

☞ Minutes ☞  
Albany County Planning and Zoning Commission  
October 10, 2007  
Albany County Commissioners Room

A regular meeting of the Albany County Planning and Zoning Commission was held on October 10, 2007, at 7:00 p.m. in the Commissioners Room of the Albany County Courthouse.

**I. CALL TO ORDER/ROLL CALL**

Members present: Daryl Jensen, Kendra Burns, Cheri Frank and Jim Thompson

Staff present: Doug Bryant, Laura Ottoson and Susan Adler

Albany County Attorney Liaison: None present

Board of County Commissioners' Liaison: Pat Gabriel

Public Present: Greg Weisz, Bret Trippel, Steve Jackson, Matt Peterson, Walt Hammontree, Craig Carlson, Steve and Brenda Marshall (Harney Creek Landowners); Jenny Loveridge, Manuel Kunz (Wyoming Kart Racing); Gary and Billie Jean Utter (Utter Conditional Use Permit); Susan McCabe, Sherri Means, Warrie J. Means, Mitch Bock, Pat and Dick Schmidt (Rocky Top Ranches Land Owners); and David Evertson (Alpine Animal Hospital)

**II. ACKNOWLEDGE RESIGNATION**

Mr. Bryant announced the resignation of Commissioner Carroll Hurd from the Planning and Zoning Commission. The Board of County Commissioners has directed the County Clerk to publish an announcement of the board vacancy in the local newspaper.

**III. APPROVAL OF AGENDA AND MINUTES**

**A motion was made by Mr. Jensen, seconded by Ms. Burns, to approve the Agenda for the October 10, 2007 meeting and the Minutes from the September 12, 2007 meeting, with the correction on the last page; deleting "acting" prior to the chairman adjourning the meeting. Motion carried on voice vote.**

#### **IV. DISCLOSURES**

Mr. Jensen announced he would be abstaining from the discussion and vote on item Public Application D, Alpine Animal Hospital.

#### **V. PUBLIC APPLICATION**

##### **KUNTZ – LAND USE CHANGE (RESIDENTIAL TO COMMERCIAL)**

Mr. Bryant gave the staff report. He noted the applicant has two applications: a change of zoning from residential to commercial and a conditional use permit application. The land use change is a precursor to the conditional use. The property is located south of Laramie on Highway 287 about 12 miles south of Laramie on the east side of 287. This is a 16.8 acre parcel that is currently zoned residential. The applicant is requesting a change in land use from residential to commercial. Adjacent properties to the north are commercial including a warehouse, a mobile home park and a communication tower. There is also a residential lot to the north. To the south there is commercial property with a fire works stand operation on it. This property is also bordered by the Union Pacific Railroad on the southern perimeter. To the east is residential, Harney Creek Ranch, a residential development of 35+ acres lots and across HWY 287 is zoned agricultural. Access will be off of HWY 287 and Stevenson Road. The applicant will have an on site well and wastewater system. The County Fire Warden feels there is adequate fire protection through the Laramie Fire Department. This will be low profile because it will be located in a low spot in the area. Laramie Rivers Conservation District recommends reseeded for dirt disturbed. Notice, as required by regulations will be sent out for Board of County Commissioners meeting. The findings necessary for approval of a land use change are listed in the staff report. Based on the findings of fact and conclusions of law stated in the staff report, the staff recommends approval of the land use change for the Kunz property.

The Chairperson opened discussion to the audience wishing to speak in reference to the Kunz Land Use Change Application.

Greg Weiss, Pence and Macmillan, representing Harney Creek Ranches spoke for the owners Greg and Chris Von Krosigk. He stated that some of

his comments were probably going to overlap with the land use change and the conditional use permit. He stated that Harney Creek Ranches was prepared as a rural residential development and was done according to law. The development was platted out as a subdivision with large 35+ acre lots with covenants prior to the purchase of lot by Mr. Kunz. The land use change will cause economic impact on my client. The County needs to look at the actual use of the land, not the land use classification. For instance, the mobile home park is a residential use even though the land use classification is commercial. There is also concern about noise, odor, fumes, dust and traffic. People purchasing the lots at Harney Creek Ranches, did so because it was going to be quiet and they like the area. This kart track will have an economic impact on the purchasers of the lots and the developer trying to sell the remaining lots.

