

**APPROVED**

*By Alessandra at 9:40 am, Nov 04, 2020*

ORDINANCE NO. 4336

**ENTITLED: "AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH GATE AVENUE AND YELLOWSTONE ROAD."**

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

**Section 1.** That the owners of the property described herein have applied for a zoning map amendment ("zone change") for the property in accordance with Section 2.2.1, Zoning Map Amendment, of the Unified Development Code ("UDC").

**Section 2.** That in accordance with the submittal requirements of the City for a Final PUD, the applicant submitted a "Development Program" (Final Plan) detailing the goals and vision of the PUD which may be used to supplement the standards detailed within this ordinance.

**Section 3.** That on November 2, 2020, the City of Cheyenne Planning Commission conducted a public hearing, reviewed the proposed PUD Final Plan, and recommended approval of this PUD Final Plan, rezoning the property described herein to PUD – Planned Unit Development.

**Section 4.** That the Governing Body of the City of Cheyenne finds that the PUD Final Plan meets the criteria specified in Section 2.2.1.d of the UDC.

**Section 5.** That the City Engineer is hereby authorized and directed to amend the Official Zoning Map as authorized in Section 5.1.3 of the UDC as described in this ordinance.

**Section 6.** That the Zoning District Map of the City is hereby amended by rezoning the subject property to PUD District as outlined in this ordinance for the following property:

The North 34.75 feet of Lot 6, All of Lots 7 and 8, and the East 1/2 of Lots 9, 10, 11, and 12, Block 19, North Cheyenne, 2<sup>nd</sup> Filing, City of Cheyenne, Laramie County, Wyoming; less that portion deeded to the City of Cheyenne at Book 1249, Page 865, in the Real Estate Office of the Laramie County Clerk, Laramie County, Wyoming (to be known as The Enclave at Northgate).

**Section 7.** That in accordance with Section 5.6.2 of the UDC, the following standards shall govern the PUD.

1. Relationship to the Unified Development Code (UDC).
  - a. References to the UDC shall be interpreted to refer to the equivalent section(s) of the most current adopted version. Wherever this PUD is silent on a regulation, the most applicable regulation for the MR (Medium-density Residential) zoning district shall apply.

2. Permissible Uses.

- a. Permitted Uses: Detached Dwelling, Semi-attached Dwelling (“Duplex”).
- b. Administrative Uses: As allowed by the UDC in the MR (Medium-density Residential) zoning district.
- c. Conditional Uses: As allowed by the UDC in the MR (Medium-density Residential) zoning district.

3. Dimensional Standards.

- a. Minimum Lot Area: 3,500 square feet
- b. Lot Frontage: N/A
- c. Maximum Lot Coverage: 80%
- d. Principal Building Height Maximum: 2.5 stories
- e. Accessory Building Height Maximum: 1 story (10’ max sidewall)
- f. Setbacks (based on adjacent land uses):

<b>Setbacks</b>		
<b>Adjacent to</b>	<b>Principal Building<sup>+</sup></b>	<b>Accessory Building</b>
Yellowstone Road	10’	2’
Mandan Lane	10’	10’
Main Street	10’	10’
North Gate Avenue	10’	10’
Common lot / access drive	5’ for front-loaded structures; 3’ for shared access lots	10’ for front-loaded structures; 8’ for shared access lots
Residential lot within the PUD	0’ for attached and 5’ for detached structures	0’ for attached and 5’ for detached structures
Residential lot not within the PUD	10’	0’
+ Cantilevered projections or architectural elements associated with the primary structure and without a permanent foundation may encroach up to three feet (3’) into the setback area.		

4. Regulating Plan.

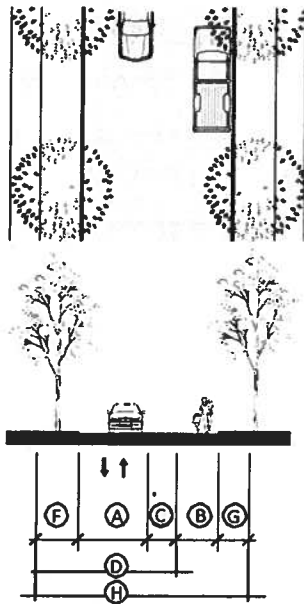
- a. Open space, screening, and sunken garden shall generally comply with the PUD Regulating Plan which is shown in Attachment A, which is attached hereto and incorporated herein.

