

Albany County Planning and Zoning Commission
REGULAR MEETING
March 15, 2023
Minutes

Staff Present: David Gertsch – Planning Director, Joe Wilmes – Associate Planner, Matt Ayres – County Civil Attorney, Sue Ibarra – Board of County Commissioners Liaison

I. CALL TO ORDER/ROLL CALL (Time 5:06)

Chairman: The Regular Meeting of the Planning and Zoning Commission will come to order.

Chairman: Will the secretary call the roll.

Vote: Ms. Hanning: Present

Mr. Platt: Present

Ms. Kocornik: Present

Ms. Ben-David: Absent

Chairman Hinckley: Present

II. Approval of Agenda

Chairman: Are there any additions or deletions to the agenda for March 15, 2023?

Chair will entertain a motion to accept the agenda March 15, 2023.

So moved by Commissioner Platt.

Seconded by Commissioner Kocornik.

The vote was unanimous.

Motion Carried.

III. Approval of Minutes

A. Chairman: Are there any corrections to the minutes for the February 8, 2023, meeting?

Chair will entertain a motion to accept the minutes for the February 8, 2023, meeting with corrections.

Chairman Hinckley pointed out some changes to make to the minutes.

So moved by Commissioner Platt.

Seconded by Commissioner Hanning.

The vote was unanimous.

Motion Carried.

IV. DISCLOSURES/CONFLICTS OF INTEREST:

Chairman: The Chair calls for any disclosures/conflicts of interest to be known.

There were none.

V. PUBLIC APPLICATIONS

Chairman: The discussion will be conducted in accordance with the State Statutes, the Rules of the Planning and Zoning Commission, and other applicable laws. I would ask the individuals who address the Commission to approach the lectern, identify yourself, and state your address.

A. Sixty Last Zoning District Amendment Application (ZDA-01-23)

Presentation of the Staff Report by Joe Wilmes, Associate Planner.

Questions from Commissioners to Staff.

Commissioner Hanning asked about the land use, tax classifications, and contiguous parcels.

Commissioner Platt thinks anything that would clean up the properties would be a positive.

Commissioner Kocornik asked about the public comment and current mobile home park.

Chairman Hinckley asked how the zoning came to be in 2015, the process, priority growth areas, South of Laramie Water and Sewer District, and the growth plan.

Questions from Commissioners to Applicant.

Frederic Herman, the applicant, gave a presentation (attached).

The Chair will open the public hearing – anyone wishing to speak for or against the Sixty Last Zoning District Amendment Application (ZDA-01-23) please approach the lectern, state your name and address.

Greg West commented in support for this application.

Steve Hamaker commented in opposition to this application.

Commissioner Platt motioned and Commissioner Hanning seconded to close the public hearing.

The vote was unanimous.

Open discussion among Commissioners.

Commissioner Platt thinks anything being done to improve the property, improves the County.

Commissioner Kocornik asks about the future use of the property.

Matt Ayres explains that the purpose of the Zoning District Amendment is not to look at the specific future development of the property. It is a zoning designation that has the ability to create a wide variety of allowable land uses.

Commissioner Kocornik asked about the applicant having to conduct his business in Colorado.

Andrew Johnson, leaser of the property, explained they lease that property and would like to be able to help out the community. He explained they made the decision to lease the property believing that it was already zoned commercial. But is not trying to make it unsightly and work with their neighbors.

Chairman Hinckley asked for clarification of if future use of the property would come back to the Planning and Zoning Commission.

David Gertsch explained that if it is an allowable use then it will not come back to Planning and Zoning Commission, but it would if it was a conditionally allowed use.

Commissioner Platt motioned and Commissioner Kocornik seconded to recommend approval of the Sixty Last Zoning District Amendment Application (ZDA-01-23) to the Board of County Commissioners adopting and incorporating the Staff Analysis, Findings of Fact, and Conclusions of Law as each are stated in the staff report.