Matt Peterson – 1167 north 18<sup>th</sup> Street, owner of a lot at Harney Creek Ranches. Mr. Peterson stated he was the first home owner to purchase in the Harney Creek Subdivision. He expressed comments on several concerns: safety issue with traffic on Highway 287 especially right at the curve and with the icy conditions in the winter; noise from the karts; the prevailing winds come from the north northwest and would blow directly above where our homes are going to be located. He stated that if this application had been filed prior to his purchase of the lot, he would not have purchased the lot.

Brett Trippel, 6671 Stone Trail, Cheyenne, Wyoming, owner of a lot at Harney Creek Ranches. Mr. Trippel stated they have hopes of moving out to their lot, building a home, enjoying horses and a residential rural setting. He disagrees with the commercial zone change. He feel the land owners in Harney Creek will be able to hear the karts and the dust will blow in the direction of the housing development.

Jenny Loveridge, 3 Stevenson Road, she is a partner in Wyoming Kart Racing, applicant in the Land Use Change. Ms. Loveridge passed out a packet of information on noise levels. She stated that the partnership had researched this business and they had purchased brand new state of the art machines that do not pollute as much as the traffic on 287. The machines are equipped with mufflers and the noise will not be very

loud. In addition, there is a berm on the southeast side of the property that will help with noise levels. They will also be planting native trees and bushes to buffer the noise. The track itself will be placed on a large concrete pad and will produce no dust. The parking lot will be covered with decomposed granite, which is the same material used in the roads in the Harney Creek Subdivision and will produce less dust. In the future, their plan is to enclose the track. For the present, they desire to observe if an interest exists in Laramie. They feel this track will be a positive impact for the community.

Manuel Kunz, 3 Stevenson, he is a partner in Wyoming Kart Racing, applicant in the Land Use Change. Mr. Kunz stated he felt there were some misunderstandings. This track is where people will come to rent a kart and will drive the track and will be timed. The other competitors will race against the time. The track will be 300 to 600 yard in length. The parking lot will be decomposed granite and should not produce a lot of dust. In the future, the track will become an indoor track. There will be a cement pad and the track will be built on the pad. He feels this will be a positive economical impact for the county and city. They plan to work with the highway department about the turn off of Highway 287. Any person driving a kart will have to have a valid driver's license and the speed will depend on the age. If the kart exceeds a certain speed limit, there is an electronic device that will stop or slow down the machines.

Steven Jackson, 49 Antelope Avenue, Harney Creek Ranches lot owner. He stated that they bought property at Harney creek to have land to keep their horses. They have plans to build a house from "green" materials that he will design. They like the area because it is quiet. The railroad does not bother them. He feels the noise from the kart track will carry because of the cool dry climate. In our present neighborhood we can hear dogs and generators when the power goes out. He feels they will be able to hear the dirt track when it is running. He stated that they have no intention of building if the kart track is approved and built. He further stated that if they had known of this, they would not have bought the property.

Steve Marshall, 2611 Dover – Mr. Marshall stated he bought 3 tracts to build a home for his family. He intends to subdivide the three lots for his 5 children. They have their building plans ready and intend to proceed even if this application is approved, because they have committed all of their available funds. He feels the value of the lot will be harmed if the conditional use permit and land use change area approved.

Walt Hammontree is the listing agent for the Harney Creek Ranches. Mr. Hammontree stated that he agreed with the comments against the kart track. The current lot owners had purchased their lots with knowledge of the area. Each buyer made evaluations from known facts and made the decision to purchase a lot based on those known facts. The known fact was that this lot was residential. However, after the purchase decision was made, and after relocating to the rural subdivision, a parcel adjacent to Harney Creek is made commercial. Now it becomes unknown. Not only do we have folks putting building plans on hold, but since the filing of this application, our brokerage turned away 6 people who found out about this application. He stated he felt there was already an economic impact in the value of the lots and the value of the lots will continue to decline.