5. Lot Access.

- a. Direct driveway access to adjacent rights-of-way shall be prohibited. Driveway access shall only be permitted to a common driveway accessing North Gate Avenue and Mandan Lane.

6. Common Driveway Design.

- a. Internal common driveways shall conform to the Regulating Plan as shown in Attachment A and be designed as follows:



A	Number of Lanes (Width)	2 (12') lanes
B	Pedestrian Area	0'-6'
C	Parking	6' minimum, if provided
D	Roadway Width (BC-BC)	25' minimum
F	Tree Lawn / Landscape	2', 0' if adjacent to Open Space
G	Additional Pedestrian Area	0'
H	Right-of-Way Width	30' minimum

7. Screening and Buffering.

- a. At minimum, a two-foot wide landscape 'bufferyard' shall be provided adjacent to all rights-of-way and internal access drives and at minimum landscaped as follows:
- i. Yellowstone Road: 3 shrubs for every 8 linear feet of buffer.
  - ii. Mandan Lane: Grass/living ground cover or 3 shrubs for every 8 linear feet of buffer.
  - iii. Main Street: 3 shrubs for every 8 linear feet of buffer.
  - iv. North Gate Avenue: 3 shrubs for every 8 linear feet of buffer.
- b. All planting areas shall be located outside the fence or wall and adjacent to the respective right-of-way.
- c. Where landscape buffer is required, gravel or rock mulch may be used for ground cover.

8. General Fence Requirements.

a. The following design standards shall apply:

<b>PUD Fence Height &amp; Design Provisions</b>			
<b>Context</b>	<b>Height (Min. / Max.)</b>	<b>Setback (Min. / Max.)</b>	<b>Design Options / Requirements</b>
Adjacent to Yellowstone Road	7' / 8.5'	2' / 2'	Per Attachment B.
Adjacent to Mandan Lane	7' / 7.5'	4' / none	Decorative metal fence (4"-6" spacing) and/or Opaque Vinyl or Wood w/sound dampening
Adjacent to Main Street	6' / 7.5'	2' / 4'	Decorative metal fence and/or Semi-opaque Vinyl or Wood, (min. slat spacing 2.5")
Adjacent to North Gate Avenue	7' / 7.5'	2' / 4'	Decorative metal fence, Opaque Vinyl or Wood and/or Solid Concrete/CMU/or other Retaining Wall to 5' above-grade
Residential lot adjacent to common lot	7' / 8.5'+	0.5' / none	Decorative metal fence, Opaque Vinyl or Wood and/or or solid concrete / CMU / or other retaining wall to 5' above-grade
Residential lot adjacent to residential lot not within the PUD	6' / 8'+	0' / none	Decorative metal fence, Opaque Vinyl or Wood and/or solid concrete / CMU / or other retaining wall to 5' above-grade
Residential lot adjacent to residential lot within the PUD	6' / 6'+	0' / none	Decorative metal fence and/or Opaque Vinyl or Wood
Common lot adjacent to residential lot not within the PUD	6' / 6'+	0' / none	Decorative metal fence and/or Opaque Vinyl or Wood
+ Where a retaining wall is present within 2 feet of common lot line, fence height is measured from top of wall.			

- b. Fences shall not be constructed within any sight triangle or established vision clearance.
- c. No fence shall be constructed which hinders or obstructs access to any fire hydrant or is within a 3-foot radius of any fire hydrant.
- d. No fence shall be constructed within 1.5 feet of any public sidewalk.
- e. Where the standards of subsections b., c., and d. conflict with the standards of section a., the standards of subsections b., c., and d. shall govern in regard to height and setbacks.
- f. Vertical piers may consist of masonry materials on any fence.

