

## **PUBLIC SERVICES COMMITTEE MINUTES**

A meeting of the Public Services Committee was held on Tuesday, October 5, 2021 in Committee Room 104 and via electronic meeting, starting at 12:00 p.m. Those in attendance were as follows:

**COMMITTEE MEMBERS:** Dr. Mark Rinne, Chairman; Bryan Cook; Pete Laybourn; and Tom Segrave.

**CITY STAFF:** Stefanie Boster, City Attorney; Alessandra McCoy-Fakelman, Deputy City Attorney; Charles Bloom, Planning & Development Department Director; Tom Cobb, City Engineer; Kris Jones, City Clerk; Mark Christensen, Seth Lloyd, and Connor White, Planning & Development; Lara White, City Attorney's Office Manager and Eric Fountain, Compliance Director.

**OTHERS PRESENT:** Jeff White, City Councilman President; Brad Emmons, AVI Engineering; and Patti Riesland, Mayor's Council for People with Disabilities.

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### **AGENDA ITEMS**

8. **ORDINANCE –3<sup>rd</sup> READING – Amending Section 2.76.020(B), Members-Terms-Vacancies, of Chapter 2.76, Downtown Development Authority, of Title 2, Administration and Personnel, of the Code of the City of Cheyenne, Wyoming.**

Mr. Segrave moved to approve on 3<sup>rd</sup> and final reading, seconded by Mr. Laybourn. Mr. Segrave moved to postpone to the October 25, 2021 City Council meeting. Motion to postpone carried by unanimous voice vote.

**DISCUSSION:** Stefanie Boster, City Attorney, provided a staff report and advised as requested at the September 27, 2021 City Council meeting, the City Attorney's office is carefully reviewing statutes, ordinances, and other related guidance to provide the Council a complete legal opinion as it relates to the DDA statute and requested a postponement of the item until the October 25, 2021 City Council meeting. Mr. Laybourn voiced support of the thorough review of all the committees and boards and postponement of the item.

9. **ORDINANCE –3<sup>rd</sup> READING – Amending the Official Zoning Map of the City of Cheyenne changing the zoning classification from AG Agricultural to MR Medium-Density Residential, HR High-Density Residential, MUB Mixed-Use Business Emphasis, and CB Community Business for land located northwest of and adjacent to the intersection of Dell Range Boulevard and Whitney Road.**

Mr. Cook joined the meeting at 12:05 p.m. during discussion and prior to the vote on item #9.

Mr. Segrave moved to approve on 3<sup>rd</sup> and final reading, seconded by Mr. Laybourn. Motion carried by unanimous voice vote.

**DISCUSSION:** Seth Lloyd, Planning & Development, provided a staff report and advised the proposal is for a zone change to recently annexed land which is to be developed in the future with commercial and residential style uses. Mr. Lloyd noted that no changes have been made since 2<sup>nd</sup> reading at the September 27, 2021 City Council meeting. Brad Emmons, AVI Engineering, made himself available for any questions and noted there has been an overwhelming interest in residential uses.

10. ORDINANCE –2<sup>nd</sup> READING – Amending the Unified Development Code (UDC) to clarify the interpretation of Lots and amend Accessory Building Regulations. (SPONSOR – DR. RINNE)

Mr. Segrave moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Connor White, Planning & Development, provided a staff report and an overview of the proposed text amendment including lot clarification, size and set back requirements for accessory buildings and noted the change was citizen driven. Mr. White advised accessory buildings under 200 square feet are not required to obtain a building permit and therefore those structures, according to this text amendment, would not be restricted by set back requirements as long as the accessory building is placed in a back yard or a minimal set back requirement if the accessory building is placed in a side yard. Mr. White explained the proposed size limitations of a single and secondary accessory building as it relates to the principal building square footage and the lot size. Mr. White provided information on updated definitions of lot types including double frontage lot and triple frontage lot. Upon inquiry, Mr. White advised further on the permitting process and oversight of projects that do not require a building permit noting the building code would allow for some oversight. Additional discussion included homeowner association enforced covenants verses enforcement of City Code; regulations on 2<sup>nd</sup> story additions to accessory buildings; and site plans that originally include accessory buildings. Brad Emmons, AVI Engineering, voiced concerns with the zero-set back requirement as it relates roof overhang on property lines and drainage. Charles Bloom, Planning & Development Department Director, provided information on regulations related to overhangs across lot lines and property owner drainage responsibilities. Mr. Cook voiced concerns with the text amendment and noted he would support it on 2<sup>nd</sup> reading.

