

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

MEMBERS PRESENT: Philip Griggs, Chair; Brian Tyrrell, Vice-Chair; Meghan Connor, Bob Mathia, Boyd Wiggam, Amy Hernandez

MEMBERS ABSENT: Robert Chamberlin, Secretary

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

OTHERS PRESENT: Richard Johnson, Pete Laybourn, Dr. Michelle Aldrich, Elizabeth Stapel, Joseph Rowan, Bonnie Asido, Arron Curry, Seth Schwartz, Kasandra Schwartz, Peggy Escamilla, Rebecca Murchie, Sharon Tuggle, Abe Cortez, Rod Stone, Victor Contratto, Jon Cecil, Chase Fisher, Steve Askey, Mark Stokes, Brandon Swain

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 was on Zoom.

ITEM 2: APPROVAL OF AGENDA AND MINUTES

Brian Tyrrell made a motion to approve the meeting minutes from February 21, 2023. Bob Mathia seconded the motion with corrections. The minutes from the February 21st Planning Commission Meeting were approved unanimously.

Mr. Mathia made a motion to approve the meeting minutes from March 6, 2023. Mr. Tyrrell seconded the motion with corrections. The minutes from the March 6th Planning Commission Meeting were approved unanimously.

ITEM 3: PLANNING PROJECTS

ITEM A: **POSTPONED FROM 2/6/2023**
[UDC-22-00366 / Harmony Valley, 3rd Filing, Final Plat](#)
Agent: Justin Beckner, Civilworx
Case Planner: Seth Lloyd, Senior Planner

Connor White, Planner II, read the item into the record.

Philip Griggs, Chair, stated the applicant has requested to withdraw the item.

Seth Lloyd stated that was correct.

Brian Tyrrell made a motion to acknowledge the withdrawal of the item. Bob Mathia seconded the motion.

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

** 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.*

ITEM B: [UDC-23-00065-01 / Cheyenne Classical Academy, Zone Change](#)

Agent: John Lopeman

Case Planner: Erin Fagan, Planner II

Connor White, Planner II, read the item into the record.

Philip Griggs, Chair, asked for the applicant to present the item.

Erin Fagan, Planner II, stated the applicant had withdrawn from the application and staff would be moving the zone change forward. She gave the staff report.

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

Brian Tyrrell made a motion approve the rezoning of a portion of Tract 12, Dell Range Addition to MR Medium-density Residential as shown in the attached zone change map, noting that the project meets the review criteria for approval. Meghan Connor seconded the motion.

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

ITEM C: [UDC-23-00066 / Twin 22, Zone Change](#)

Agent: Brandon Swain

Case Planner: Lonnie Olson, Planner I

Connor White, Planner II, read the item into the record.

Brandon Swain, agent, presented the project.

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

Lonnie Olson, Planner I, gave the staff report.

Meghan Connor asked if the zone change was due to not being able to build two houses in the MR zone.

Mr. Olson stated that was correct and it would allow for single family detached homes to be built on a DD8 lot type.

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

Brian Tyrrell made a motion to approve the rezoning of Lots 1 and 2, Block 1, Twin 22 Subdivision 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. Bob Mathia seconded the motion.

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

ITEM D: [PLN-23-00003 / Protest Petition, Text Amendment](#)

Case Planner: Connor White, Planner II

Connor White, Planner II, read the item into the record and presented the project and staff report.

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

Meghan Connor asked which cities were looked at for the research.

Mr. White stated they were Rock Springs, Casper and Laramie. He stated they don't have protest petitions in regards to annexations.

Ms. Connor asked if any cities in Wyoming have protest petitions.

Mr. White stated he wasn't aware of any.

Brian Tyrrell asked how the annexation legislation ended up this year.

Mr. White stated the annexation legislation required a city to notify property owners within 300-feet of an annexation. He stated there wasn't anything modified for protest petitions.

Mr. Tyrrell asked if they should change the protest petition from 140-feet to 300-feet.

Mr. White stated the 300-feet is for the notification of an annexation. He stated the text amendment is to follow state statute for protest petitions.

Boyd Wiggam stated properties could end up being blight if they aren't under any zone. He asked if there isn't a zone established and the property is undevelopable, could there be possible takings of property.

Mr. White stated the City could be liable because there isn't a zone established. He stated with the amendment, any zone change that goes before Council will still need a majority to pass it. He stated needing a super majority would be eliminated.

Charles Bloom, AICP, Planning & Development Director, stated a use will be able to continue its historic use. He stated the property on Ridge Road and Holland Court would be able to continue its use. He stated the property owner has not exhausted all options yet to establish a case for takings.

Mr. Wiggam asked if the current residential building is abandoned and unoccupied. He stated he was concerned about delaying the amendment due to properties that are annexed to the City but are not zoned at all.

Bob Mathia asked if the property owners will have any rights.

Mr. White stated the City does not want properties to be annexed without a zone. He stated the amendment is requested to be postponed so the current property on Ridge can be zoned.

Mr. Mathia asked if neighbors will have any protection in the future.

Mr. White stated neighbors can still voice concerns. He stated the Governing Body will make a decision.

Mr. Giggs stated he would rather see 2/3 majority instead of a super majority which would be 8/10.

Mr. Tyrrell asked how many annexations are planned until June.

Mr. White stated there is one annexation which is associated with the zone change on the agenda tonight but didn't know of any others.

Mr. Bloom stated there are 9 City initiated annexations.

Mr. Tyrrell stated postponing the item to June is kicking the ball down the curb.