9. Yellowstone Road Screening Fence.
  - a. The Yellowstone Road screening fence shall be constructed in accordance with Attachment B, which is attached hereto and incorporated herein. Amendments to the design shall require approval by the Planning Commission and an amendment to this PUD.
10. Sunken Garden.
  - a. The detention pond shall be developed as usable open space as shown in Attachment C, which is attached hereto and incorporated herein.
11. Ownership and Maintenance of Common Areas.
  - a. Ownership of common areas shall be established by undivided interest of all owners within the boundary of the PUD and their successors and assigns through a Homeowners Association (HOA.)
  - b. Maintenance of all common areas including, but not limited to, detention ponds, sunken gardens, common access drives, fences, walls, gates, and landscape areas, shall be the responsibility of the HOA and their successors and assigns.
12. Enforcement.
  - a. Design elements and landscaping elements contained in these standards shall be enforced by the HOA and property owners.
  - b. Failure of the HOA and/or property owners to not enforce violations of these standards shall be a violation of this PUD and subject to City enforcement action against the HOA and property owners.
  - c. The City may enforce any requirements of the PUD pursuant to applicable enforcement procedures.
13. Authorization for Adjustments and Amendments.
  - a. The HOA is authorized to act on behalf of PUD owners and residents to petition the Director to make minor amendments, such as changes for similar materials, changes in building orientation, modifications to internal driveways and walkways, or changes to minor landscaping.
  - b. Any amendment does not meet the threshold for a minor amendment shall follow the procedures for a PUD amendment in the Unified Development Code. The HOA is authorized to sign as a representative for owners to make a PUD amendment.
14. Administrative Adjustments.
  - a. Administrative Adjustments are permitted pursuant to the procedures outlined in the UDC.
  - b. Adjustments are only allowed to dimensional or design standards that result in no perceived impact on abutting property and where flexibility in the standards will help promote the vision of the PUD. In no case may an adjustment exceed 20% of any dimensional standard.
15. Building Permits.
  - a. Prior to issuance of building permits within the PUD, the HOA shall be established. The HOA so established shall be responsible for the duties of the HOA as outlined in Sections 10, 11, 12 and 13 of this PUD.
  - b. Prior to issuance of building permits within the PUD the developer shall provide the HOA design standards to the City.
  - c. The Yellowstone Road Screening Fence required by Subsection 9 shall be constructed prior to occupancy of any dwelling unit adjacent to Yellowstone Road.

d. The Sunken Garden required by Subsection 10 shall be constructed prior to occupancy of more than 50% of the dwelling units within the PUD.

**Section 8.** Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

**Section 9.** That this ordinance shall be in full force and effect upon its approval and publication.

FIRST READING: \_\_\_\_\_ November 9, 2020 \_\_\_\_\_

SECOND READING: \_\_\_\_\_ November 23, 2020 \_\_\_\_\_

THIRD AND FINAL READING: \_\_\_\_\_ December 14, 2020 \_\_\_\_\_

  
\_\_\_\_\_  
MARIAN J. ORR, MAYOR

(SEAL)  
ATTEST:

