

Planning and Development Department

2101 O'Neil Avenue, Suite 202, Cheyenne WY 82001 (Phone) 307-637-6282 (Fax) 307-637-6366

A COMMUNITY OF CHOICE

MEMO

To: Honorable Mayor Patrick Collins and Members of the City Council

From: Connor White

Subject: PUDC-24-195 | Holliday Park Project – Zoning Map Amendment

Date: November 12, 2024

Background:

The item for consideration is a *Zoning Map Amendment (zone change)*. This is approved by Ordinance.

The proposed Governing Body review schedule is as follows:

Introduction and Referral
 Public Services Committee
 Second reading
 Public Services Committee
 Public Services Committee
 Third and final reading
 11/12/2024
 11/25/2024
 Third and final reading
 12/3/2024

The applicant is requesting a zone change to MUB Mixed-use Business with the UU Urban Use Overlay District.

Planning Commission Recommendation:

The Planning Commission heard this item at their November 4, 2024 meeting and recommended the Governing Body approve the MUB zone without the UU Overlay.

The Planning Commission Staff report is attached and has not been changed.

Attachments:

- 1. Ordinance
- 2. Planning Commission Staff Report

ORDINANCE NO.	
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ENTITLED: "AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHEYENNE CHANGING THE ZONING CLASSIFICATION FROM P PUBLIC AND MUR MIXED-USE RESIDENTIAL TO MUB MIXED-USE BUSINESS WITH THE UU URBAN USE OVERLAY FOR LAND LOCATED NORTHEST OF THE INTERSECTION OF MORRIE AVENUE AND EAST LINCOLNWAY."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

- Section 1. That the owner(s) of the property described herein has (have) applied for a zoning map amendment for said property in accordance with Section 2.2.1, Zoning Map Amendment, of the Cheyenne Unified Development Code ("UDC").
- <u>Section 2.</u> That on November 4, 2024, the City of Cheyenne Planning Commission conducted a public hearing, reviewed the proposed zoning map amendment that is the subject of this ordinance.
- Section 3. That the Governing Body of the City of Cheyenne finds that the zoning map amendment that is the subject of this ordinance meets the criteria specified in Section 2.2.1.d of the UDC.
- Section 4. That, in accordance with Section 2.2.1, Zoning Map Amendment, Section 5.1.2, Zoning Districts Established, and Section 5.1.3, Official Zoning Map, of the UDC, the aforementioned application is hereby approved and the zoning classification of the real property described as Lot 1, Block 1, Holliday Park, Cheyenne, Wyoming, is hereby changed to MUB Mixed-use Business with the UU Urban Use Overlay.
- Section 5. That the City Engineer is hereby authorized and directed to alter and amend the Official Zoning Map as described in Section 5.1.3 of the UDC to comply with the zoning map amendment as described in Section 4 above when this ordinance takes effect in accordance with Section 7 below.
- <u>Section 6.</u> Sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.
- <u>Section 7.</u> That this ordinance shall be in full force and effect upon its approval and publication and upon approval and recoding of the corresponding plat for Holliday Park.

FIRST READING:		
SECOND READING:		
THIRD AND FINAL READING:		
	PATRICK COLLINS, MAYOR	
(SEAL)		
ATTEST:		
KRISTINA F. JONES, CITY CLERK		
Published:		
Wyoming Tribune-Eagle		



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A COMMUNITY OF CHOICE

CITY OF CHEYENNE PLANNING COMMISSION NOVEMBER 4, 2024 STAFF REPORT

FILE: UDC-24-195: Lot 1, Block 1 Holliday Park – Zoning Map Amendment

(zone change)

A request to rezone approximately 0.75 acres of land from

REQUEST: MUR Mixed-use Residential and P Public to MUB Mixed-use Business

with the UU Overlay.

LOCATION: Northeast of the intersection of Morrie Avenue and E Lincolnway.

APPLICANT: Brandon Swain

AGENT: Brandon Swain

OWNER: Brandon Swain and the City of Cheyenne

ZONING: MUR Mixed-use Residential and P Public

FUTURE LAND USE: Open Space and Parks

PURPOSE: To allow for redevelopment at the corner of Morrie Avenue and E Lincolnway.

PREPARED BY: Connor White, Planner II



RECOMMENDED MOTION:

Option A

Move to **approve** the rezoning of Lot 1, Block 1, Holliday Park to MUB Mixed-use Business as shown in the attached zone change map, noting that the project meets the review criteria for approval.

Should Planning Commission find that the UU Overlay does meet the review criteria, the following motion is recommended:

Option B

Move to **approve** the rezoning of Lot 1, Block 1, Holliday Park to MUB Mixed-use Business with the UU Urban Use Overlay as shown in the attached zone change map, noting that the project meets the review criteria for approval.

