

Approved as to
form only:

Cynthia Adylo

Date: 9-5-06

ORDINANCE NO. 3724

ENTITLED: "AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.08 ZONING DISTRICTS ESTABLISHED AND SECTION 17.08.040 CHEYENNE CITY MAP OF THE CHEYENNE CITY CODE 2002, BY CHANGING THE ZONING CLASSIFICATION FROM PUD PLANNED UNIT DEVELOPMENT DISTRICT (ORDINANCE NO. 3132) TO PUD PLANNED UNIT DEVELOPMENT DISTRICT FOR A PORTION OF LOTS 1 AND 8, BLOCK 1, FRONTIER MALL, 3RD FILING, CHEYENNE, WYOMING (LOCATED NORTH OF AND ADJACENT TO DELL RANGE BLVD., BETWEEN THE DRIVE APPROACHES LOCATED ACROSS FROM STILLWATER AVE. AND DRIFTWOOD DRIVE)."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE:

Section 1. That in accordance with Title 17 Zoning, Chapter 17.08 Zoning Districts Established and Section 17.08.040 Cheyenne City map of the Cheyenne City Code 2002, for the area and property described as a portion of Lots 1 and 8, Block 1, The Frontier Mall, 3rd Filing, Cheyenne, Wyoming, be changed to PUD Planned Unit Development District.

Section 2. That the zone change was recommended for approval to PUD Planned Unit Development by the Cheyenne and Laramie County Planning Commission on June 5, 2006 pursuant to Sections 17.92.010A and 17.148.060B3 Decision-makers-Planning Commission.

Section 3. That in accordance with Title 17 Zoning, Chapter 17.92 PUD Planned Unit Development District and Section 17.92.050 Final plan and ordinance or resolution of the Cheyenne City Code, the following standards shall govern this PUD zoning classification.

Section 4. Uses by Right and Location:

1. Single Lane Drive-up Facilities
2. Food Service Facilities

Uses Requiring Administrative Approval:

1. Drive-up facilities requiring more than one drive-lane

Section 5. Maximum Property Coverage and Minimum Lot Size:

1. Total building and parking areas shall not exceed 80% of the PUD property area.
2. Minimum lot area shall be 0.500 acres.

Section 6. Setbacks on the Front, Rear and Side Yards:

All buildings shall be setback a minimum of 15 feet from adjacent public right-of-way. The minimum setback from interior access roads shall be the distance required to provide adequate sight distance for traffic on the interior road system.

Section 7. Maximum Building Height:

There are no height restrictions except as required by the Airport Overlay District.

Section 8. Development Performance Standards:

Architectural elements of building exterior shall include 50% or greater stone, brick or similar high quality material. Roof shall have tile or slate type shingles on all visible surfaces. Siding shall not make up more than 25%. A unique architectural feature shall be included in the design for

each building (i.e. tower, pergola, clerestory). At least three different materials shall be used on all vertical elevations of the building or as approved during site plan review.

A Site Plan Application or current regulatory equivalent shall be submitted to the City of Cheyenne as part of any site alteration that adds new buildings or alters parking areas.

Access shall be provided from internal access roads within Lot 1 and Lot 8, Block 1, Frontier Mall, 3rd Filing on the north boundary of this PUD area. No new vehicular access locations to public roads shall be allowed along the south boundary of this PUD unless authorized by the City Engineer.

Section 9. Buffering and Screening Requirements:

Screening or buffering is required for outdoor storage areas of items and equipment which are not for immediate use, sale or lease. Fencing or landscaping shall be used to screen areas such as trash containment areas, outdoor storage areas, and utility courtyards, or similar, from view from all adjacent public and private access roads. Screening elements shall be consistent with materials used for building.

Section 10. Common Open Space or Facilities:

Shared parking areas and landscaped areas shall be allowed in this PUD area. Vehicular access shall be maintained between lots of any future subdivision of property within this PUD.

Section 11. Signage Requirements and Regulations:

- A. All other exterior signage will conform to the following policy:
 - 1. There shall be no flashing, rotating or moving signs or markers of any type;
 - 2. There shall be no signs painted on the exterior masonry surface of any building;
 - 3. There shall be no roof top signs.
- B. A total of two (2) monument signs shall be permitted within the PUD area. Additional requirements shall apply to freestanding or ground signs:
 - 1. One (1) sign is permitted per business.
 - 2. Maximum sign height shall not to exceed (6') in height or (40) sf per side.
 - 3. Signs shall not be located within 10' of the public street right-of-way.
 - 4. Signs shall not impede sight distance for an access road or drive approach.
- C. One (1) Construction sign for each street frontage of a construction project shall be permitted, and shall not to exceed sixty-four (64) square feet in area. Such signs may be erected forty-five (45) days prior to construction and shall be removed within ten (10) days following completion of construction.
- D. Temporary signs identifying an architect, engineer, contractor, subcontractor, financing institution and/or material supplier participating in construction on the property upon which the sign is located. The sign may be placed the day construction commences and shall be removed the day of completion. Signs shall be located on private property and shall not exceed sixteen (16) square feet in area.