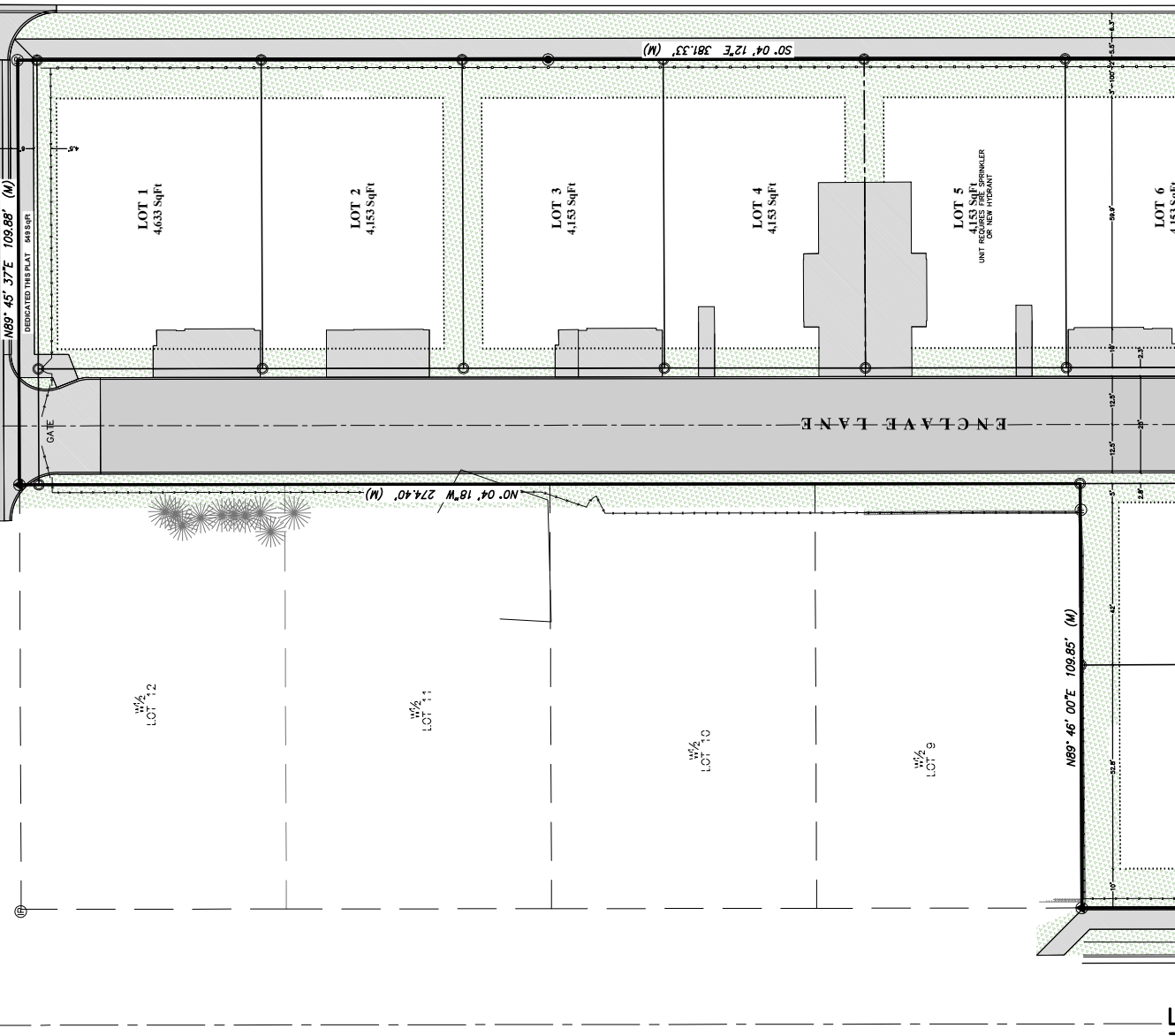
  
\_\_\_\_\_  
KRISTINA F. JONES, CITY CLERK

publish date: Wyoming Tribune-Eagle  
December 19, 2020

# ATTACHMENT A

UNPLATTED

MANDAN LANE  
(EXIST. 25' R/W (30' PROPOSED))



