

**CITY OF CHEYENNE
PLANNING COMMISSION MINUTES
September 5, 2017
6:00 P.M.**

MEMBERS PRESENT: Nicole Novotny-Smith, Vice-Chair; Greg Palmquist, Secretary; Alice Hall, Gunnar Malm, Philip Griggs, Kenneth Uhrich

MEMBERS ABSENT: Gene MacDonald, Chair

CITY STAFF PRESENT: Eric Hammer, Planner; Seth Lloyd, Planner; Susana Montana, Senior Planner; Robert Briggs, Planning and Development Director; Lisa Pafford, Asst. Director of Development; Alessandra McCoy, Staff Attorney; Jack Studley, City Surveyor

OTHERS PRESENT: Brad Emmons, Casey Palma, Debb Roden, Edward Murray, Justin Hesser, Steve Borin, Ken Guill, County Assessor; Julie Tucker, Dave Reed

Nicole Novotny-Smith, Vice Chair, called the meeting to order at 6:00 P.M.

Roll Call was done by Eric Hammer, Planner. There was a quorum present with six of seven members in attendance.

Philip Griggs moved to approve the August 7, 2017 minutes. Kenneth Uhrich seconded the motion. The minutes were approved unanimously.

ITEM 1: [POSTPONED from August 7, 2017] Mission Village: Preliminary Plat Application, a plat of a portion of the S1/2SE1/4 of Section 22, Township 14 North, Range 66 West of the 6th P.M., Laramie County, Wyoming (located north of and adjacent to Dell Range Boulevard, east of Griffith Avenue).
UDC-17-00440 / Mission Village Preliminary and Final Plats

Casey Palma, Steil Surveying & Development Services – Agent
Seth Lloyd – Planning and Development Department Representative

Eric Hammer, Planner, read the item into record.

Darren Murphy, Commonwealth Companies, agent presented the project.

Seth Lloyd, Planner, provided the staff report.

Ms. Novotny-Smith opened the floor to public comment. Hearing none, she closed the public comment period.

Greg Palmquist made a motion to recommend approval of the Expedited Plat of Mission Village advancing the Final Plat to the Governing Body. Mr. Uhrich seconded the motion.

Roll Call: Motion approved unanimously with a vote of 5-0.

ITEM 2: [POSTPONED from August 7, 2017] Reed Alley Vacation: Vacation Application, request to vacate a portion of the alley, being the easterly 108 feet of the alley bisecting Block 396, Original City Subdivision, Cheyenne, Wyoming (abutting lots 7 and 8 to the south, which are located at 800 to 806 W. Lincolnway).
UDC-17-00433 / Reed Alley Vacation

Casey Palma, Steil Surveying & Development Services – Agent

** Minutes are meant to provide a brief summary of the meeting's action items, discussions, and decisions made. For more detailed information, please refer to the audio recording found on the City of Cheyenne's website.*

Susana Montana – Planning and Development Department Representative

Mr. Hammer read the item into record.

Casey Palma, agent, requested the Commission postpone this request to the October 2, 2017 meeting.

Susana Montana, Planner, agreed to the postponement.

Ms. Novotny-Smith opened the floor to public comment. Hearing none, she closed the public comment period.

Mr. Griggs made a motion to postpone the Vacation request to the October 2, 2017 meeting. Alice Hall seconded the motion.

Roll Call: Motion approved unanimously with a vote of 5-0.

ITEM 3: [POSTPONED from August 7, 2017] Interior Heights, Fourth Filing: Zone Change Application, request from A-1 Agriculture and Rural Residential (County) to AR Agricultural Residential for all of Blocks 146, 147, 148 & 149, Inclusive, Interior Heights, Second Filing, City of Cheyenne, Laramie County, Wyoming; along with All of those adjacent Rights-of-Way contained within the plat boundary (including all of those intervening 15' alleys and all of those intervening portions of Kelley Avenue, Gadds Avenue & Holmes Avenue); and the remaining one-half (1/2) of those adjacent rights-of-way as shown (including E.40' York Avenue, S.30' 12th Street, W.40' Talbot Avenue & S.30' 11th Street); and that remaining 40' of York Avenue Right-of-Way extending from the SW corner of existing Block 146 to W. College Drive, City of Cheyenne, Laramie County, Wyoming (located to the northwest of the intersection of W. College Drive and Grand Harmony Boulevard).
UDC-17-00436 / Interior Heights Fourth Filing Zone Change

Mr. Lloyd read the item into record.

Casey Palma, agent, presented the project.

Mr. Griggs asked if the ownership had been resolved.

Mr. Palma stated the same issues remain.

Mr. Hammer, Planner, provided the staff report.

Ms. Novotny-Smith opened the floor to public comment.

Edward Murray, Murray Properties, objects to the zone change and believes the plat to be pertinent to the conversation now rather than after this request.

The Board, agents, staff and attorneys agreed to discuss Items 3 and 4 together but vote on them separately.

Mr. Murray provided the background of this property, along with his adjoining property, from his point of view. He provided a handout at that time. Mr. Murray is opposed to the vacation of public rights-of-way through a replat process for private ownership. Mr. Murray believes the applicant does not meet the requirements for the zone change for providing a plan.

