

CITY OF CHEYENNE
PLANNING COMMISSION MINUTES
June 7, 2021
6:00 P.M.

MEMBERS PRESENT: Philip Griggs, Chair; Brian Tyrrell, Vice-Chair; James Bowers, Phillip Regeski, Stephanie Boster, and Greg Palmquist

MEMBERS ABSENT: Jeremy Arneson

CITY STAFF PRESENT: Charles W. Bloom, Planning & Development Director; Connor White, Planner II; Erin Fagan, Planner I; Sam Crowley, Planner I

OTHERS PRESENT: William Krebs, Virginia Krebs, Paula Baldeshwiler, Jan Woodhouse, Tracey Woodhouse Brosins, Vicki Hughes, Steve Pineda, Delilah Pineda, Tom Mason, Cari Cuffney, Pat Rudd, Adam Marsh, Casey Palma, Patty Walkley, Ted Tietjen, and Bruce Perryman

Philip Griggs, Chair, called the meeting to order at 6:00 P.M.

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

2.b. Minutes – The minutes from the April 19, 2021 and May 3, 2021 Planning Commission Meetings were approved.

BOARD ADMINISTRATION: None.

ITEM A: (Postponed from May 3, 2021)

UDC-21-00094 / Sweetgrass, 7th Filing Preliminary Plat

Case Planner: Connor White, Planner II

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

Casey Palma, Steil Surveying, presented the project.

Connor White provided the staff report and recommended a postponement until July 7, 2021.

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

Mr. Griggs opened the public comment. Hearing none, he closed the public comment.

Mr. Regeski made a motion to postpone the item. Stephanie Boster seconded.

Roll Call: Motion approved unanimously with a vote of 4-0.

ITEM B: (Postponed from May 3, 2021)

UDC-21-00095 / Meadowlark Estates, 2nd Filing Preliminary Plat

Case Planner: Seth Lloyd, Planner II

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

Bruce Perryman, AVI, presented the project.

Philip Griggs, Chair, asked for questions from the Commissioners. Mr. Griggs commended Mr. Perryman and staff on the revisions to the plat.

Mr. Bloom provided the staff report.

Mr. Griggs opened the public comment.

Mr. Tyrell expressed concern over capturing the drainage in the area. Mr. Perryman replied that the developer will be following City drainage requirements. Mr. Griggs asked for more public comment.

William Krebs at 6705 Foxglove Drive stepped forward. Mr. Krebs commented that the development has no buffer between different lot sizes. Additionally, he discussed the solar right he has according to UDC 15.5.2. He stated that he is entitled to collect sunlight without interruption. He asked if lots 12-17 might have a modification on the normal building requirements which are 35 feet and 15 feet to each lot. He requested a modification to the setback to make it at least 25 feet and the height to make it no more than 25 feet. In conjunction, he thinks it would be a good idea to designate lots 12-17 as green space. Mr. Griggs asked how far from the property line are his solar panels. Mr. Cribbs answered that one is 40 foot back and one is 50 to 60 feet back and they are elevated between 5 and 10 feet.

Paula Baldeshwiler at 6633 Foxglove Drive came forward. She asked if there's a price stipulation for the new homes on these lots – she is concerned that it will lower other property values. Tracey Woodhouse Brosins at 6616 Hindsley is concerned with the location of the retaining line. She stated that her property is adjacent to the development with the Cubby Hole and she was reassured that the drainage would not impact them but that was untrue. She's concerned that the development would impact the utilization and the safety of her property. Mr. Griggs asked for further public comments. Vicky Hughes at 7123 Foxglove Dr. commented that she watches traffic accidents on Dell Range. She is worried about two additional entrances onto Dell Range and what will happen will traffic and snow. She's also concerned about the wave in the center of the property. She would like to know if the county residents are going to be responsible for water shed onto city properties. She requested a view easement and that only ranch style homes be built. She asked that the Commissioners consider what this will do to the value of homes that have been there for 25 years. She wants assurance that these will be upscale homes. Patty Walkley at 6909 Foxglove Drive asked how long the proposed development will take.