NORTH CHEYENNE, SECOND FILING  
BLOCK 9  
LOT 8  
LOT 9  
POR LOT 7

MATCH LINE

MATCH LINE







## **ATTACHMENT B**

### **THE ENCLAVE AT NORTHGATE**

North Yellowstone Road

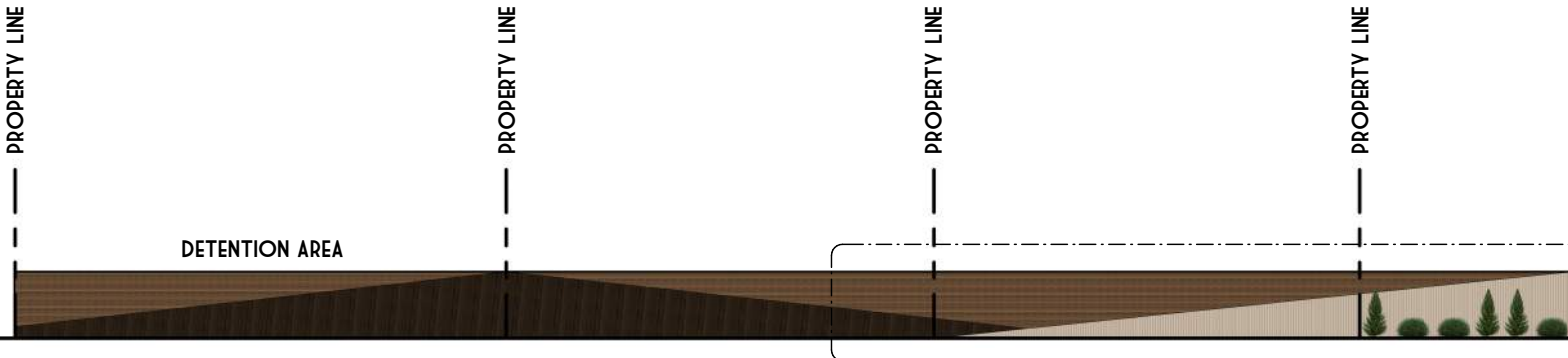
Cheyenne, Wyoming

October 21, 2020

### **YELLOWSTONE ROAD FENCE DESIGN NARRATIVE:**

The privacy fence to be located between The Enclave and Yellowstone Road will be designed to not only provide visual privacy to the residents from the public passing by in vehicles and on foot, but also will afford sound privacy from these adjacent public sources. To meet these two privacy goals, an 8' high privacy fence has been chosen to provide an appropriate barrier. To represent the stunning design of the exterior of the individual residential units, a fence with a stylized geometric design has been developed that also provides a "hint" of a mountain silhouette look. The materials chosen for this security fence are synthetic composite decking materials (Trex) in two complementary colors installed in a sloped and vertical pattern. Highlighting the fence is unfinished steel siding that will result in a patina of terra cotta colored metal. These three materials, which will also be installed on the interior (residence) side of the fence, will all provide years of service with minimum maintenance. To aid in the sound control of the vehicular traffic to the residences, a high-density sound blanket will be installed within the cavity of the fence structure.