Mr. Bloom stated they could postpone, approve or deny.

Ms. Connor asked if the zones should remain the same when they are annexed.

Mr. Bloom stated historically some properties kept their County zoning when the City and County operated under the same zoning code. He stated the City and County don't operate under the same zoning ordinance anymore so a City zone needs to be established.

Mr. Wiggam stated the way it is set up now is that the City cannot enforce an underlying County zone. He stated when something is annexed a City zone needs to be established and it can't be developed until it is zoned.

Mr. Bloom stated that is correct.

Mr. Wiggam stated the upcoming annexations could become undevelopable if a zoning petition is initiated. He stated we need a zone.

Mr. Bloom stated that is correct.

Ms. Connor stated the City has similar zoning to the County so when a property is annexed it should stay a similar zone.

Mr. Bloom stated retaining the zone is a good point but the property owner had requested a different zone so they could develop the property.

Mr. Griggs asked for public comment.

Jon Cecil stated the amendment is a bad idea and it takes the power away from the people. He stated the developer turned the zone down that was suggested by Council. He stated neighbors should have a voice. He asked the Commission to vote no on the amendment.

Chase Fisher stated the amendment is taking the power away from the people. He stated the Commission is there for the voice of the people. He stated they should keep the super majority for the protest petition.

Steve Askey stated he was opposed to the text amendment. He stated the super majority gives the neighbors leverage.

Dr. Michelle Aldridge stated she was troubled with the proposed text amendment. She stated the neighbors will still have a voice but the amendment lowers the threshold for the neighbors. She stated they should look at retaining a County zone until a City zone can be established.

Peggy Escamilla stated the development on Ridge Road needed to be stopped. She stated the voice of the people should not be taken away.

Abraham Cortez Jr stated he didn't want to see the rights of the people taken away.

Rebecca Murchie asked why the MR zoning was denied due to the protest petition. She stated the intent of the petition was to block the NR-3 zoning.

Mr. White stated the petition was against the zoning map amendment application and not the specific zone.

Ms. Murchie stated the petition amendment would take away the neighbors voices.

Rod Stone stated the Council approves or doesn't approve a zone. He stated the NR-3 zone failed twice due to the protest petition. He stated the City wants to get rid of the process now that it worked to deny a zone change. He stated protest petitions are a right in Wyoming. He stated he isn't against developing the property. He stated the developer should pick a zone that is similar to the surrounding area.

** 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.*

Sharon Tuggle asked if they were just trying to change the super majority vote. She stated she had a problem if the zone was changed to a commercial zone.

Pete Laybourn stated he was in favor of postponing the item to gain more clarity on the item. He stated the City Attorney should address legal issues.

Seth Schwartz stated he had an issue with the zoning and they need to take in account surrounding properties. He stated the amendment is taking away the neighbors' voices. He stated he was concerned about his property value going down.

Amy Hernandez stated she was present at the meeting on zoom.

Elizabeth Stapel stated she requested the zoning amendment should be rejected. She stated that the developer had been denied twice for the zone change proposed for Ridge Road.

Seth Lloyd stated the UDC and regulations were established in 2012. He stated the problem is the zone change failed and there hasn't been a zone established for the Ridge Road property. He stated the staff requests to postpone the amendment because there may be other options. He stated there have been a few other zone changes that were stopped by a petition being established. He stated that the zone changes that were stopped were already within the City and had zones established.

Mr. Tyrrell made a motion to recommend the Governing Body approve text amendments to the Unified Development Code Sections 2.2.1.c.5 and 2.2.2.c.6 as outlined in this staff report and recommended by staff, noting the requests meets the review criteria of UDC 2.4.1.d. Mr. Wiggam seconded the motion.

Mr. Tyrrell stated property owners have due diligence to purchase property and take a risk at changing a zone. He stated they should not change the rules for an issue with one property. He stated the super majority requirement was established in 2012. He stated he would be voting no for his motion.

Mr. Boyd stated the property did not originally have an MR zone. He stated the property is now annexed and it does not have a zone. He stated he liked City code to match State statute. He stated he agreed with Councilwoman Aldridge that there should be a fallback zone if a zone change is denied. He stated he was inclined to approve the item with a recommendation of a fallback zone. He stated they should recommend something to Council before more annexations come before the Council. He stated he was willing to postpone or approve but not deny the item.

Ms. Connor stated they should be able to amend the UDC to benefit the citizens of Cheyenne. She stated she would be voting no.

Bob Mathia stated they should not rush through approving the amendment and they should look at other options.

Mr. Griggs stated he agreed that it should be postponed.

Mr. White stated he recommended postponing the amendment. He stated there is another option to look at a fallback zone to a similar zone that was in the County. He stated they need to have a zone established for properties that are annexed.

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

Mr. Tyrrell made a motion to postpone the proposed text amendment to the June 5, 2023 Planning Commission meeting. Mr. Wiggam seconded the motion.

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

ITEM 4: OTHER BUSINESS/STAFF ANNOUNCEMENTS:

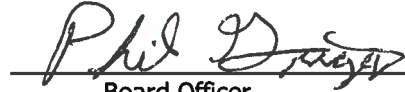
** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*

- WYOPASS Workshop May 4-5 in Riverton Wyoming – 3 Planning Commission members are invited to attend
- No mid month Planning Commission in April
- The MPO will be adopting the Official Map at the May Planning Commission meeting

ITEM 5: MEETING ADJOURNED: 7:29 PM



Staff Signature



Board Officer