- E. Holiday, Cheyenne Frontier Days or other special event signs and decorations shall be permitted. Such signs and decorations may be erected sixty (60) days prior to a holiday or special event and shall be removed within ten (10) days following the holiday or special event.
- F. Parking and traffic control related signage shall be permitted and shall at minimum, meet current M.U.T.C.D., ADA, and or building code standards and requirements at the time of construction.
- G. Deviation from this Ordinance related to signage shall require Board Approval (City of Cheyenne Board of Adjustment).

Section 12. Parking Requirements:

Four and one-half on-site parking spaces shall be provided per 1000 square feet of gross building area or as required by the Zoning Ordinance parking section in effect for land use proposed at the time of new construction, whichever is less.

Parking areas, including access drives, shall be screened from Dell Range Blvd. with alternating use of a low architectural wall (2'-4') and landscaped hedge. Architectural wall will be complimentary to the architecture of the building. Screening and buffering shall not impede upon corner site distances for all ring road points of access. Corner site distance shall meet or exceed definitions found in applicable city design standards at the time of construction.

Landscaped islands shall be required to delineate beginning, end, and frontage of areas having 15 or more parking stalls.

Section 13. Restrictions:

Modifications to storm water conveyance systems or detention areas shall require approval from the City Engineer.

Section 14. Building Construction Standards:

Construction shall conform to all applicable building codes.

Section 15. Ownership of Common Facilities:

The Owner of the property will maintain ownership of all common facilities.

Section 16. Maintenance:

Maintenance of buildings, paved areas, and landscaping shall be the responsibility of the Owner or Lessee of the property. Maintenance of any on site drainage facilities, including detention facilities, shall be performed by the owner or lessee of the property in accordance with a maintenance plan accepted and approved by the City Engineer.

Section 17. Landscaping:

- A. A landscape buffer shall be no less than 15' for a minimum of 2/3 of the PUD frontage to a public right-of-way. In no case shall a landscape buffer be less than 5' for the remaining frontage to a public right-of-way.
- B. Landscaping shall be required for a minimum of 20% for each development requiring a site plan. A landscape plan showing proposed landscaping improvements and applicable details shall be

included with a site plan submittal. The minimum required internal landscaping area shall consist of a minimum of seventy-five percent (75%) ground cover by living grass or other plant materials and shall be irrigated. This percentage provides flexibility where plants and their irrigation should be limited next to building foundations. Irrigated landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of all parking aisles, and the location and pattern of primary internal access drives.

- C. Minimum required number of new or replacement trees shall be 1 per 500ft sf of required landscaped area. Up to one-half of the required trees may be substituted by shrubs adjacent to retail store fronts where the view of wall signs may be obstructed. Ten (10) shrubs with a minimum container of five (5) gallons shall be provided for each tree that is replaced. Tree plantings shall not impede sight distance for distance for access locations.
- D. Street trees shall be provided according to current city forestry standards.
- E. Plant selections should be those known to be able to survive in Cheyenne. Questions about suitability should be directed to the City Forester. Any landscape element that dies, or is otherwise removed, shall be promptly replaced based on the requirements of the current City Code. Irrigation and maintenance of landscaped areas shall be the responsibility of the owner.
- F. The minimum planting/installation size and characteristics of plant materials which are required by this Ordinance shall be as follows:
 1. Deciduous shade trees: two inch (2") caliper measure six inches (6") above ground.
 2. Deciduous ornamental trees: one and one-half inch (1 1/2") caliper measured six inches (6") above ground.
 3. Evergreen trees: six feet (6') in height when measured from the ground to the midpoint between the uppermost whorl and the tip of the leader.
 4. Evergreen and deciduous shrubs: minimum five (5) gallon container.
 5. Ground covers and vines: 23-inch container.
 6. All areas to receive ground cover by living grass or plant materials shall have at least six inches (6") of good quality top soil.
 7. Quality of trees to meet the most current available American Standards for Nursery Stock specifications.
 8. To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The following minimum requirements shall apply to any new Site Plan and new Landscape Plan:

Number of trees on site	Percentage of any one species:
10-19	50%
20-39	33%
40-59	25%
60 or more	15%

- G. Deviation from this Ordinance related to tree requirements shall require variance approval by the City of Cheyenne Board of Adjustment.

Section 18. That the City Engineer of the City of Cheyenne or his designated representative shall alter and amend the adopted Zoning Map as described in Section 17.08.040 Cheyenne City Code 2002, to comply with the change of zone as described in Section 1 of this ordinance upon notification by the City Clerk's office of publication of said ordinance.

Section 19. That this ordinance shall be in full force and effect upon its publication.

FIRST READING:

August 14, 2006

SECOND READING:

August 28, 2006

THIRD READING:

September 11, 2006



Patrick Collins, Acting Mayor

(SEAL)
ATTEST:

Carol A. Intlekofer
CAROL A. INTLEKOFER, CITY CLERK

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September 16, 2006