Chairman Hinckley asked if there was a timeline that the Planning and Zoning Commission have to address the application.

Matt Ayres explained there is not a statutory timeline, however, there is a reasonableness timeline and there are some requirements for prompt action.

Commissioner Hanning asked staff if there is any way to view the previous use and what the current tenant would like to use it for as a preexisting, nonconforming use, or if what Mr. Ortega did previously was against the rules.

David Gertsch explained that anything that has been on the property since 1997 has been nonconforming, but anything after specifically 2015 is not nonconforming. To do what they want to do they would need a zoning change in order to do it.

Chairman Hinckley asked if they are currently in violation or if it is a preexisting use.

Joe Wilmes explained that the mobile home park is grandfathered in, and the towing company is not nonconforming, it is illegal.

Commissioner Hanning asked if this property would have potential to be a salvage yard.

Matt Ayres explained that if we start looking at the specifics of the development, under state statute, that will take away the ability to consider the comprehensive plan.

Fredric Herman, the applicant, explained there would be one consequence of denying the application, that being that the tow company would lose his Wyoming state towing license.

Steve Hamaker asked if there could be a compromise, that being a conditional use permit.

David Gertsch explained that what is before the Planning and Zoning Commission is a Zoning District Amendment. The Zoning District Amendment has a request to become commercial. Commercial zoning has allowed uses and conditional uses. The current zoning does not allow for a conditional use permit and a change like that would be an amendment to the Zoning Resolution.

Commissioner Kocornik asked what potential uses could be on commercial zoned properties.

David Gertsch went through the allowed uses list in commercial zoning.

Commissioner Platt said he has been by this property many times, and it does not look good. Any improvement to this property would be a benefit to the County.

Commissioner Kocornik explained she is sympathetic to that but is also sympathetic to the neighbors.

The vote was 2-2.

Motion Failed.

Commissioner Hanning would like to see the application split up and do different applications for each parcel.

Commissioner Kocornik motioned and Commissioner Hanning to table this application until the next regular meeting – April 12.

The vote was unanimous.

Motion Carried.

VI. CURRENT PLANNING PROJECTS

A. CAPP Update (Update/Discussion)

i. Chairman Hinckley introduced the item.

- a.** Commissioner Platt says he would accept the changes that Chairman Hinckley proposed, and he is happy with the document as is.
- b.** Commissioner Kocornik is impressed with the document and is pretty much ready to send it out but would like to hear Chairman Hinckley's comments.
- c.** Commissioner Hanning says she has some changes but feels most are not substantive.

- d.** David Gertsch said that we need to talk about the potential changes and determine if they are substantive.
- e.** Chairman Hinckley asked Mr. Gertsch if there is a staff recommendation.
- f.** David Gertsch said that staff recommends approval with the changes that Chairman Hinckley has proposed and potentially with other changes that will be talked about.
- g.** Matt Ayres explains that the substantive determination isn't so much important now. It is changes that occur between the publication of the notice for the public hearing and publication of the accompanying document and that public hearing.
- h.** Commissioner Hanning motioned to amend the document to strike the last sentence of section 6.3.2.5.2. There was no second. Motion Failed.
- i.** Chairman Hinckley went through his proposed changes. (Attached)
- j.** Matt Ayres went over his proposed non-substantive changes.
- k.** David Gertsch explained that we received a report from Dr. Robert Starkey and asked for direction from the Planning and Zoning Commission of whether to add it to the document or not.
- l.** Chairman Hinckley believes that in a perfect world all the data that has been provided would be included, but the door closes somewhere along the line. Mr. Starkey has been asked for a report for the last 15 years and it was provided 4 days before the Board of County Commissioners meeting for a meeting on a different subject. He does not believe this data will change anything in the CAPP.
- m.** Commissioner Platt is okay with not including the report.
- n.** Commissioner Hanning thinks it is useful data but does not want to add in a new batch of data.
- o.** Commissioner Kocornik doesn't want to delay the process.
- p.** Public Comment was opened.
- q.** Sylvia Bagdonas and Paul Taylor on behalf of ACCWA read a letter aloud. (Attached)
- r.** Commissioner Platt asked if Matt Ayres was happy with the language in the CAPP about nonconforming uses.
- s.** Matt Ayres said he is not happy with the language. He then went on to explain that in section 6.3.2.6, which begins on