**ATTACH**



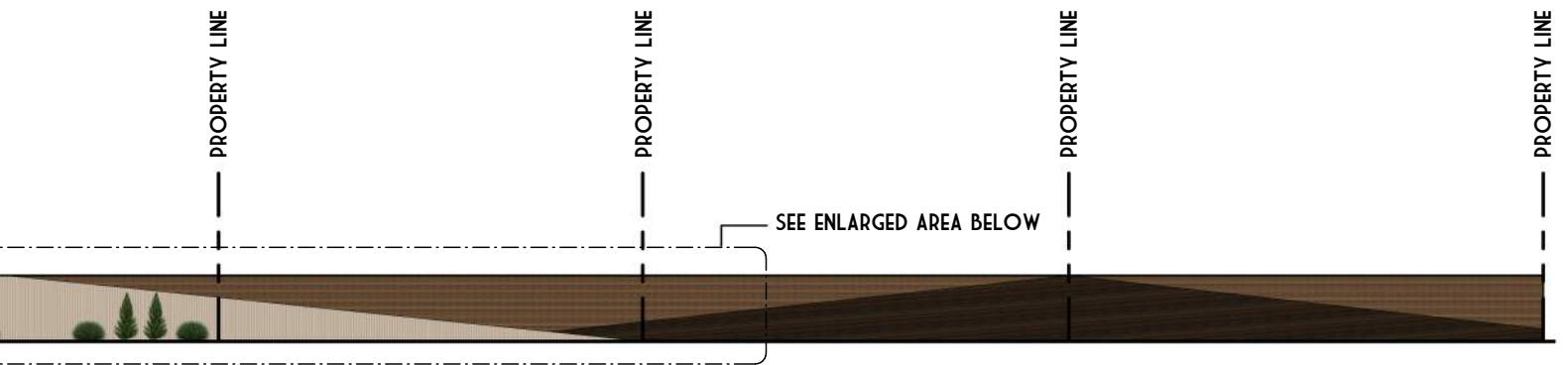
COPYRIGHT © 2020 POUPIRT ARCHITECTS. ALL RIGHTS RESERVED



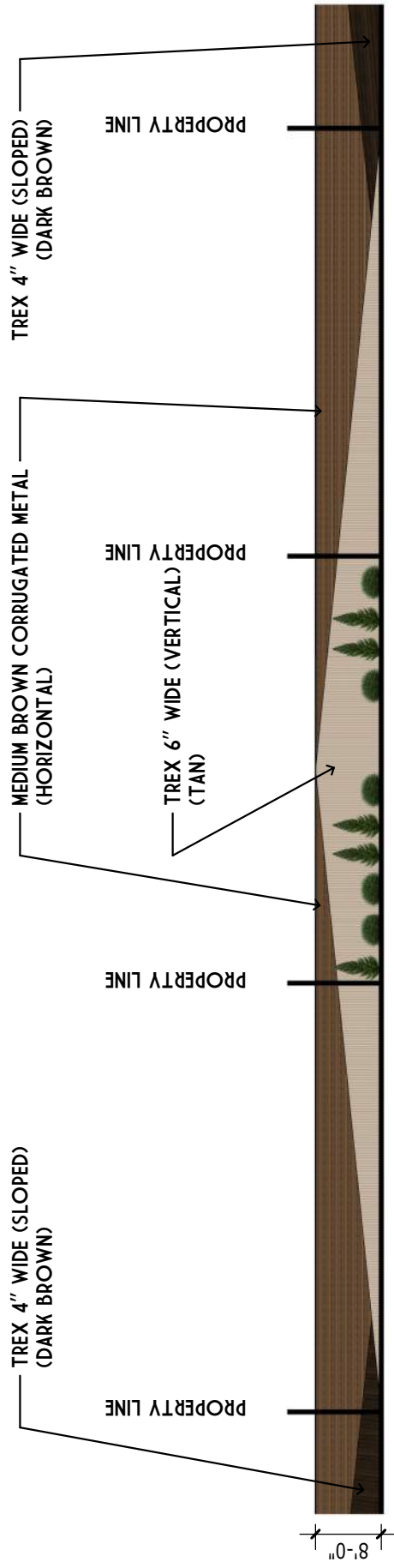
# PRIVACY FENCE - YELLOWSTONE ROAD

SCALE: 3/32" = 1'-0"