11. ORDINANCE –2<sup>nd</sup> READING – Amending the Unified Development Code (UDC) modifying the Density Standards of UDC 5.1.5D “Multi-Dwelling Buildings (Apartment)” Lot Types. (SPONSOR – DR. RINNE)

Mr. Segrave moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Charles Bloom, Planning & Development Department Director, provided a staff report and advised the proposed text amendment would mirror the MD1 with the MD2 and MD3 lot types removing barriers to new development, foster fiscal responsibility, and encourage more multi-dwelling housing developments. Mr. Bloom advised on 3<sup>rd</sup> reading he will provide an example to show a proposed change in density compared to current density standards. Upon

inquiry, Mr. Bloom provided information on water services as it relates to the text amendment and upon inquiry, advised height limits are not addressed in the text amendment. Brad Emmons, AVI Engineering, voiced support for the text amendment.

12. ORDINANCE –2<sup>nd</sup> READING – Amending the Unified Development Code (UDC) to modify the MUR, MUB, and MUE zone districts’ intent, context, and transitions. (SPONSOR – DR. RINNE)

Mr. Segrave moved to approve on 2<sup>nd</sup> reading, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Mark Christensen, Planning & Development, provided a staff report and advised the proposed text amendment will increase development opportunities by removing the intent, context, and transitions sections from each of the MUR, MUB and MUE zone districts. Mr. Christensen provided examples of restraints to development under the current code. Upon inquiry, Mr. Christensen explained the transition section in each of the zones provides the most restriction and noted use and set back requirements will remain intact.

17. RESOLUTION – Authorizing the Mayor and the City Clerk to sign a final plat for Whitney Ranch, 4<sup>th</sup> Filing, a plat of a portion of the southeast quarter of Section 23, Township 14 North, Range 66 West, of the 6<sup>th</sup> P.M., Cheyenne, Laramie County, Wyoming (located northwest of and adjacent to the intersection of Dell Range Boulevard and Whitney Road). (SPONSOR – DR. RINNE)

Mr. Cook moved to adopt with the condition that the final plat would not be signed until the development agreement has been approved by the governing body, seconded by Mr. Segrave. Motion carried by unanimous voice vote.

**DISCUSSION:** Seth Lloyd, Planning & Development, provided a staff report and advised the application is for a final plat which includes 138 single-unit residential lots and 5 higher-intensity lots associated with open space, detention lots, and public rights-it-way. Mr. Lloyd explained the associated development agreement is not accompanying the final plat therefore he requested a condition be placed on the plat prior to it being signed to include the development agreement or to postpone the item. Brad Emmons, AVI Engineering, supported a condition on the plat in place of a postponement and provided background on the development agreement process.

19. RESOLUTION – Permitting the possession of open containers within the Downtown District Boundaries for the DDA “Spirits & Spirits” Halloween Pub Crawl to be held on October 23, 2021. (SPONSOR – MR. WHITE)

Mr. Segrave moved to adopt, seconded by Mr. Cook. Motion carried by unanimous voice vote.

**DISCUSSION:** Jeff White, City Councilman President, advised adoption of the resolution will allow for open containers within the DDA district boundaries for this annual event and made himself available for questions. Mr. White confirmed the boundaries of the event as the DDA district boundaries. Upon inquiry, Alessandra McCoy-Fakelman, Deputy City Attorney, advised on the

types of alcohol that are allowed. Mr. White and Ms. McCoy-Fakelman advised they would follow up with the event coordinator to confirm if a designated cup will be used during the event.

Mr. Segrave took the opportunity to thank and congratulate the City's Planning and Development staff for their recent awards from the Wyopass Fall Conference including Planning Project of the Year for the creation of the Urban Renewal Authority; Planner of the Year to Mark Christensen; and New Professional of the Year to Connor White. Charles Bloom, Planning & Development Department Director, noted an additional award for Planning Commissioner of the Year to Cheyenne Planning Commission Chair, Philip Griggs.

There being no further items for the agenda to come before the Public Services Committee, the meeting was adjourned at 12:53 p.m.

Submitted by,



Jennifer McClelland

Executive Assistant to the Cheyenne City Council