APPLICABLE CITY CODE SECTION(S) AND PLANS:

- UDC 2.2.1 Zoning Map Amendment
- UDC Article 5
- PlanCheyenne

BACKGROUND:

This zone change application proposes changing the zoning from MUR Mixed-use Residential and P Public to MUB Mixed-use Business with the UU Urban Use Overlay for roughly 0.75 acres of land. The land currently has a single-family residence, and the other portion is an old parking lot that is to be sold off as surplus. There is currently a contract with the applicant to buy the parking lot portion for redevelopment and as part of the contract the applicant must plat and rezone this portion of Holliday Park.

SURROUNDING LAND USE AND ZONING:

	Future Land Use Designation	Zoning District	Land Use
Subject Site	Open Space and Parks	MUR Mixed-use Residential and P Public	Single-family Residence and a parking lot
North	Open Space and Parks	P Public	Park
South	Mixed-use Commercial	CB Community Business	Commercial
East	Open Space and Parks	P Public	Park
West	Community Business and Urban Residential	CB Community Business and MR Medium-density Residential	Automobile Repair / Multi- family

ANALYSIS OF APPLICATION CONFORMANCE WITH REVIEW CRITERIA:

Should the Planning Commission wish to recommend approval of the Zoning Map Amendment, the Commission must make the following findings required in UDC 2.2.1.d. A detailed analysis is below:

1) The application is in accordance with the development policies and physical patterns identified in the Comprehensive Plan. (UDC 2.2.1.d.1)

PlanCheyenne encourages growth within the Urban Service Boundary and the maximization of existing infrastructure. This property is within the Urban Service Boundary, in an area with existing infrastructure.

The Future Land Use Designation for this property is currently Open Space and Parks. The applicant has requested a Future Land Use Map amendment to change the designation to Mixed-use Commercial. The Mixed-Use Commercial Emphasis category encompasses existing and future developments, many of which align with activity centers. This category includes a wide variety of land uses and activities, focused primarily on commercial activities, but also including other employment, public, and residential uses. While many existing Mixed-Use Commercial Emphasis areas do not currently integrate residential uses, as they redevelop and change over time, residential units may be incorporated to add more activity to these areas.

Based on the policies and the proposed future land use map amendment, MUB Mixed-use Business is an appropriate zone.

Based on the policies and proposed future land use map amendment, the UU Overlay is appropriate at this location.

The proposed zone change to MUB and the addition of the UU Overlay **comply** with review criterion 1.

2) The application is compatible with nearby property, specifically considering existing zoning, the Comprehensive Plan, and any other official plans and policies created under the guidance of that plan for these areas; (UDC 2.2.1.d.2)

The proposed MUB zone would be compatible with the surrounding area. Most of the development around this area of Lincolnway follows the design standards of the MUB zone more than the CB (Community Business) zone with buildings brought closer to the street. A majority of nearby commercially oriented zoning is CB which is generally not representative of the development pattern of the area.

The applicant has requested the UU Overlay as well with their request. The UU Overlay does not currently exist in this area of the community and is not nearby. There have been high-level discussions about the potential of applying the UU overlay to the east 15th Street corridor, but these have been theoretical discussions, and no formal actions have been taken by either the Planning Commission or the Governing Body to rezone the area. There are currently no approved long-range plans or approved zoning map amendments in this area that would support the addition of the UU Overlay for this parcel.

The proposed zone change to MUB for the subject property **complies** with review criterion 2.

The proposed addition of the UU Overlay for the subject property **does not comply** with review criterion 2 at this time, but may in the future if the City chooses to go that direction with the area planning efforts generally.

3) The suitability of the subject property for development according to the standards and uses of the existing zoning district, compared to the suitability of the subject property for development according to the standards and uses of the proposed zoning district (UDC 2.2.1.d.3)

The applicant is requesting a change to the MUB zone to allow for redevelopment of the site with a mixed-use building. The current zoning of P Public would not allow for the applicant's proposed use. The UU Overlay would not change the allowed uses, only the design standards. The applicant is also requesting the UU Overlay be added to allow them to have a taller building than what would be allowed without seeking a conditional use. The UU overlay would also allow reduced setbacks, reduced landscaping, and not require parking minimums.

The MUB zone, without the UU Overlay, would allow for a maximum of 3 stories. The applicant could seek a conditional use to have 4 or more stories. The UU Overlay would allow for more than 3 stories outright and not require a conditional use. The property could still be developed without the UU Overlay but would require addition public meetings to go above 3 stories. The purchase and sale agreement requires the structure to be a minimum of three stories.

The property is small and irregularly shaped and may have difficulties conforming to all the regulations of the MUB zone without relief. The ability to add land to the property is limited by the restrictions placed on neighboring park. The UU Overlay would give more development options to the subject property than the application of the MUB zone would on its own.

