

**CITY OF CHEYENNE
PLANNING COMMISSION MINUTES
February 6, 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: None

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

OTHERS PRESENT: Shane Hansen, Brad Emmons, Kristy Richardson, Brandon Swain, Barbara Boyd

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. Amy Hernandez arrived later to the meeting.

ITEM 2: APPROVAL OF MINUTES

Brian Tyrrell made a motion to approve the meeting minutes from January 3, 2023. Robert Chamberlin seconded the motion. The minutes from the January 3rd Planning Commission Meeting were approved unanimously.

ITEM 3: PLANNING PROJECTS

ITEM A: **POSTPONED FROM 12/5/2022**
[UDC-22-00366 / Harmony Valley, 3rd Filing, Final Plat](#)
Agent: Justin Beckner, Civilworx
Case Planner: Seth Lloyd, Senior Planner

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

Philip Griggs, Chair, stated the applicant would like to postpone to April 3rd.

Mr. Lloyd stated that was correct.

Brian Tyrrell made a motion to postpone the item to the April 3, 2023 Planning Commission meeting. Bob Mathia seconded the motion.

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

ITEM B: **POSTPONED FROM 1/3/2023**
[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.

Brandon Swain, agent, presented the project.

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

Mr. Lloyd gave the staff report.

Boyd Wiggam asked for follow up on comment #6 in the staff report and minimum lot size for Cottage Lots. He stated the lot sizes were deficient with the 8 proposed lots.

Mr. Lloyd stated Cottage Lots are allowed to reduce their lot size by 50% as long as the common lot makes up for the area. He stated the normal regulation would require 1,600 sq ft per unit and each lot could be 800 sq ft. He stated the current layout showed less than 800 sq ft per unit.

Mr. Wiggam asked if they approved the plat as is, would they be able to satisfy the setbacks.

Mr. Lloyd stated the Cottage Lot regulations give flexibility to setbacks but it was hard to determine without a site plan at this time.

Mr. Wiggam asked if there would be less concern if there were fewer lots proposed.

Mr. Lloyd stated it was hard to know without a site plan. He stated the applicant is planning on submitting a site plan at the time of the final plat.

Brian Tyrrell stated he didn't see a request for 10 units.

Mr. Lloyd stated the first time there was a proposal for 10 units was today.

Mr. Tyrrell asked if the plat before them was for 8 units.

Mr. Lloyd stated the preliminary plat that was submitted and reviewed was for 8 units.

Bob Mathia stated he was concerned about the density with 10 units.

Mr. Griggs stated they are looking at a plat for 8 units and if the final comes in with 10 units it doesn't seem right.

Mr. Lloyd stated the plats would be substantially different but the preliminary plat could be changed to 10 units before it goes to the Governing Body.

Mr. Griggs asked for public comment.

Barbara Boyd stated there are duplexes and single family homes in the area. She stated she was concerned with density and traffic with the cottage lot development. She stated she was opposed to an 8-unit development.

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

Mr. Swain stated if 10 units are allowed the width of the footprints of the buildings would remain the same. He stated they have been working on drainage issues with the City and would need a water quality feature that discharges onto Van Buren. He stated this development is near the Whitney Ranch subdivision that will have over 1,000 lots and his development would not be an issue for traffic concerns. He stated each unit will have a two-car garage and will have an alley to access the garages. He stated the driveway would be maintained by the HOA. He stated they are working on the site plan. He presented the building facades. He stated he would be investing around 2 million in the project.

Amy Hernandez arrived at the meeting at 6:18pm.

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Mr. Wiggam stated he heard the concerns for density and traffic. He stated he was not opposed to higher density construction along Dell Range. He asked if the Board was ready to move forward without the site plan at this time.

Brian Tyrrell made a motion to approve the Preliminary Plat with conditions that staff has set forward with 8 lots. Robert Chamberlin seconded the motion.

Roll Call: Motion to approve the item was passed unanimously by a vote of 6-0.

ITEM C: **POSTPONED FROM 1/3/2023**
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, stated the item has been requested to be postponed to the March 6, 2023 Planning Commission meeting.

Mr. Lloyd stated that was correct.

Brian Tyrrell made a motion to postpone the item to the March 6th Planning Commission meeting. Robert Chamberlin seconded the motion.

Roll Call: Motion to postpone the item was passed unanimously by a vote of 6-0.

ITEM D: **UDC-22-00430 / Back 40, 3rd Filing, Expedited Plat**
Agent: Brad Emmons
Case Planner: Seth Lloyd, Senior Planner

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

Robert Chamberlin recused himself from the item.

Brad Emmons, agent, presented the project.

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

Mr. Lloyd read the staff report.

Brian Tyrrell asked who owns the property near the railroad tracks where all the drainage ends up.

Mr. Lloyd stated the property to the southwest is not under the same ownership and if this property is developed, drainage items would be required.

Mr. Tyrrell stated the property is under water most of the year.

Mr. Lloyd stated there is a detention pond that was built by either the railroad or WYDOT that is under water most of the year. He stated it is owned by the railroad.

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

Mr. Tyrrell made a motion to approve the Back 40 Subdivision, Third Filing Expedited Preliminary Plat, advancing the Final Plat to the Governing Body, with a recommended exception to block size. Megan Connor seconded the motion.

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

ITEM E: [UDC-22-00469 / Back 40, 3rd Filing, Zone Change](#)

Agent: Brad Emmons

Case Planner: Seth Lloyd, Senior Planner

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

Robert Chamberlin recused himself from the item.

Brad Emmons, agent, presented the project.

