

⌘ Minutes ⌘
Regular Meeting
Albany County Planning and Zoning Commission
May 13, 2015

Albany County Commissioner's Room

A regular meeting of the Albany County Planning and Zoning Commission was held on May 13, 2015, at 7:00 p.m. in the Albany County Board of County Commissioner's Meeting Room in the Albany County Courthouse.

I. CALL TO ORDER/ROLL CALL

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

Staff present: David Gertsch, Susan Adler

County Engineer: None

Albany County Attorney Liaison: Peggy Trent

Board of County Commissioners' Liaison: None

Public Present: Kenny and Jennifer Lankford, Sally Palmer, Terri Jones, Nita Engen, Dorothy Sigel, Cecily Goldie, Eric and Sue Johnson, Mike Palmer, William Guenther, Ernie Skretteberg, Sam Finkle, and Judy Snoke

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA – Chairman Moline indicated he would entertain a motion to accept the agenda as presented. **Mr. Cunningham made a motion to approve the May 13, 2015, Planning and Zoning Commission Meeting agenda as presented. Mr. Spiegelberg seconded the motion. Motion carried on voice vote.**

IV. APPROVAL OF MINUTES – The Chairman asked if there were any corrections to the meeting minutes for the April 8, 2015, Regular Meeting. **Mr. Cunningham made a motion to approve the minutes for the April 8, 2015, Regular Meeting as presented. Mr. Miller seconded the motion. Motion carried on voice vote.**

V. DISCLOSURES – None

VI. PUBLIC APPLICATIONS

- A. **GBP, LLC Land Use Change Application (LUC-01-15)** – Assistant Planner, Susan Adler, gave the staff report. The Applicant, GBP, LLC is requesting a land use change for a parcel from commercial to industrial to use the property and existing building for a waste hauling company and a transfer station. The intent is to repair and remodel the existing building to be used as a transfer station for materials allowed to be transferred. This is an 8.5 acre parcel at 19 Sand Creek Road. The property surrounding this parcel is industrial and there is an existing access from Sand Creek Road, a maintained county road. The Applicant will use the existing wastewater facility or install a new system if needed. The property lies within the South of Laramie Water and Sewer District and the Applicant plans to utilize the existing water tap. The application was sent out for review with no substantial comments from the reviewers. The property is shown on the Future Land Use Map in the Comprehensive Plan as industrial. Notice was given as required. The Applicant adequately addressed the potential impacts. Staff indicated all the requirements for the land use change had been met and recommended the Planning and Zoning Commission certify a recommendation of approval to allow the land use change from commercial to industrial to the Board of County Commissioners based upon the Finding of Facts and Conclusions of Law listed in the staff report.

Chairman Moline opened the public hearing and asked anyone wishing to speak for or against the Albany County Land Use Change Application to approach the lectern. There were no public comments provided and the Chairman closed the public hearing. After discussion, **a motion was made by Mr. Spiegelberg and seconded by Mr. Cunningham to certify to the Board of County Commissioners a recommendation of approval of the GBP, LLC Land Use Change Application, LUC-01-15, based upon the Findings of Fact and Conclusions of Law as listed in the staff report. The motion carried on voice vote.**

- B. **McGarvin-Moberly Conditional Use Application** - Assistant Planner, Susan Adler, gave the staff report. The Applicant, McGarvin-Moberly Construction Company, requests a conditional use permit to allow them to utilize approximately ten acres as an aggregate stockpile location and temporary hot mix asphalt plant site for the Wyoming State Highway 130 Snowy Range Road project. No permanent improvements are expected on the property. The duration of the project is approximately four months. The site is at 2731 State Highway 130, Centennial, Wyoming. There are residential properties to the north and east, with an industrial property to the south with agricultural to the west and south. Access will be from State Highway 130 at an existing access point. Reviewers had no substantial comments. Notice was given as required. Staff indicated the

requirement for a conditional use application had been met. Staff recommended the Planning and Zoning Commission certify a recommendation of approval for the conditional use permit to the Board of County Commissioners based upon and incorporating the Finding of Facts and Conclusions of Law listed in the Staff report.

Chairman Moline opened the public hearing and asked anyone wishing to speak for or against the Albany County Land Use Change Application to approach the lectern. Nita Engen from the Centennial Valley Museum spoke about concerns the Museum has about the effect on tourism with the dust from the project. Eric Johnson spoke of his concerns about the emission from the plant since his residence is about 800 feet east of the location. Ernie Skretteberg, Vice-Chairman of McGarvin-Moberly, addressed the dust and emission issues. He indicated they were governed by a DEQ permit which monitors the project. The project will actually begin around the first of July and must be done by August 31, however they anticipate the project will take approximately two to three weeks. There were no more public comments provided and the Chairman closed the public hearing. After discussion, **a motion was made by Mr. Miller and seconded by Mr. Moore to certify to the Board of County Commissioners a recommendation of approval of the McGarvin-Moberly Conditional Use Application, CU-02-15, based upon the Findings of Fact and Conclusions of Law as listed in the staff report. The motion carried on voice vote.**

