

**CITY OF CHEYENNE
PLANNING COMMISSION MINUTES
March 4, 2024
6:00 P.M.**

MEMBERS PRESENT: Bob Mathia, Chair; Boyd Wiggam, Vice-Chair; Tony Laird, Darrell Hibbens, Meghan Connor, Secretary

MEMBERS ABSENT: Bryan Thomas, Amy Hernandez

CITY STAFF PRESENT: Stephanie Boster, City Attorney; Seth Llyod, Senior Planner; Charles Bloom, AICP, Planning and Development Director; Valerie Pickard, Planning & Development Office Manager; Sophia Maes, Planner I; Connor White, Planner II; Athen Mores, Planner I; AJ Swain, Planner I

OTHERS PRESENT: Richard Johnson, Brad Emmons, Mark Christensen, Daunte Rushton, Brandon Swain

ITEM 1: CALL MEETING TO ORDER / ROLL CALL

Bob Mathia, Chair, called the meeting to order at 6:00 PM

Roll Call was done by Connor White, Planner II. There was a quorum with 5 members present.

ITEM 2: APPROVAL OF AGENDA AND MINUTES

Mr. Laird made a motion to approve the February 5th meeting minutes. Mr. Hibbens seconded the motion. The minutes were approved unanimously.

ITEM 3: DISCLOSURES

None

ITEM 4: PLANNING PROJECTS

ITEM A: PUDC-24-4 / Hill Heights Addition, 2nd Filing, Final Plat
Agent: Brandon Swain
Case Planner: Athen Mores, Planner I

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

Brandon Swain, agent, presented the item. The property was acquired in 2022 by Mr. Swain, was voluntarily annexed as a county pocket and has had zoning amended. Mr. Swain stated the project has submitted a preliminary plat and site plan for the high-density nature of the project. Mr. Swain stated that the final plat did not have many details here due to the site plan already having those details.

Athen Mores, Planner I, presented the item. Mr. Mores stated that the project was located around the northeast central side of Cheyenne, on the southeastern corner of Dell Range and Van Buren Ave. Mr. Mores stated the future land use is Urban Residential and zoning is NR-3 (recently rezoned and is not yet updated on the Assessor's Map). Mr. Mores stated the final plat shows 10 residential units and a common space lot (11 total lots). Mr. Mores stated that Staff recommended approval with conditions of adding utility easements and adding the block number to the final plat.

Mr. Mathia asked if the Board had any questions for Mr. Mores. There was none.

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

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please request a recording from the Planning & Development Staff.*

Ms. Connor made a motion to recommend the Governing Body approve the North Row Final Plat with staff recommended conditions. Mr. Laird seconded the motion.

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

ITEM B: [PUDC-24-7 / Cheyenne Terrace, 2nd Filing, Expedited Plat](#)
Agent: Brad Emmons, AVI PC
Case Planner: Connor White, Planner II

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

Brad Emmons, agent, presented the item. This is an infill project for an underutilized property, looking to construct a cottage lot subdivision behind Pinewood Village Apartments. Mr. Emmons stated the lots would have townhouses (74 lots, 1 common lot, and 1 lot for the existing Pinewood Village the owner would retain. Mr. Emmons stated there would be some vacation of rights of the existing Pinewood Village, as well as some lots to the north that will remain untouched. Mr. Emmons stated they are alright with the conditions that staff has, and the next item is a concurrent zone change for this same project.

Mr. Mathia asked for questions from the Commission for Mr. Emmons. There were none.

Connor White, Planner II, gave the staff report. Mr. White stated that this was a proposed plat for 8.87 acres. He stated the property is located south of 5th St and is between Patton Ave and Snyder Ave. He stated the current zone is MR Medium Density Residential, with multifamily development to the south and vacant land to the north. He stated the plat does propose a street connection to the alleyways for additional access. He stated the project would have a mix of townhomes, duplexes, and two single-family homes, all on cottage lots. He stated staff recommends approval based on the condition that the applicant remove reference to right of way (ROW) for private access easement and add 20-foot BOPU easement between Lots 33-38 and 45-51 extending from the BOPU easement in Calton Ave to the north property line of Lot 2.

Mr. Laird asked about criteria 7 "lot 2 is prepared to be a common lot" when reviewing plats, and how enforcement of common lots occurs. Mr. White stated that in some cases an HOA is formed to maintain common space. He stated that typically there is just a note on the plat to ensure that the city is not responsible for maintenance. Mr. Emmons stated the owners would set up an HOA to maintain the private access and open space, which is typically how it is done for cottage lots.