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

Mr. Perryman addressed the public comments. He volunteered to help Mr. Krebs with his solar panel issue. Regarding lot size concern, he answered that the lot sizes shown are 9,000 square feet and they are specified in the covenants. Most of the Whitney Ranch lots are less than 9,000 and are being sold for approximately \$400,000. He declined to give a specific price point but said he expects the homes to be nice. He added that he's happy to arrange a meeting between the residents who spoke and the developer to address their questions. Concerning the drainage on Hindsley road, Mr. Perryman said those will be replaced with a storm sewer in 2023. There may be a short time period where they will still discharge to the pipe off Hindsley, but it would be temporary. The intersection is coming up 5 feet vertically which will provide flatter slopes for sliding; also, traffic speed limits may decrease. The county water will be accounted for and factored in with the water for the development. The construction timeframe would begin in September. Dirt would be started in fall; water and sewer would begin in winter; the streets would be paved next spring; and the houses would be built next summer. There would likely be a little less than 2 years of building. The new houses will be down below the Foxglove houses about 60 feet; it will not impact their views. He says they will follow the staff recommendations.

Mr. Griggs asked for questions from commissioners.

Mr. Regeski asked Ms. Woodhouse Brosins to come back to the podium. He also asked if she will still have that problem with her drainage if the City maintains it. He added that it appears that they're keeping their flows at the historic flow levels and taking the flow and putting the pipe in at Whitney Ranch which would be a real benefit to her. Mr. Perryman answered that Whitney Ranch will be putting it

further to the east. Mr. Regeski said this would be a real benefit to the houses on the south side of Dell Range. Mr. Perryman said none of the current water is going over there right now, and none of the runoff is overtopping Dell Range. Mr. Bloom added that the City Engineer requires a drainage analysis that evaluates potential downstream impacts, and this would come through with the final drainage study. Mr. Griggs asked for further comment. Mr. Tyrell asked what the inflation is for construction cost. Mr. Perryman answered that lumber is 350-500%, asphalt is 30%, and there's a concrete cement shortage. He added that high demand means inventory prices go up. Mr. Tyrell asked what the average single-family home costs to make in the US. Mr. Perryman guessed \$20,000-\$40,000. Mr. Tyrell answered \$94,000. He said his issue with the City's recommendation is that the safety fee is too much to add to the City's coffers. Mr. Griggs asked for other questions and comments. Hearing none, he closed the period.

Brian Tyrell made a motion to recommend exceptions for block sizes, allowance of single tier lots, and approve the Meadowlark Estates, 2nd filing, preliminary plat subject to staff's recommended conditions with the exception of 2a. Mr. Griggs asked if he can take out 2a. Mr. Bloom answered that they can recommend it and the governing body can elect to keep it or put it back in. He clarified that according to the cost index for construction for 20 cities, there is not a direct 250% increase. Ms. Boster seconded the motion.

Roll Call: Motion approved with a vote of 3-1.

ITEM C: UDC-21-00198 / Meadowlark Estates, 2nd Filing Zone Change

Case Planner: Seth Lloyd, Planner II

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

Bruce Perryman, AVI, presented the project.

Mr. Bloom provided the staff report.