C. Breazeale Land Use Change (LUC-07-14) – Susan Adler, Assistant Planner, explained that the Applicant, Beth Breazeale, had a medical emergency and would not be present. The Planning and Zoning Commissioners indicated it was unfortunate that Ms. Breazeale would not be able to make the meeting; however, they were prepared to take action on the application. The Commission requested Ms. Adler present the staff report. The Applicant, Norma Breazeale through her representative, Beth Breazeale, is requesting a land use change for a portion of a 9.85 acre parcel from Residential to Commercial to allow a convenience store without fuel sale that would house a coffee shop and antique store and to allow a bed and breakfast at one of the existing residences. There are two residential structures on the portion of the property the Applicant indicated would be included on the Commercial property. There is an existing access from Highway 11. Land uses surrounding this property are mostly residential, with a commercial parcel across the road to the south and Forest Service property to the west. There were no comments from the Albany County Fire Warden and the Laramie Rivers Conservation District. Wyoming Department of Transportation

Engineer, Randy Griesbach, stated WYDOT access permits would be required for development to access Highway 11; a change in use for parking lot access, and a new access for convenience store. The requirement for a traffic impact study could be waived at this location. Any increase in stormwater runoff that may enter WYDOT right-of-way due to this development must be controlled at or below historic rates. No signing associated with the business will be permitted in the WYDOT right-of-way. Operation of the access needs to allow long vehicles (vehicles pulling trailers and such) to enter the property and turn around so they are facing the highway upon egress. The site should be developed to accommodate parking for the type of vehicles that will be frequenting the business. The Wyoming Game and Fish Department's Deputy Director, John Kennedy, advised there were no terrestrial concerns with this project. He recommends best management practices to minimize impacts to the aquatic resources of nearby waterways be implemented to ensure that all sediments and other pollutants are contained within the boundaries of the work area. Disturbed areas that are contributing sediment to surface waters as a result of project activities should be promptly re-vegetated to maintain water quality. Equipment should be serviced and fueled away from streams and riparian areas. Equipment staging areas should be at least 300 feet from riparian areas. The Albany County Comprehensive Plan designates this area as a PGA 3 which is for areas that are "contiguous to existing development nodes, at least within a half-mile of existing development in areas more characteristically rural, or on the outskirts of the urban areas of the county. Since these properties may only be served by onsite septic systems, they will be generally large lots with single-family homes, possibly with small, convenience-oriented commercial uses." Applicant addressed the impacts listed in the application but after deciding to only re-zone a portion of the property, failed to provide a new site plan laying out the exact description of the proposed commercial zone. Staff reminded the Commissioners that there was an application for land use change from Residential to Commercial for a parcel contiguous to the existing commercial parcel in 2013. The Applicant's plan was to have a wedding and reunion venue along with the current business, Albany Lodge. The Planning and Zoning Commissioners recommended denial of the land use change and the Board of County Commissioners upheld their decision.

Chairman Moline opened the public hearing and asked anyone wishing to speak for or against the Albany County Land Use Change Application to approach the lectern.

Kenny Lankford, 1128 St Highway 11. Mr. Lankford indicated he had submitted a letter with his concerns. He has been in Albany most of his life. He was involved in the land exchange that turned this into residential area. He said that when he reviewed this application and made notes on how this affects our property. As a home owner, the lack of information on the application is disturbing and make resident's uneasy because you do not know what is actually going to happen on the land. He noted there is no easement is shown on the site plan for the Rails-to-Trails. He felt this is not a good change for the residents. Ask the commission to review and recommend denial. 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 Chairman closed the public hearing. After discussion, **Mr. Cunningham made a motion to certify to the Board of County Commissioners a recommendation for denial of the Breazeale Land Use Change, LUC-07-14, for the following reasons: No site plan or legal description showing essential required information has been presented in support of the application for land use change. Therefore the Planning and Zoning Commission has no way of knowing what the application is intended to effect. No legal description of the applicable USFS, WYDOT, Carbon Power or other burdens upon the property has been provided. Mr. Spiegelberg seconded the motion. Motion carried on voice vote.**

VII. CURRENT PLANNING PROJECTS

A. Zoning Resolution Discussion –Mr. Gertsch indicated there were a few comments from the public regarding the zoning classification of a landowners property that he would like to review. Ms. Adler indicated she had reviewed the draft and found some grammatical errors which needed to be corrected and just a few things needing to be considered and changed. After review the information from Mr. Gertsch and Ms. Adler, **Mr. Cunningham made a motion to accept and incorporate the corrections and edits discussed during the May 13, 2015, meeting. Mr. Miller seconded the motion. Motion carried on voice vote.**

After discussion, **Mr. Moore made a motion to certify to the Board of County Commissioners a recommendation to adopt the Albany County Zoning Resolution as amended. Mr. Spiegelberg seconded the motion. Motion carried on voice vote.**

Discussion on Subdivision Regulation - David Gertsch, Planning Director, indicated that once the Zoning Resolution is adopted by the Board of County Commissioners the Platting and Subdivision Regulations will need to be updated reflecting the new residential and commercial zones and setbacks. This information will need to be approved once the Zoning Resolution is adopted. After discussion, Mr. Miller **made a motion to certify to the Board of County Commissioners a recommendation to adopt the Amendment to the Albany County Platting and Subdivision Resolution as presented by staff. Mr. Moore seconded the motion. Motion carried on voice vote.**

VIII. OTHER ITEMS/ANNOUNCEMENTS

IX. PUBLIC COMMENT

X. ADJOURNMENT

Chairman Moline adjourned the meeting at 8:48 p.m.

Minutes taken by Susan Adler, Administrative Assistant/Assistant Planner