Mr. Wiggam asked what happens if the HOA is dissolved. Mr. Emmons stated that there was always a risk of that occurring, but that this is what a lot of developers do across the nation for infill projects like this. Mr. Wiggam asked why the Commission was looking at the plat prior to the zoning. Mr. White stated that it was simply the way the item was added to the agenda.

Mr. Wiggam asked if we received any comments from people who had easements or infrastructure buried in rights of way that will be platted. Mr. White stated that this plat could move forward without the zone change (as cottage lots are a conditional use), but applicant would prefer different zone. As for the easements, Mr. White stated that there are no current utilities (no mains or any city utilities, if there are, they are private).

Ms. Connor asked about the parking situation assuming every owner has a car (76 cars). Mr. White stated each lot would have a garage, with visitor parking on the south side of Carlton. Mr. Emmons confirmed each lot would have a 2 car, alley loaded garage (except 4 on the north/south road, which would come off the access road). He stated that this development would go through the site plan (landscape, etc.) which would address all parking questions.

Mr. Wiggam asked if the 41' wide street meets our code and would allow for 2 travel lanes. Mr. Emmons stated that it would be wide enough, and he has had this width in other projects.

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please request a recording from the Planning & Development Staff.*

Mr. Hibbens asked if the private roadway in the center of the housing includes space for visitor parking. Mr. Emmons stated that visitors would be able to park along the access easement within the plat as well as Snyder Ave and Patton Ave.

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

Mr. Laird made a motion to approve the Cheyenne Terrace, 2nd Filing Expedited Preliminary Plat, advancing the final plat to the Governing Body with staff recommended conditions. Mr. Wiggam seconded the motion.

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

ITEM C: PUDC-24-17 / Cheyenne Terrace, 2nd Filing, Zone Change
Agent: Brad Emmons, AVI PC
Case Planner: Connor White, Planner II

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

Brad Emmons, agent, presented the item. Mr. Emmons stated this item was related to Item B, and was a Zone Change from MR to NR-2, opting to change the zoning so the timing would work with the plat instead of waiting for a Conditional Use. He did state that the zoning will be discussed before the final plat is approved by Council.

Connor White, Planner II, gave the staff report. He stated that the application was related to Item B. Applicant is requesting to change zone from MR to NR-2. He stated it was only the vacant portion of the plat that would be rezoned to NR-2. He stated that the parcel was Urban Residential on the Future Land Use map, which supports any residential zone. He stated that the cottage lot would be a permitted use in NR-2, versus having the applicant go through a Conditional Use process for the current zone.

Mr. Wiggam asked what the applicant was hoping to gain by rezoning. Mr. White stated that the NR-2 zone would permit cottage lots as an as of right use, as well as using AD-2 lot type with cottage lot reductions stated in the UDC. Mr. Wiggam asked for clarification of change of lot type. Mr. White stated that it would allow three total stories for the townhouse, as well as one process going through Council (versus a conditional use for the Planning Commission).

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

Mr. Wiggam made a motion to approve the rezoning of Lots 2 through 76, Block 1, Cheyenne Terrace 2nd, Filing 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. Ms. Connor seconded the motion.

Mr. Mathia asked for further discussion. Mr. Wiggam stated that he did not like being put in a position to allow spot zoning and doesn't believe there is a fundamental use difference between the zones. He believes that three stories for residential should be allowed anywhere. Mr. Emmons stated that he believes it is not spot zoning, as they are two residential zones. Mr. Bloom stated that this area is labeled as Urban Residential on the Future Land Use Map, therefore the proposed zone is in compliance with the plan.

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

ITEM D: [PUDC-24-16 / North Range Business Park 14th Filing, Assigned Zoning](#)
Case Planner: AJ Swain, Planner I

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

AJ Swain, Planner I, gave the staff report. He stated that the item is located southwest of I-80 and I-25 interchange. The parcel currently has several County zones (County AR and PUD; with 5 additional zones within the PUD) and Staff proposes that the zoning be assigned to the most analogous City Zones of AG, HI, CB, MR and LI.

Mr. Laird stated that the future land use map had annexation information, which was not relevant to the Planning Commission. Mr. White confirmed.