page 189 in the red-lined PDF version, in the paragraph beginning with “Albany County has not adopted such a measure for expansion.” He says to strike that entire sentence. He also says to delete the first 7 bullet points under that paragraph and replace those 7 bullet points with “The alteration or addition to any existing building or structure for the purpose of affecting any change in use be prohibited.” He also had a change for the second sentence in section 6.2.2.1, which is on page 178 of the red-lined PDF version, changing it from “One limitation is that state and local statutes may provide broad “grandfather” protection for some uses.” to “A limitation is that Wyoming statute provide broad grandfather protection for non-conforming uses.”

- t.** Commissioner Platt motioned and Commissioner Kocornik seconded to accept the two amendments that have been provided by Mr. Ayres.
- u.** The vote was unanimous. Motion Carried.
- v.** Commissioner Plat motioned and Commissioner Kocornik seconded to put this document as amended out for public comment with a hearing to be held on April 26, 2023, at 6:00 PM.
- w.** The vote was unanimous. Motion Carried.

B. Bylaws/Rules of Procedure (Discussion)

- i.** Chairman Hinckley introduced the item.
 - a.** The Planning and Zoning Commission went through the Bylaws/Rules of Procedure page by page and made corrections as they saw fit. No motions were made while making corrections.
 - b.** Commissioner Hanning motioned, and Commissioner Platt seconded to public notice the Rules of Practice and Procedure for the Planning and Zoning Commission as amended through the discussions tonight and schedule a public hearing for the Regular Meeting on May 10, 2023.
 - c.** The vote was unanimous. Motion carried.

C. Growth Area Management Plan (Update/Discussion)

- i.** David Gertsch introduced the item.
 - a.** David Gertsch recommended to put it out for public comment.
 - b.** Commissioner Platt asked how the City feels.

- c. David Gertsch explained that the City agrees, and they will be recommending approval.
- d. Commissioner Platt believes this plan is ready to go.
- e. Commissioner Hanning feels ready to put the plan out for public comment.
- f. Commissioner Kocornik feels ready to put the plan out for public comment.
- g. Chairman Hinckley feels it has been inadequately coordinated with the CAPP.
- h. Commissioner Platt motioned and Commissioner Kocornik seconded to put this plan out for public comment and set a public hearing for May 10, 2023.
- i. The vote was 3-1. Motion carried.

VII. OTHER ITEMS/ANNOUNCEMENTS

A. Appoint a member to the Urban Systems Advisory Committee

- i. David Gertsch explained what the Urban Systems Advisory Committee is.
 - a. Commissioner Kocornik nominated Commissioner Hanning to be the appointed member from the Planning and Zoning Commission.
 - b. The vote was unanimous. Motion carried.

B. Next Regular Meeting April 12, 2023, 5:00 p.m. at Road and Bridge

C. Commissioner Comments

- i. None.

VIII. CITIZEN COMMENTS – Non-Agenda Related Topics

None.

IX. ADJOURNMENT

Chairman: There being no further business to conduct, the Chair would entertain a motion to adjourn the meeting.

Chair adjourned.

Meeting adjourned at 9:08 p.m.

An audio recording of the meeting can be found on the Albany County website: <https://www.co.albany.wy.us/agendacenter>

A video recording of the meeting can be found on the Albany County Government – Laramie Wyoming YouTube page:

<https://www.youtube.com/channel/UCEilgbgJIW4AWNau3EfrjVg/videos?view=57>