right in her backyard. She stated she was concerned about density, drainage, traffic and noise. She stated she would like to see single family homes.

Jill Randall stated she did not feel it would be a good addition to the neighborhood. She stated it should stay a single-family neighborhood. She stated she is concerned about density and traffic. She stated there has been a significant increase in traffic due to an apartment complex built at Ridge and Storey.

Rebecca Merche stated the development would be in her side yard. She said she was told the land would never be developed when she bought her property. She stated she was concerned about the environmental change for the area.

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

Mr. Emmons stated they have met with Suncor and granted the easement they requested. He stated the plat shows the easement. He stated Holland Court will be paved and it will have sidewalk, curb and gutter. He stated Ridge Road would also have improvements on the west side of the road. He stated improvements to the east side of the road where Ms. Sundell lived were not proposed at this time. He stated documents have been turned into the BOPU and they have approved the water and sewer capacity for this project. He stated the sewage would go to the west down Holland Court. He stated they've submitted a preliminary drainage plan. He stated the plan includes retention and detention ponds. He stated they would grade the site to route the water to the detention ponds. He stated they've submitted the Traffic Study and have not received any comments from the City.

Mr. Stephen stated they have intentionally planned the buildings to avoid the pipeline easement. He stated they also planned buildings so they are not directly looking towards the neighbors yards. He stated they have designed the buildings to be more modern and it would be a good addition to the neighborhood. He stated it would be nicer than the current house on the property. He stated it would be an improvement to the area and the north side of town. He stated he was happy to meet with the neighbors to answer questions and show them the plan.

Mr. Wiggam made a motion to approve the rezoning of a portion of the NW¹/₄ of the NW¹/₄ of Section 22, T14N, R66W of the 6th Principal Meridian, Laramie County, Wyoming to NR-3 Neighborhood Residential – High Density as shown in the attached zone change map, noting that the project meets the review criteria for approval. Mr. Chamberlin seconded the motion.

Robert Mathia asked why is the complex proposed to be 3 stories.

Mr. Stephen stated they did an extensive analysis of different types of homes and the best concept was lower profile 3 story apartment buildings.

Amy Hernandez asked if the Traffic Analysis has been completed.

Mr. Emmons stated the Traffic Study has been completed.

Megan Connor stated she would like to see the drainage concerns addressed prior to approval.

Mr. Emmons stated the drainage review is always done within the site plan process. He stated there are concerns for drainage in the area but their drainage consultant would work to resolve drainage concerns.

Mr. Wiggam asked how the allowed surface coverage would be different between the NR-2 zone and the MR zone.

Mr. Lloyd stated the surface coverage requirements are based on the lot types and not the zone district. He stated the surface coverage in the MR zone can have the same coverage in the NR zone.

Mr. Wiggam stated the drainage issue is not a question for the zone change. He stated in regard to traffic, Storey Blvd will be built to go through to the east to alleviate traffic on Dell Range. He asked if the Traffic Study took into account the Storey Blvd extension. He asked when the extension is proposed to be built.

Mr. Lloyd stated the Traffic Study had been reviewed by staff and they did not have concerns.

Charles Bloom, AICP, Planning & Development Director stated Storey would be extended in 2024 and 2025.

Mr. Wiggam stated Storey Blvd will move to an urban road quickly. He stated the intersection will not be conducive for single family homes. He stated multifamily developments would be allowed in the zoning in the neighborhood to the west. He stated 3 story homes would be appropriate for the area.

Roll Call: Motion to approve the item failed by a vote of 3-4.

Mr. Lloyd stated they would need a motion for denial and the reasons why.

Mr. Griggs stated the motion to deny was for drainage issues and density.

Ms. Connor stated there was a concern about traffic and the development not fitting in with near by properties. She stated it was due to it not meeting criteria 2.2.1.d.2 and 2.2.1.d.8.

Ms. Connor made a motion to deny the item due to not meeting the review criteria 2 and 8. Mr. Mathia seconded the motion.

Mr. Boyd stated the commission needs to be cognizant of the fact that the same zoning is across Ridge Road. He stated they are talking about denying a zone change based on issues for the preliminary plat and site plan.

Roll Call: The motion to recommend denial was approved by a vote of 4-3.

ITEM D: [UDC-22-00425-02 / Dell Range Addition, 6th Filing, Preliminary Plat \(Expedited Review\)](#)

Agent: Brad Emmons
Case Planner: Seth Lloyd, Senior Planner

Seth Lloyd, Senior Planner, read the item into the record. Mr. Lloyd gave the staff report.

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

Boyd Wiggam stated they could approve the preliminary plat without approving the zone change.