**After discussion, Mr. Jensen made a motion to recommend approval of the Kunz Land Use Change based on the findings of fact and conclusions of law as stated in the staff report. Mr. Thompson seconded the motion and motion carried on voice vote.**

**KUNZ CONDITIONAL USE PERMIT** – Mr. Bryant gave the staff report. The staff report for the conditional use permit is similar to the staff report for the land use change. Mr. Bryant stated the one item that causes concern is the noise issue. He indicated he had not had a chance to review the packet handed out by the applicant. The county does not have vacant commercial land, instead land in Albany County is zoned vacant agricultural or residential. Therefore in order to start a business in the county, you must go through a land use change. It is impossible to designate commercial parcels in advance of someone's intended use. Nevertheless, under these prevailing conditions of law, the County understands the concerns of the land owners. He said that after hearing the comments, staff supports the recommendation in the

staff report which is to recommend approval of the conditional use permit and passed the approval to the Board of County Commissioners.

Greg Weiss, Pence and Macmillan, representing Harney Creek Ranches spoke for the owners Greg and Chris Von Krosigk. He stated that there had already been 6 potential purchasers walk away from the lots because of the application for conditional use for the kart track.

Commissioner Burns asked Mr. Weiss “6 out of how many?” Mr. Hammontree said they had not had any lots close since the filing of this application. He indicated they still had people looking at the lots.

**Mr. Thompson made a motion to table the conditional use application for Kunz until the next meeting to give the Commission and staff a chance to review the informational packet provided by the applicant. Ms. Burns seconded the motion and the motion carried on voice vote.**

**UTTER – CONDITIONAL USE PERMIT (MIXED USE)** – Mr. Bryant gave the staff report. This is a conditional use application for a .58 acre parcel known as old Harmony Station about 12 miles west on Highway 230. The applicant is requesting a mixed use, residential and commercial purpose. The Harmony Station store, though long vacant, currently exists and will be opened as a convenience store. The applicant would like to place a modular on a foundation for his residence. The County wastewater engineer, Barney Bisson has inspected the property and indicated the property has an adequate wastewater system and recommends an extension to accommodate the modular. The application has addressed the issues listed as impacts. Staff is recommending approval of the Utter conditional use permit.

**Ms. Burns made a motion to recommend approval of the Utter Conditional Use Permit based on the findings of fact and conclusions of law. Mr. Jensen seconded the motion and motion carried on voice vote.**

**ALPINE ANIMAL HOSPITAL – LAND USE CHANGE (RESIDENTIAL TO COMMERCIAL)** – Mr. Bryant gave the staff report. This is an application for land use change for Alpine Animal Hospital located on the south side of Skyline Road. The applicant is currently located two

lots to the west of this proposed location but will move the clinic after the facility is built. At present, there is a well to provide potable water, and the applicant has reached an agreement with the City of Laramie to tap the sewer line along Skyline Road. Mr. Bryant explained that when the applicant purchased the property it had two houses located on it. One has been removed and the other one will be removed as soon as possible. He explained that fire protection would be obtained from a nearby fire hydrant. He feels this is a compatible use and fits into the area well. The staff is recommending approval of this land use change based on findings of fact and conclusions of law set out in the staff report.

Dr. David Evertson – 610 Skyline Road, explained that this property is surrounded by commercial zoned parcels. He has removed one of the houses and relocated it to the back of the lot. He stated he was willing to answer any questions the Commission may have.

