

⌘ Minutes ⌘
Regular Meeting
Albany County Planning and Zoning Commission
November 12, 2014

Albany County Commissioner's Room

A regular meeting of the Albany County Planning and Zoning Commission was held on November 12, 2014, at 7:00 p.m. in the Albany County Board of County Commissioner's Meeting Room of the Albany County Courthouse.

I. CALL TO ORDER/ROLL CALL

Members present: David Cunningham, Carl Miller, Shaun Moore and John Spiegelberg

Staff present: Susan Adler and David Gertsch

County Engineer: None

Albany County Attorney Liaison: Jennifer Stone

Board of County Commissioners' Liaison: None

Public Present: Bob Blake, Dana and David Kuhn, Kyle Kuhn, Tim Hupp, Dan Hupp, John and Loraine Harrison, Justin Meyen, Riley Meyen, Brandon Markle, Ray Duvall, Daran Olaveson, Shelby Dietzel, Mike and Zondra Markle, James Johnson, Sally Palmer, Mike Palmer, Bill Gorman, Allison Wright, and Nate Cross

- II. EXCUSE ABSENT MEMBERS** - Vice-Chairman Cunningham stated he would entertain a motion to excuse absent member. **Mr. Spiegelberg made a motion to excuse absent member Brett Moline of the Commission from the Planning and Zoning Commission meeting. Mr. Miller seconded the motion. Motion carried on voice vote.**

III. PLEDGE OF ALLEGIANCE

- IV. APPROVAL OF AGENDA** – Susan Adler, Assistant Planner, explained the Breazeale Land Use Change Applicant was not present because of a family emergency. The Planning and Zoning Commission would be tabling the application, but would hold the public hearing for the application. Vice -Chairman Cunningham indicated he would entertain a motion to accept the agenda. **Mr. Spiegelberg made a motion to approve the November 10, 2014, Planning and Zoning Commission meeting agenda as presented. Mr. Miller seconded the motion. Motion carried on voice vote.**

V. **APPROVAL OF MINUTES** – Vice-Chairman Cunningham asked if there were any corrections to the meeting minutes for the October 8, 2014, Regular Meeting. **Mr. Miller made a motion to approve the minutes for the October 8, 2014, Regular Meeting as presented. Mr. Moore seconded the motion. Motion carried on voice vote.**

VI. **DISCLOSURES** – None.

VII. **PUBLIC APPLICATIONS**

A. **Osborne Land Use Change (LUC-04-14)** – Susan Adler, Assistant Planner, gave the staff report. This application is to change the land use classification from residential to commercial for a 17.67 acre parcel. The parcel is located east of Soldier Springs Road approximately one-half mile from the Skyline intersection. The Applicant requests a land use change from Residential to Commercial. This application was sent out for review with comments revealing no concerns. The Applicant was granted a land use change in 2010 to change the outer approximately 17 acres to Commercial. This request is consistent with uses to the north and east. Notice has been given as prescribed in the Albany County Zoning Resolution and the Applicant has addressed all impacts the change in zoning requires. Staff recommended approval of the land use change. Vice Chairman Cunningham opened the public hearing. After hearing no comments from the public, the Vice Chairman closed the public hearing. After discussion, **Mr. Moore made a motion to certify to the Board of County Commissioners a recommendation for approval of the proposed Osborne Land Use Change, LUC-04-14, based upon and incorporating the Finding of Facts and Conclusions of Law listed in the Staff report. Mr. Spiegelberg seconded the motion. All Commissioners voted in favor of the motion.**

B. **TD Enterprises, LLC Land Use Change (LUC-06-14)** – Susan Adler, Assistant Planner, gave the staff report. The Applicant, TD Enterprises, LLC is requesting a change in land use classification from residential to commercial. The parcel is to the south of Skyline Drive and west of 15th Street extension and contiguous to property owned by the applicant, Skyline Self Storage. There is commercial to the north, west and east with some residential to the south and east. This classification change would be consistent with other properties in the area. There is no anticipated wastewater or water well planned on the property since it will be used for self-storage units. There were no comments received against this application. Notice has been given as prescribed in the Albany County Zoning Resolution and the Applicant has addressed all impacts the change in zoning requires. Staff recommended approval of the land use change. Vice Chairman