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

Mr. Wiggam made a motion to approve the rezoning of 923.93 acres of land to AG Agricultural for areas zoned A-2 Agricultural in the County, HI Heavy Industrial for lands zoned Overland Trails County PUD I, CB Community Business for lands zoned Overland Trails County PUD B, LR Low-density Residential for lands zoned Overland Trails County PUD R-L, MR Medium-density Residential for lands zoned Overland Trails County PUD R-M, and AG Agricultural for lands zoned Overland Trails County PUD OS, as shown in the attached PUD zone map, noting that the project meets the review criteria for approval. Mr. Laird seconded the motion.

Mr. Wiggam stated that the city would be pulling land out of a PUD but leaving other parts in the County. Mr. White confirmed, which is why Staff looked at uses in a PUD to assign the most analogous zoning.

Mr. Laird asked if either of these two zone changes will have an effect if the Governing Body rejects the annexation. Mr. White confirmed that if the Council approves the annexation, then it will need an assigned zoning, after which the applicant can apply for a zone map amendment if desired.

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

ITEM E: [PUDC-24-18 / North Range Business Park 14th Filing, Zone Change](#)
Agent: Brad Emmons, AVI PC
Case Planner: AJ Swain, Planner I

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

Brad Emmons, agent, presented the item. This item is in relation to the previous item and accompanying an annexation submitted. He stated that several parcels would remain AG and undeveloped, while the LI zone would be used as it will merge with the North Range Business Park after development.

Mr. Wiggam asked what the unintended risks are of cutting up a PUD zoning. Mr. Emmons stated that the PUD was originally 70-80% residential but is now mostly industrial (likely because of the railroad) and has been slowly spliced up anyway. He stated that the AG would be open space, which is more relevant to original PUD than what is currently there. He also stated that with AG zoning, there are no open space fees (which would be paid later during development).

Mr. Laird asked what if this area was already within the Urban Services Boundary. Mr. Emmons stated that the western boundary was likely the original Urban Services Boundary, and likely has advanced further through time.

Mr. Laird stated that this area is a possible community parks site. Mr. Emmons stated that when Swan Ranch began, the whole corridor was supposed to be a park or greenway. He stated that he believes the City decided to sell the property instead.

Mr. Laird asked about Criteria 4 within the staff report for reviewing zone changes, where it says, "no changes to the network are proposed." Mr. White clarified that this means the road network would not be changed at all.

AJ Swain, Planner I, gave the staff report. He stated the applicant is applying for AG and LI zoning for these projects, and staff recommends approval.

Mr. Laird asked how this works with Microsoft Parcel being added to NW Business Park, with LEADS running the park. Mr. Emmons confirmed that LEADS does run the park, adding that this would be a single parcel added to the commercial business association and that the parcels west of this are about to be part of the association.

Mr. Hibbens asked what happens with the two ponds as you cross the tracks on Otter Rd. Mr. Emmons stated that those are owned by Dyno Nobel, and that at this time there are no plans for development. Mr. Wiggam asked if those ponds will be in an AG zone once the annexation is completed. Mr. Emmons confirmed that they would stay in AG, and only the "Project Equality" site would be LI.

Seth Lloyd stated that the original PUD has had over 2000 acres removed, stating that no development is anticipated for the Swan Ranch PUD.

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

Mr. Laird made a motion to approve the rezoning of 923.93 acres of land from LR, MR, CB, HI, and AG to AG and LI zone districts as shown in the attached zone change map, noting that the project meets the review criteria for approval. Mr. Wiggam seconded the motion.

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

Mr. Wiggam stated that he would like to see the color differentiations in the presented maps to make it easier to see.


ITEM 5: OTHER BUSINESS/STAFF ANNOUNCEMENTS

- Mr. Bloom stated that the second DDA development survey is open until early April, and that there will be a community outreach meeting at a location in the Downtown.
- Mr. Bloom stated that there will be a mid-monthly meeting on March 18th, 2024.
- Mr. Laird stated that he noticed there were some parcels in the County Assessor Site where the owner's name is withheld. Mr. White stated that the owners can request their name not to be public. Mr. Laird asked if the property tax information would also be made private. Mr. Lloyd stated that property ownership is always public information but makes it a bit more private. Mr. Laird prefers transparency and doesn't know why we have the option to hide that information.

ITEM 6: MEETING ADJOURNED 7:08 PM



Staff Signature



Board Officer