Mr. Lloyd stated there is not an alternative zone proposed at this time. He stated the plat would require a compatible zone district for the parcel. He stated it wasn't necessary for the plat to be denied but we don't have a zone to analyze this plat under.

Mr. Wiggam asked if the applicant has a preference on if the plat advances or is postponed.

Charles Bloom, AICP, Planning and Development Director stated the zone change will move forward as a recommendation for denial. He stated if they approve the plat, the Governing Body could dispose of it,

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approve it, or assign a different zone to it. He stated if they decided to deny the plat today, the Governing Body would decide on the Preliminary Plat only. He stated the best options would be to approve the expedited plat or to approve the preliminary plat only.

Mr. Griggs stated they can approve as in the staff report, they could approve or deny the preliminary plat only or they could request a postponement.

Mr. Bloom stated that was correct.

Mr. Wiggam asked if the applicant has a preference.

Brad Emmons, agent, stated they would like either an approval or denial. He stated if the zone change failed they would pull the plat. He stated if there is a different zoning, they would need to redesign the project.

Mr. Lloyd stated they should open the item up for public comment.

Mr. Griggs asked for public comment.

Alex Sutton stated the drainage ponds overflow when it rains. He stated all the new houses east of Ridge Road have been flooded and they have sump pumps. He stated he would prefer it to be less dense.

Mark Stokes asked why this is being rushed through.

Bill Shelton stated there is already an apartment complex in the area and there is enough density and traffic in the area.

Gail Sundell asked what is a preliminary plat.

Mr. Griggs stated it is the first plat and plan of what they are going to do on a parcel of land.

Ms. Sundell stated they should have the whole plan and asked if this is the first step or the second step.

Mr. Lloyd stated a preliminary plat is designed to give a general layout of lot lines, streets and utilities. He stated the final plat is finalizing the layout and memorializing the vision of the land. He stated the expedited plat is to say the preliminary plat is simple and can move forward as a final plat.

Ms. Sundale asked what would happen if the zone change is denied.

Mr. Lloyd stated the applicant has stated they would withdraw the plat if the zone change is denied.

Ms. Sundale asked if it would be a waste of time to approve the preliminary plat if the zone change is denied.

Mr. Lloyd stated the final decision will be made by the Governing Body. He stated if the Governing Body approves the zone change they could also approve the preliminary plat. He stated if the Governing Body denies the zone change then the plat will be withdrawn.

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

Brian Tyrrell made a motion to approve the Dell Range Addition, 6th Filing Expedited Preliminary Plat, advancing the Final Plat to the Governing Body, with a recommended exception to block size. Robert Chamberlin seconded the motion.

Roll Call: Motion to approve the item was passed by a vote of 4-3.

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Mr. Griggs stated he needed to leave the meeting and passed the Chair to Brian Tyrrell.

ITEM E: [UDC-22-00426-01 / Southwest Drive & I-80, Zoning Map Amendment](#)

Agent: Shane Hansen
Case Planner: Seth Lloyd, Senior Planner

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

Shane Hansen, agent, presented the project.

Brian Tyrrell, Vice-Chair, asked for the staff report.

Mr. Lloyd gave the staff report.

Megan Connor asked if Clear Creek Park was in the County.

Mr. Lloyd stated Clear Creek Park is within the City but owned by the County.

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

Bob Mathia made a motion to approve the rezoning of a portion of the N½N½, Section 12, T.13N., R.67W. of the 6th P.M., Laramie County, Wyoming to LI 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 was passed by a unanimous vote of 5-0.

ITEM F: [UDC-22-00430-01 / 19th Street, Street Vacation](#)

Case Planner: Seth Lloyd, Senior Planner

Robert Chamberlin recused himself from the item.

Seth Lloyd, Senior Planner, read the item into the record and presented the project.

Brian Tyrrell, Vice-Chair, asked if the City has contacted any of the adjacent property owners.

Mr. Lloyd stated the property owner to the south is looking at doing a platting action and would rather not build out the street. He stated they would like this to be vacated. He stated the property owner to the north is aware of the vacation.

Brad Emmons, agent for the property owner to the south, stated he is working on a plat for the property to the south for the gymnastics facility. He stated the property owner to the north does not have any concerns.

Mr. Tyrrell asked if an additional access will be needed to the gymnastics facility.

Mr. Emmons stated the access to the west runs into Burlington Railroad. He stated Grant Avenue will connect to Lincolnway. He stated Paul Smith Way will connect to Grant Avenue. He stated 19th Street will also connect to the east. He stated the City may connect 18th Street to the east.

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

Megan Connor made a motion to approve the vacation of the west 506 feet (30,374 square feet) of 19th Street immediately west of Grant Avenue as shown on the attached vacation map, noting that the project meets the review criteria for approval. Bob Mathia seconded the motion.