Mr. Lloyd gave the staff report.

Philip Griggs, Chair, asked for public comment.

Kristy Richardson stated she was in support of the item as it would expand the Greenway.

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

Brian Tyrrell made a motion to recommend the rezoning of Lot 1, Block 4, Back 40, 3rd Filing to CB Community Business as shown in the attached zone change map, noting that the project meets the review criteria for approval. Boyd Wiggam seconded the motion.

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

ITEM F: [UDC-22-00440 / Centennial Heritage, 2nd, Expedited Plat](#)

Agent: Shane Hansen

Case Planner: Seth Lloyd, Senior Planner

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

Robert Chamberlin recused himself from the project.

Shane Hansen, agent, presented the project.

Mr. Lloyd gave the staff report.

Philip Griggs, Chair, asked how close the lot is to the railroad.

Mr. Lloyd stated the lots are adjacent to the railroad right-of-way. He stated he was unsure of the exact distance.

Brian Tyrrell asked if there would be a buffer to the railroad tracks.

Mr. Lloyd stated one of the buffers would be the Greenway path. He stated the buildings will have a rear yard setback and the developer could create a buffer within that area. He stated these apartments would be purchased and rented out and people would be aware of the railroad being in close proximity.

Mr. Tyrrell stated his concern was about safety and if a train were to be derailed.

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Bob Mathia asked what the elevation would be of the tracks and the apartments.

Mr. Lloyd stated there would be approximately 120-feet from the edge of the property to the railroad tracks. He stated the current elevations are 5,990 feet for the railroad tracks. He stated the property is about 6,015 feet. He stated there is a significant rise between the properties.

Mr. Griggs asked for public comment.

Kristy Richardson stated she meant to comment on this item and that she supported this item and the Greenway expansion.

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

Mr. Tyrrell made a motion to recommend the approval of the Centennial Heritage, 2nd Filing Expedited Preliminary Plat, advancing the Final Plat to the Governing Body, with a recommended exception to block size and staff recommended conditions. Mr. Mathia seconded the motion.

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

ITEM G: [UDC-23-00016 / County Pocket Annexation 1, Zone Change](#)
 Case Planner: Charles Bloom, AICP, Planning and Development Director

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

Charles Bloom, AICP, Planning and Development Director, presented the project.

Philip Griggs, Chair, asked if Carpet One was in the County.

Mr. Bloom stated all the other commercial properties in the area were already in the City. He stated the other properties that are still in the County are residential properties.

Boyd Wiggam stated he was surprised they were not looking at the mixed use zone. He asked what types of uses would be allowed in a CB zone next to a school that would not be allowed in Mixed Use Business.

Mr. Bloom stated the MUB zone could be similar to Pershing Marketplace and other commercial businesses would be allowed. He stated in the MUB zone the buildings need to be brought forward to the street. He stated multifamily is a permitted use with the MUB zone. He stated the CB zone would allow for multi-family development under a Conditional Use approval. He stated the CB zone is subject to larger setbacks adjacent to the street. He stated they are changing this to CB zoning to work with an existing property owner. He stated the property owner has a non-conforming use and it would fit best within the CB zone.

Mr. Wiggam asked if there were other property owners that preferred the MUB zone over the CB zone.

Mr. Bloom stated the staff's original recommendation was to change to a CB zone. He stated the existing uses would be best in the CB zone.

Mr. Wiggam asked if it would be better to have MUB adjacent to the residential uses.

Mr. Bloom stated typically a zoning amendment is equal to or lesser and multi-family is permitted within MUB and in CB it requires a Conditional Use. He stated the Board could make a recommendation to change to the MUB zone for portions of the project.

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Mr. Griggs asked if an undesirable business was to locate next to the school what would the City's course of action be to prevent the business.

Mr. Bloom stated if the use was allowed in the zone, it would be expected to development in compliance with the UDC and buffering requirements would be required.

Brian Tyrrell asked if mostly grocery stores were allowed in the CB zone.

Mr. Bloom stated the CB would allow a grocery store but there are many other commercial uses that would be allowed.

Mr. Tyrrell stated most of the zone changes they see are CB to MUB. He stated to change the zone to MUB would be a simple process.

Mr. Bloom agreed and stated it could go to MUB or CB easily.

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

Mr. Tyrrell made a motion to r to recommend the Governing Body approve the rezoning of Tract 13, Sunnyside Addition, Tracts 3 and 4, Sunny Side Addition, Tract 16, Sunny Side Addition, and a portion of Tract 17, Sunnyside Addition Second Filing to CB (Community Business) zoning district as shown in the attached zone change map, noting that the project meets the review criteria for approval. Megan Connor seconded the motion.

Mr. Wiggam stated this area seems to be headed in a residential direction. He stated he would not support the zone change.

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

ITEM H: **POSTPONED FROM 1/3/2023**
[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, presented 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.

Bob Mathia made a motion to recommend the Governing Body 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. Boyd Wiggam seconded the motion.

Brian Tyrrell stated he was against the text amendment. He stated they are going to penalize people who don't even know they are in violation. He stated development is not occurring because of laws like this that make it difficult in Cheyenne.

Mr. Mathia stated he felt the rules are very reasonable.

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

ITEM 4: OTHER BUSINESS/STAFF ANNOUCEMENTS:

- Mid-month Planning Commission will be on Tuesday, February 21st. There would be a zone change, the UDC annual review and a summary of development actions.

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Mr. Boyd requested a zoom link for the Tuesday meeting.

ITEM 5: MEETING ADJOURNED: 7:28 PM



Staff Signature



Board Officer

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