**Ms. Burns made a motion to recommend approval of the Alpine Animal Hospital Land Use Change based on the findings of fact and conclusions of law as stated in the staff report. Mr. Thompson seconded the motion and motion carried on voice vote with Mr. Jensen abstaining from the vote.**

## **VI. CURRENT PLANNING PROJECTS**

**USAC** – recommendations as to the Major Street and Highway Plan – Mr. Bryant explained that there is no requirement to submit this to the Planning and Zoning Commission, but thought it would be advantageous to get the Commissions input. He stated there are two proposals approved by the Urban Systems Advisory Committee will amend the Major Street and Highway Plan. One request was by John Evans, the developer of the Paddocks on Howe Road. His request was to consolidate the two north/south collectors into one Garrison Lane. The Committee felt that was reasonable, and recommends approval. The second request was from Bob Blake. Mr. Blake is planning a development along the south side of I-80 and to the east of 15<sup>th</sup> Street. Below is a list of his requests and the Urban Systems Advisory Committee's recommendations as follows:

1. Recommended approval of the request to remove Boulder Drive as a collector from Bill Nye Street south;
2. Recommended approval to remove Valley View as a collector from Soldier Springs Road to Vista Drive;
3. Recommended downgrading Rosedale Road from minor arterial status to a collector; and
4. Recommended denial of Mr. Blake's request to re-route Rosedale Road further south so that it would not be contiguous with Mr. Blake's development property.

The USAC recommendations are forwarded to WYDOT administration, UW administration, City Council and the Board of County Commissioners.

**Comprehensive Plan** – update - Mr. Bryant introduced Laura Ottoson, the new Assistant Planner. He also explained that the office had received draft 3 but had encountered problems accessing the digital copy of the plan. Laura was working on getting hard copies to the Coordinating Group for a meeting scheduled on Thursday October 18, 2007.

**Harney and Simpson Springs Creek** – discussion -Commissioner

Thompson indicated he is interested in restoring the Simpson Springs and Harney Creeks. The City of Laramie bought the water rights and Simpson Springs is on city-owned land. Both resources used to be year round creeks and would flow into the Laramie River. Mr. Thompson met with Tony Hoch, Laramie Rivers Conservation District and Paul Harrison, head of parks and recreation for the City, to see if there was any interest. He would like some input from the Planning and Zoning Commission.

**VII. PUBLIC COMMENT** - Warrie Means, 820 Rogers Canyon Road. Mr. Means wanted to comment about Canyon Valley Ranches, a subdivision in Roger Canyon that is now before the Board of County Commissioners. He was concerned that some facts had not been reviewed. He indicated that in 1990 Rocky Top Ranches was subdivided and the covenants for the 9 tracts will not be allowed further subdividing. Bernie Lowery was the developer of Rocky Top Ranches. Sally and Larry Adler purchased Tracts 1 & 2. The Adler's filed a family affidavit, deeding a 7 acre parcel from Track 1 to a business owned by Ms. Adler. After holding it for three years,

this 7 acre parcel was sold in 2004 to Susan Jaycox who put a modular on, which the covenants did not allow for modulars. Then they proceeded with a boundary line adjustment which took the two remaining Tracts and adjusted the boundary line to allow access for both lots. In preparation for Canyon Valley Ranches, Ms. Adler received permission from Bernie Lowery to allow her to subdivide, even though the covenants require approval of the home owners association, which does not exist. Last month Canyon Valley Ranches, Sally Adler's proposed subdivision was approved by this Commission. The surrounding land owners feel that these steps were taken to get around the subdivision regulation and the covenants. If you look at any one thing you would not notice, but put together they certainly do show that this was to get around the subdivision laws. We feel that the 300 feet notice rule is a little short when you get out in the county.

Mitch Bock, 798 Roger Canyon Road. Mr. Bock said his property is 500 feet from Canyon Valley Subdivision but he looks directly at these lots. History of the division of the two parcels, 1 and 2, being divided into 4 lots. He indicated he felt this had been a back door deal to get the 4 lots without having to follow all the rules.

Dick Schmidt, 828 Roger Canyon Road, explained his property is separated by the road, but he did not receive any notice. He said the system did not work because there has been a violation of the covenants.

Susan McCabe, 813 Roger Canyon Road. She also did not agree with the way this land division was done. Ms. McCabe suggested maybe taking a closer look at subdivisions with covenants.

## **VIII. ADJOURNMENT**

Chairperson Frank adjourned the meeting at 11:45 p.m.

Minutes taken by Susan Adler, Office Manager/Administrative Assistant