Cunningham opened the public hearing. After hearing no comments from the public, the Vice Chairman closed the public hearing. After discussion, **Mr. Spiegelberg made a motion to certify to the Board of County Commissioners a recommendation for approval of the proposed TD Enterprises, LLC Land Use Change, LUC-06-14, based upon and incorporating the Finding of Facts and Conclusions of Law listed in the Staff report. Mr. Moore seconded the motion. All Commissioners voted in favor of the motion.**

C. Breazeale Land Use Change (LUC-07-14) – Susan Adler, Assistant Planner, explained that the Applicant, Beth Breazeale, had a family emergency and would not be present. She requested the application be tabled until the December 10, 2014, Planning and Zoning Commission meeting. However, there were parties present who were there for the public hearing and requested they be allowed to speak. Vice Chairman Cunningham opened the public hearing.

Ray Duvall, 1060 French Creek Road. Mr. Duvall explained that he is the owner of the Albany Lodge. He has no objection to competition; his convenience store is not a stand-alone business. If he did not have the lodge, snow mobile rental and restaurant, his convenience store would not be there. He was also concerned that there was already four residences on the property with wastewater systems, so to put a convenience store does not make sense. This area is a destination area, meaning that people do not pass through this area on their way somewhere. Snow removal is a huge concern. He indicated he believes this is an example of leapfrog zoning. Mr. Duvall pointed out that the South Fork of the Little Laramie River flows through this property so concern with separation for an additional wastewater system is huge. He also pointed out that once the property is zoned commercial there is a long list of business that can be conducted on the property.

Sally Palmer – 715 s. 11th. Ms. Palmer explained she and her husband have owned a cabin at 1088 Highway 11 for years. She expressed that the big question was fairness. She stated her concerns with the traffic flow and with the topography of the lot. She feels this will affect everyone in the area, especially her and her husband since it is directly across from their cabin.

After hearing no further comments from the public, the Vice Chairman closed the public hearing. After discussion, **Mr. Miller made a motion to table the Breazeale Land Use Change, LUC-07-14, to the December 10, 2014 Planning and Zoning Commission meeting. Mr. Moore seconded the motion. Motion carried on voice vote.**

D. Markle Land Use Change (LUC-05-14) – David Gertsch, Planning Director, gave the staff report. The Applicant is Brandon Markle who was present to answer any questions. This is a 170.21 acre parcel located on the west side of

Vista Drive immediately south of Interstate 80. The request is for a land use change from agricultural and residential to residential and commercial. The Applicant's intent is to develop the north 1221 feet for commercial use and the south 1121 feet into residential lots. The land use surrounding the parcel is residential and agricultural with a piece of property that is commercial which is an apartment building. Cyrus Rahman, Albany County Fire Warden, stated "currently the primary access to town is a two-lane bridge over the Interstate which could be inadequate if it were compromised in an emergency or if the number of housing units in the area were increased substantially. The proposed connection of Skyline Drive should not be neglected. Randy Griesbach, District Traffic Engineer for the Wyoming Department of Transportation had no comments on the land use change. However, he would be interested if the property is subdivided. This property is in the PGA 1 which is an area where City service may be able to be extended efficiently. The proposed development of this property will provide over a half mile of road towards the eventual connection to Skyline Road west of this property. This will leave a little over a mile of roadway to be eventually built. This will provide for the eventual second access to this developed area (approximately 200 existing residents), which will greatly benefit them if the only existing access to this area is compromised. It is unlikely that a second access will be built unless development occurs in this area. Future development of Skyline Road is likely to occur from the west end of Skyline Road in the future, due to the recent installation of a City water line on the south side of the interstate which will encourage future development. Commercial zoning near the interstate may be appropriate if the development includes adequate screening, buffering, and landscaping. The noise from the interstate may deem residential development along it undesirable, but residential subdivisions do exist in close proximity to interstates in many areas. This property was originally included in a preliminary plat for Blake Ranch Estates that spanned from the developed area around a mile east of this proposal to Vista Drive. Brandon Markle, 650 Highway 130, explained that his business is a small business and he does not intend to create a large construction yard, this would be offices for his business. He predicted an average of three trucks with three trips per hour. The Vista Bridge is a non-restrictive bridge according to Wyoming Department of Transportation (WYDOT). There are safety standards that semi-truck drivers are required to meet. Our commercial business will be extra clean and things will be taken care of on the property. We want a 50' barrier between the Interstate and the commercial businesses. The plan is to develop Skyline to 30th for the interchange that will be built in the future. Vice Chairman Cunningham opened the public hearing.