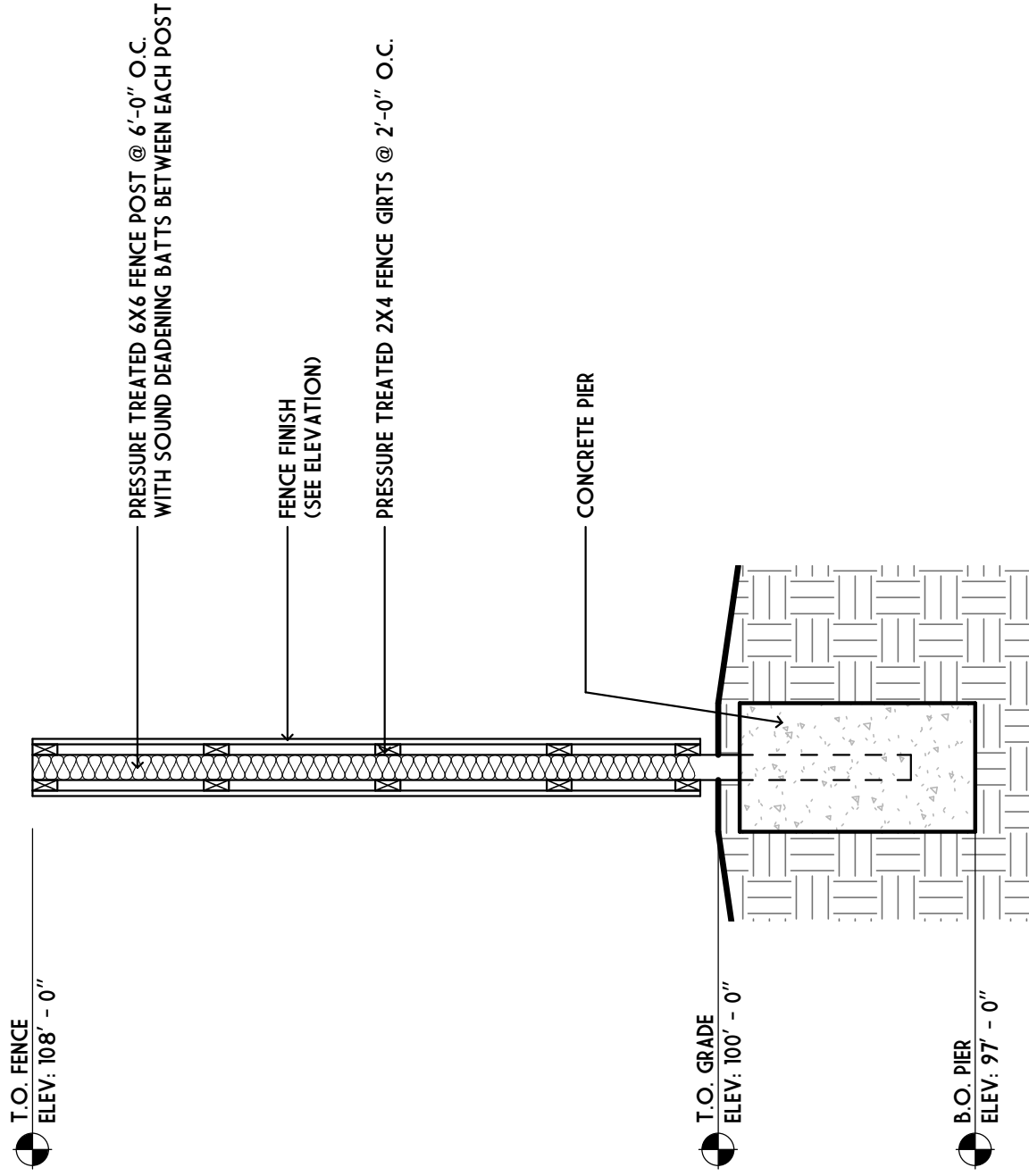
**MENT B**



**ATTACHMENT B**



**ATTACHMENT B**



PRIVACY FENCE - SECTION  
SCALE: 1/2" = 1'-0"  
10/20/20

THE ENCLAVE AT NORTHGATE  
CHEYENNE, WY

POUPPIRT



## **ATTACHMENT C**

### **THE ENCLAVE AT NORTHGATE**

North Yellowstone Road

Cheyenne, Wyoming

October 21, 2020

### **SUNKEN GARDENS DESIGN NARRATIVE:**

The Sunken Gardens for this project are provided to capitalize on the primary need for a detention pond to meet the drainage design of the project. While meeting these detention needs, the design of this detention feature is to provide both a visual and functional amenity for the residents and their guests of the Enclave. The landscape design of the sunken gardens is based upon a native design strategy that includes a natural blending of granite boulders with appropriate plantings (evergreen and deciduous shrubs and grasses) as well as an assortment of perennials, thus resulting in a year-round visual highlight. In addition, the interior of the sunken pond will also include a natural habitat, located at the base of the pond designed to encourage visitation by birds native to the area. Plantings in this lower area will be primarily water plants suitable in a wet marsh environment (Willows, Reeds, etc.). To provide a more interesting visual appearance to those encountering this sunken garden, a contrasting formal appearance will be presented with two sloped terraces planted in blue-grass sod as well as formal shrub plantings, both low and vertical in scale. Finally, an included pedestrian feature will be a stairway to the upper level of the sunken gardens leading to a walkway that proceeds to a patio area on the east side of the sunken gardens where a picnic table and chairs will be provided for viewing the entirety of the gardens.