Roll Call: Motion to approve the item was passed unanimously by a vote of 4-0.

ITEM G: [UDC-22-00454 / Maltese Cross, Final Plat](#)

Agent: Casey Palma, Palma Land Planning
Case Planner: Connor White, Planner II

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

Casey Palma, agent, presented the project.

Brian Tyrrell, Vice-Chair, asked for the staff report.

Connor White, Planner II, gave the staff report.

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

Robert Chamberlin made a motion to approve the Maltese Cross Final Plat. Megan Connor seconded the motion.

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

ITEM H: [PLN-22-00007 / Zoning Code Enforcement, Text Amendment](#)

Case Planner: Connor White, Planner II

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

Connor White, Planner II, gave the staff report

Brian Tyrrell, Vice-Chair, stated this is good for the City but not good for the public. He stated there should not be ways to harm developers and the City should come up with a better solution to work with developers.

Robert Chamberlin asked if the notices have to issued before the abatement.

Mr. White state that is correct and the notices have to be delivered by certified mail. He stated the City sends a courtesy notice even though it is not required. He stated the abatement and suspension would not be the first step. He stated the process would be to send a courtesy notice, 1st notice and then a final notice. He stated a suspension or abatement would be a last resort.

Charles Bloom, AICP, Planning and Development Director, stated the abatement process is very time consuming. He stated staff must exhaust all notices prior to using the abatement process. He stated a notice of abatement would be sent to the person in violation and then would go before a hearing officer. He stated after the review before the hearing officer, a recommendation and order would need to be sent to the Governing Body. He stated the Governing Body would have to decide if they want to move forward with the abatement.

Mr. Tyrrell stated the City is trying to hold the developer at a higher standard than themselves.

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Mr. Bloom stated the process is being instated for blatant violations.

Mr. Tyrrell stated this process is not good for the future builders and developers.

Mr. Bloom stated he acknowledged the comments.

Megan Connor asked where 1.3.26.a referenced back to and was concerned if it was a 4th amendment violation.

Mr. Connor stated that section is already in the UDC and they are just moving it from the bottom of the section and moving it to the top of the section. He stated it is letter D on page 4.

Ms. Connor asked if it is a 4th amendment violation.

Boyd Wiggam asked if it is an existing 4th amendment violation in the UDC and if it needs to be addressed.

Mr. Bloom stated it is giving staff the authorization to inspect a property for a zoning violation. He stated they can discuss it with their attorney.

Mr. Wiggam stated he had a question about page 4, under 1.3.4 Violations c. He asked if the City has a good definition for increasing intensity for development.

Mr. Bloom stated you would increase an intensity by changing your scope of business. He stated an example would be if an auto repair shop was allowed one bay and added additional bays. He also gave an example of a gas station being allowed a set amount of fuel islands but then add additional fueling islands. He also gave an example of a Child Care Minor increasing to a Child Care Major.

Mr. Lloyd stated they don't have the definition defined in the UDC but the definition would default to the dictionary.

Mr. Wiggam stated he would like to have a definition of what it would take for an increase in intensity to rise to violation. He stated he had concerns about Section 1.3.9; and stated he had concerns about inserting the Governing Body as a judicial entity. He asked if the Governing Body is allowed to make these decisions. He stated he would not recommend approval with the language of F and G or making the Governing Body a judicial entity.

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

Robert Chamberlin made a motion to approve text amendments to the Unified Development Code Sections 1.3 as outlined in this staff report and recommended by staff, noting the requests meets the review criteria of UDC 2.4.1.d. Bob Mathia seconded the motion.

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

Mr. Lloyd stated they need a motion explaining the reasons for denial.

Mr. Wiggam asked if it would be viable to recommend approval with conditions to strike sections.

Mr. Bloom stated they could make a recommendation for approval with conditions to strike sections but they would need to know what concerns there are with those sections. He stated they could then postpone the item to bring amendments forward to the Planning Commission. He stated they should recommend to postpone the item and state specific concerns.

Mr. Tyrrell asked if Mr. Wiggam could email the changes he would like to see to staff and the other Planning Commission members.

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Mr. Wiggam asked if questions should be directed to staff and then the recommendations could be circulated as public distribution.

Mr. White stated members should email staff individually and a final document could be shared with all members.

Mr. Wiggam moved to postpone the item to the next monthly meeting noting the Commission will submit proposed changes before recommending it to the Governing Body. Ms. Connor seconded the motion.

Motion to postpone the item passed by a unanimous vote of 5-0.


ITEM 5: OTHER BUSINESS/STAFF ANNOUNCEMENTS:

- Mid month meeting January 17th will be for training and there will be a project from the MPO

ITEM 6: MEETING ADJOURNED: 8:01 PM



Staff Signature



Board Officer