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

Vicky Hues came forward and repeated her previous concerns about traffic. Mr. Cribbs repeated his recommendation about green space. Steve Pineda at 7011 Foxglove Drive stated that he is concerned about the traffic. He is also concerned with the water table being in a commercial lot. He stated that the residents are on septic systems. He would like to know if there will be contamination in the gas station. Mr. Griggs answered that because it is coming in from the city, it won't affect the water table. Mr. Pineda repeated his concerns about traffic accidents on Dell Range, citing that the elevation of the road on Dell Range is substantial and an intersection below it may increase accidents. He thinks that Dell Range should be widened. Mr. Griggs asked for further comments. Mr. Regeski addressed the members of the public – he said there are plans to address traffic increases. Tom Mason at 6525 Foxglove Dr. mentioned that the 9,000 square foot lots are big for city lots; even though there are no requirements for design standards, he would imagine that houses built on 9,000 sf lots will be large houses and the design quality will be higher as well. Mr. Mason's main concern is seeing a long line of solid white vinyl fence – he would want to see wood fences. He reintroduced himself as the Transportation Planner for the City and addressed the public's concerns about traffic. Whitney and Dell Range have a traffic plan. The project is funded and will be built. There will be immediate improvements to Whitney and US 30. He offered his contact information in case people have questions for him.

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

He asked for comments from the commissioners. Hearing none, closed.

Brian Tyrell made a motion to approve the rezoning of Lot 1, Block 1, Meadowlark Estates, 2nd Filing to CB Community Business; Lots 2-7, Block 1 and all of Block 2, Meadowlark Estates, 2nd Filing to LR Low-

density Residential; and all of Block 3, Meadowlark Estates, 2nd Filing to MR Medium-density Residential as shown in the attached Zone Change Map, noting that the project meets the review criteria for approval. Greg Palmquist seconded the motion.

Roll Call: Motion approved unanimously with a vote of 4-0.

ITEM D: UDC-21-00132 / Equipoise, 2nd Filing Zone Change (postponed)

Case Planner: Seth Lloyd, Planner II

Connor White, Planner II, read the item into record. Charles Bloom, Planning and Development Director, requested for Item D to be read in as well to be discussed in tandem with Item E. Mr. Griggs allowed this.

Casey Palma, Palma Land Surveying, presented the project.

Mr. Bloom provided the staff report.

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

Pat Rudd, the owner, introduced himself to the Commissioners. Cari Cuffney at 901 Country Club Avenue came forward. She stated that she is not opposed to the rezoning, but she does have concerns about the development's ability to meet the zoning requirements and the drainage. The road slants towards her property and she is worried that the drainage would overtop the sidewalk into her yard and basement. She also mentioned that she would like to see that the developer is held to the zoning standards and doesn't receive copious exemptions. She added that she was not notified much ahead of time about this meeting. Mr. Griggs asked her what the postmark on the notification was and she answered June 4th. Adam Marsh, also at 901 Country Club, came forward. He stated that there is an especially narrow conveyance channel for the stormwater between the curb and the gutter. He expressed that they are concerned that the developments will increase parking near the curb, which will reduce the capacity of that curb and gutter. Their biggest concern is that the development will push water into their basement. He expressed that he has spoken with Mr. Rudd and Mr. Palma and believes they are dealing with this honestly and fairly. He added that the replacement of a gravel parking lot with a paved parking lot, along with the request for exemption from open space and potentially reduced gutter capacity are all reasons to be concerned about drainage.

Mr. Palma came forward to address the concerns. He pointed out that they have made a revision to the site plan and Summit Engineering is making revisions to the drainage to redirect the channel to create a headwall at the sidewalk and a 4-5-foot-wide sidewall chase. They hope to have a new set of engineering drawings by the time the preliminary plat comes forward and those will be shared with the neighboring property owners as well. He emphasized that despite the engineering and drainage issues, the rezoning is appropriate, and he will share details at a later date. He also mentioned that there have historically been low levels of parking in this area. They have provided more than enough parking for the vehicles in that area. He reiterated that they understand the concern of the neighbors and he is confident in Summit Engineering's ability to fix the drainage issues.

Connor White stated that the letter mentioned earlier was a notification for a conditional use to be heard by the Board of Adjustment and this letter did meet the mailing date. Mr. Bloom added that the case planner, Seth Lloyd, has indicated that notice was mailed out to the property owners within the mailing date. Mr. Griggs clarified that he asked about the date due to mailing issues with COVID. Mr. Griggs asked for other discussion. Hearing none, he closed the public comment.