John Harrison, 4512 Meadowlark Lane. Mr. Harrison spoke of his concern that traffic for this development would use Meadowlark Lane, which is a private road

maintained by the property owners. This would have a huge impact on their road and the neighborhood.

Bob Blake, 25 Blake Lane. Mr. Blake spoke about the history of the area. He developed Blake Ranches and worked to get Skyline developed through to Vista. He felt commercial along the interstate was appropriate.

David Kuhn, 2705 Vista Drive. Mr. Kuhn explained he spent eight years building his house and improving his property. When it snows and the roads get slick, there are numerous accidents at the intersection of Vista Drive and Skyline Drive. He stated he was not against the residential development, but could not support the commercial development. He said that this decision is something the residents in the area, especially the ones right across the road, will live with every day.

Justin Meyen, 4532 E. Skyline Drive. Mr. Meyen lives right at the corner of Vista Drive and Skyline Drive on the southeast corner. He said there were a lot of wrecks at that intersection and it can be a very dangerous area. He indicated he had nothing against the residential development, but is concerned about the impact of the commercial development. This bridge was never meant for commercial traffic.

After hearing no further comments from the public, the Vice Chairman closed the public hearing. After discussion, **Mr. Moore made a motion to certify to the Board of County Commissioners a recommendation for approval of the proposed Markle Land Use Change, LUC-05-14, based upon and incorporating the Finding of Facts and Conclusions of Law listed in the Staff report. There was no second, motion failed. Mr. Cunningham made a motion to certify a recommendation for denial to the Board of County Commissioners based upon the significant potential for uncontrollable airborne dust and particulates emanating from commercial activity and especially the insufficient and unsafe access for the anticipated heavy commercial vehicles using the existing substandard access. Mr. Spiegelberg seconded the motion. Mr. Cunningham, Mr. Miller, and Mr. Spiegelberg voted in favor of the motion with Mr. Moore voting against the motion.**

E. Markle Conditional Use Application - CU-04-14 – Vice Chairman Cunningham indicated he would open the public hearing on the Markle Conditional Use Application. After hearing no further comments from the public, the Vice Chairman closed the public hearing. After discussion, **Mr. Miller made a motion to certify to the Board of County Commissioners a recommendation for denial of the Markle Conditional Use Permit, CU-04-14, to the Board of County Commissioners based upon the fact that the Planning and Zoning Commission recommended denial of the Land Use Change Application, LUC-05-14. Mr. Spiegelberg seconded the**

motion. Mr. Cunningham, Mr. Miller, and Mr. Spiegelberg voted in favor of the motion with Mr. Moore voting against the motion.

VIII. CURRENT PLANNING PROJECTS

Zoning Resolution Discussion – Vice-Chairman Cunningham would like to leave this item on the table until the December 10, 2014, meeting due to the late hour. Commissioner Moore stated he had found a preamble he would like to see placed in the front of the Zoning Resolution. He agreed to forward the language to the rest of the Commissioners and staff. Daran Olaveson requested to address the commission and discuss the draft regulations regarding the small wind energy systems. He requested the Commission review the regulations and consider allowing small wind energy systems with guy wires.

IX. OTHER ITEMS/ANNOUNCEMENTS

A. David Gertsch, Planning Director, indicated the Ad Hoc City of Laramie Parks and Recreation Master Plan has received the letter from the Board of County Commissioners and are considering options. All options recommend the removal of the icons outside the city limits. What they will put in place is a box with information or text about the plan. Mr. Gertsch will keep the Planning and Zoning Commissioners updated.

X. PUBLIC COMMENT

XI. ADJOURNMENT

Vice-Chairman Cunningham adjourned the meeting at 9:57 p.m.

Minutes taken by Susan Adler, Assistant Planner