Justin Hesser, Attorney, discussed the following points:

- Ownership of ROW
- Is it ROW
- Issue is between property owners

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- Meeting review criteria for a zone change

Mr. Palma stated that they also have attorney representation and provided some clarification to the re-dedication of the 40-foot of York Street. Mr. Palma stated it will be removed from the boundary of both maps. Mr. Palma stated that a fence has existed since 1943 along the same boundary as indicated on the final plat.

Debb Roden, attorney for the applicant, stated the only development proposed to obtain a City zone for its current use of a single-family home on open acreage.

Mr. Hammer, Planner, clarified the follow areas:

- Zoning of existing ROW
- Comp plan suggests appropriate zone but does now require them

Mr. Hammer provided the staff report for the Preliminary plat that also provides further clarification.

Mr. Murray stated he does not agree with staff that the ROW's in question may be utilized and easily tie into and provide access to his property.

Mr. Hesser stated this action is procedurally improper and does not meet the review criteria for a zone change. Mr. Hesser also stated this is not the appropriate action according to state statutes of public right-of-way.

Mr. Palma stated that future development of this property will require a change in zone district.

Mr. Griggs stated the property and ownership has not been questioned, has been fences and been utilized as a single piece of land.

Mr. Uhrich discussed the improvements made on this part of the south side.

Ms. Novotny-Smith closed the public comment period.

Gunnar Malm recommended approval of the Zone Change with staff conditions. Mr. Uhrich seconded the motion.

Roll Call: Motion approved with a vote of 4-1, with Mr. Palmquist voting no.

ITEM 4: [POSTPONED from August 7, 2017] Interior Heights, Fourth Filing: Preliminary Plat Application (Expedited Review), a replat of all of Blocks 146, 147, 148 & 149, Inclusive, Interior Heights, Second Filing, City of Cheyenne, Laramie County, Wyoming; along with All of those adjacent Rights-of-Way contained within the plat boundary (including all of those intervening 15' alleys and all of those intervening portions of Kelley Avenue, Gadds Avenue & Holmes Avenue); and the remaining one-half (1/2) of those adjacent rights-of-way as shown (including E.40' York Avenue, S.30' 12th Street, W.40' Talbot Avenue & S.30' 11th Street); and that remaining 40' Of York Avenue Right-of-Way extending from the SW corner of existing Block 146 to W. College Drive, City of Cheyenne, Laramie County, Wyoming (located to the northwest of the intersection of W. College Drive and Grand Harmony Boulevard).

UDC-17-00437 / Interior Heights Fourth Filing Preliminary and Final Plat Applications

Casey Palma, Steil Surveying & Development Services – Agent
Eric Hammer – Planning and Development Department Representative

Mr. Lloyd read the item into record.

Mr. Palma stated they will comply with staff conditions.

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Ms. Novotny-Smith opened the floor to public comment.

Mr. Murray stated this plat takes public property and converts it to a private use. This plat will block future development for adjacent properties.

Ken Guill, County Assessor, stated he is satisfied that these streets and alleys are public now.

David Reed, property owner, provided further history for their property.

Ms. Roden discussed ownership of lots, blocks and rights-of-way platted a century ago.

Ms. Novotny-Smith closed the public comment period.

Mr. Hammer complied with restating the listed conditions as requested by the Commission. There was further discussion regarding a replat versus a vacation.

Ms. Hall made a motion to recommend approval of the Expedited Plat of Interior Heights, Fourth Filing advancing the Final Plat to the Governing Body. Mr. Malm seconded the motion.

Roll Call: Motion approved with a vote of 4-1, with Mr. Palmquist voting no.

ITEM 5: Pershing Marketplace, 1st Filing: Preliminary Plat Application (Expedited Review), a replat of all of Block 1 (Lots 1 thru 4, inclusive), and all of Block 2 (Lots 1 thru 6, inclusive), and all of those 20' alley rights-of-way, adjacent to said Blocks 1 & 2, and all of May Place (60' R/W), adjacent to said Blocks 1 & 2, McCann Homesites, Cheyenne, Wyoming (located at the southwest corner of the intersection of E. Pershing Boulevard and N. College Drive).
UDC-17-00493 / Pershing Marketplace, 1st Filing

Casey Palma, Steil Surveying & Development Services – Agent
Eric Hammer – Planning and Development Department Representative

Seth Lloyd read the item into record.

Casey Palma, agent, presented the project.

Mr. Hammer, Planner, provided the staff report.

Ms. Novotny-Smith opened the floor to public comment. Hearing none, she closed the public comment period.

Steve Borin, owner, stated development at this intersection will be very important for this part of Cheyenne.

Ms. Hall made a motion to recommend approval of the Expedited Plat of Pershing Marketplace, 1st Filing advancing the Final Plat to the Governing Body with the single staff condition. Mr. Malm seconded the motion.

Roll Call: Motion approved unanimously with a vote of 5-0.

OTHER BUSINESS: Susana provided an update to the group dwelling amendment. It will be brought back before the Commission as a new proposal. Susana informed the members that the October 2nd agenda will have 11 items. Susana introduced our new director Robert Briggs to the Planning Commission members. Mr. Griggs stated he will not be attending the meeting on October 2, 2017.

MEETING ADJOURNED: 8:15 PM


Produced by Lisa Pafford


Gene MacDonald, Chair