Brian Tyrell made a motion to approve the rezoning of Lots 1 and 2, Block 1, Equipoise Addition, to NR-2 Neighborhood Residential – Medium Density as shown in the zone change map, noting the project meets the review criteria for approval. Ms. Boster seconded the motion.

Roll Call: Motion approved unanimously with a vote of 4-0.

ITEM E: UDC-21-00133 / Equipoise, 2nd Filing Preliminary Plat (Expedited Review)

Case Planner: Seth Lloyd, Planner II

Connor White, Planner I, read the item into record in conjunction with Item D.

Mr. Griggs asked for a motion for postponement. Mr. Tyrell moved to postpone this item until the July 7, 2021 meeting. Ms. Boster seconded this motion.

Roll Call: Motion approved unanimously with a vote of 4-0.

ITEM F: UDC-21-00168 / The View Preliminary Plat

Case Planner: Seth Lloyd, Planner II

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

Bruce Perryman, AVI, presented the project.

Mr. Bloom provided the staff report.

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

Mr. Tyrell commented that it would be difficult to create lots there. Mr. Perryman replied that the concept is that they will elevate the units and release Panorama Drive, minimizing additional flow going south. Mr. Tyrell stated that he is concerned that they will have a tough time convincing the two property owners on Park Hill Road to share the cost of the road. Mr. Perryman replied that Park Hill is a county road and it has been recommended to be included in the annexation. He doesn't think its applicable at this phase of the project and could be addressed at a later discussion. He also mentioned that he had a neighborhood meeting to address concerns with neighbors and the neighbors were favorable to the project moving forward. Mr. Tyrell asked about the intersection at Braehill Road. Mr. Perryman answered that they intend to fill in the southwest edge and clean up the paving and the rest of the intersection would remain gravel for future utility considerations. Mr. Tyrell asked if the fire station off Ridge Road would be responsible. Mr. Perryman answered that it would fall under county fire protection. Mr. Griggs asked how they're going to build with the drastic elevation changes. Mr. Perryman replied that by the time they submit a final plat they will have elevations staked out so the Commissioners can have a visual of how the basements will be. He also mentioned that they hired an architect to make these units as high end as possible. He acknowledged the challenges of the site but expressed his confidence in their team to overcome them.

Mr. Griggs opened the public comment period. Hearing none, he closed the comment period.

Mr. Regeski moved to recommend an exception for block size and approve the The View Preliminary Plat subject to Staff's recommended conditions noting that as conditioned, the project meets the review criteria for approval. Mr. Palmquist seconded the motion.

Roll Call: Motion approved with a vote of 3-1.

OTHER BUSINESS/STAFF ANNOUNCEMENTS: Mr. Bloom informed the Commissioners about Spring into Green and the Greenway 30th Anniversary events. He talked about the mid-month July meeting and the East Park Ribbon cutting. Mr. Tyrell asked about the lot size amendment. Mr. Bloom said it did pass. Mr. Perryman asked if the safety fee has been adopted by council. Mr. Bloom clarified that it is not an adopted ordinance or policy. One of the review criteria is to allow for conditions based on comments by other reviewing agencies. Fire rescue and public safety doesn't have the funding in place to absorb those expansions. This will be a code standard when it is adopted. Mr. Perryman replied that he does not see it as enforceable until it's been through the public process. He thinks this fee would be better attached to the building permit side of things. He added that the 6th penny sales tax projects have a lot of public safety projects on the ballot, and he's hoping this helps alleviate some of these fees. He also brought up the entry level housing market. He urged the Commissioners to review it and see if it's warranted with the safety fees. Connor white informed the Commissioners that they can use the new PDF update of the UDC which is on the website.

MEETING ADJOURNED: 8:09 PM.



Staff Signature



Board Officer