### **PROJECTED PLANTINGS LIST**

#### Low Shrubs:

- Potentilla
- Dwarf Burning Bush
- Double Red Rose
- Karl Forester Reed Grass
- Spirea
- Low Juniper

#### Vertical Shrubs:

- Upright Juniper

Marsh Plants:

- Pussy Willows
- Reeds

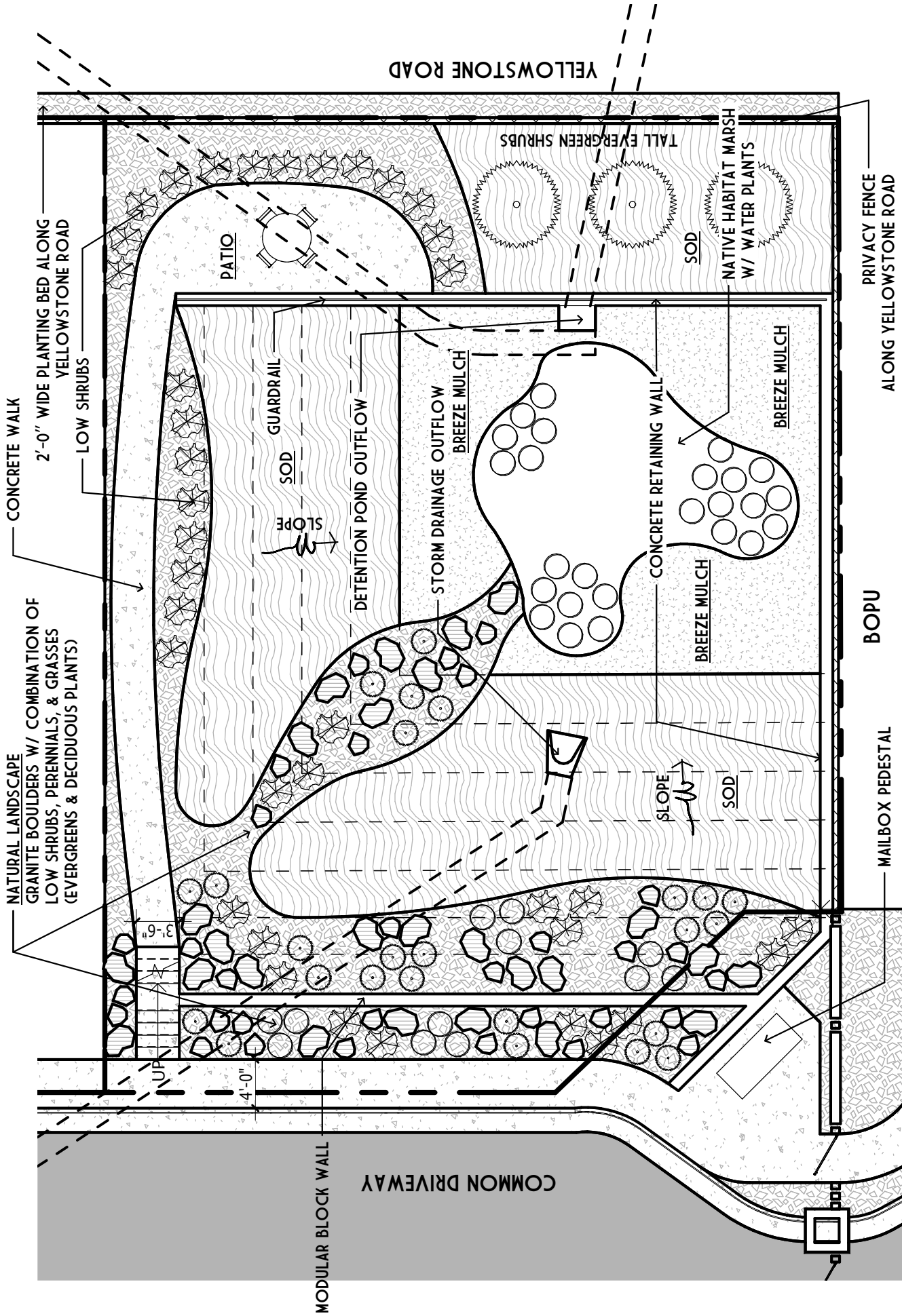
Ground Covers:

- Blue-Grass Sod
- Granite Gravel Mulch
- Cedar Mulch
- Breeze Gravel Mulch (Pit Run Material)

Boulders:

- Granite Boulders

**ATTACHMENT C**



**SUNKEN GARDEN PLAN**  
 SCALE: 3/32" = 1'-0"  
 10.20.20

THE ENCLAVE AT NORTHGATE  
 CHEYENNE, WY

**POUPPIRT**