The proposed zone change to MUB and the addition of the UU Overlay for the subject property **comply** with review criterion 3.

4) The ability of the subject property and surrounding vicinity to be developed according to the Subdivision Standards in Article 4 considering the proposed zoning (UDC 2.2.1.d.4)

The zone change is occurring in a pre-existing neighborhood. No changes to the street network are proposed. Accesses will not be changed with the zone change. Infrastructure (streets and utilities) exist in the area.

The proposed zone change to MUB and the addition of the UU Overlay for the subject property **comply** with review criterion 4.

 The ability of the application to support the Intent and Applicability statements of the proposed zoning district and achieve the Design Objectives of any specific standards. (UDC 2.2.1.d.5)

The MUB District is intended for a diverse mix of Residential, Retail, Service, Employment and Civic uses integrated into a walkable compact development pattern. Non-residential uses may serve adjacent or nearby neighborhoods, as well as uses within the district, where transitions in the intensity of use and scale of buildings ensure compatibility with those neighborhoods. This district is also intended as an alternative format for moderate or larger scale commercial uses than that of the CB District. The district regulations are designed to allow a wide variety of compatible uses, and establish the necessary relationship between these uses, civic amenities, and the public realm.

According to UDC 5.6.9.a and b, the UU overlay district is intended for Urban and Infill Development. The UU district is intended to transition and step down from the urban core and other urban areas of Cheyenne into the surrounding neighborhoods. The UU overlay district is applicable to various lands envisioned for urban development. A base zone district of P, MUB, or MUR must be in place in order for the UU overlay to apply.

This location is not adjacent to the downtown and is 7 blocks from the CBD Central Business District zone. However, the property is in a more urban area in terms of block size and development patterns. PlanCheyenne identifies this area as an area for infill and redevelopment and within the urban core. The CBD district is further delineated as the central part of the urban core.

The proposed zone change for the subject property **complies** with review criterion 5.

The proposed addition of the UU Overlay for the subject property **largely complies** with review criterion 5.

6) The ability of all potential future development to meet all applicable standards for development in the proposed zoning district, including other development options if any specific development proposed in association with the application is not executed after approval. (UDC 2.2.1.d.6)

The MUB zone allows for a mix of different commercial and residential uses. If the specifically-proposed development were to not move forward, alternative development would be able to.

The UU Overlay does not change the base zone of the property, but adds additional standards or reduces some of the requirements for the base zone. The overlay does make some specific uses prohibited and allowed. Outdoor sales, Automobile Service Repair and Automobile Service Stations are all allowed in the MUB as conditional uses but would be prohibited with the UU Overlay. By adding the UU overlay, the site would be given greater development flexibility due to reduced regulations.

The proposed zone change to MUB and the addition of the UU Overlay for the subject property **comply** with review criterion 6.

7) The review and recommendations of other reviewing bodies. (UDC 2.2.1.d.7)

Planning and Development staff believe that the UU Overlay at this location would be difficult to justify without looking at a larger scope and area to add the UU to.

Staff believes the MUB zone matches the existing development patterns and lot sizes in the area.

The proposed zone change to MUB for the subject property **complies** with review criterion 7.

The proposed addition of the UU Overlay for the subject property **does not comply** with review criterion 7.

8) Whether the application will harm the public health, safety, or general welfare. (UDC 2.2.1.d.8)

City staff is satisfied that this proposed zone change would not adversely affect the public health, safety, or general welfare.

The proposed zone change to MUB and the addition of the UU Overlay for the subject property **complies** with review criterion 8.

CONFORMANCE WITH APPLICABLE PLANS:

The project is located in an area covered by the following plans:

PlanChevenne

Conformance with PlanCheyenne is covered by review criterion 1.

STAFF REVIEW:

Through the review process, review comments were received expressing the appropriateness of the MUB zone at this location. Staff does not believe the UU Overlay is appropriate for this location at this time without looking at a larger area.

CONCLUSION:

Staff is satisfied that the application for the MUB zone meets the review criteria set forth in UDC 2.2.1.(d). The MUB zone is appropriate based on the future land use map, surrounding zoning, surrounding development patterns, and proposed development.

Staff is does not believe that the application for the addition of the UU Overlay meets all the review criteria set forth in UDC 2.2.1.(d), specifically, review criterion #2.

ALTERNATIVES:

- 1. Recommend approval of the zoning amendment as submitted by the applicant.
- 2. Recommend approval of the zoning amendment subject to conditions or modifications.
- 3. Recommend denial of the zoning amendment based on findings of denial. The Planning Commission must conclude that the project does not meet all the review criteria. As part of the motion, findings for denial must be stated.
- 4. Postpone the zoning amendment until issues identified during the meeting can be resolved.

General Information Regarding Alternatives:

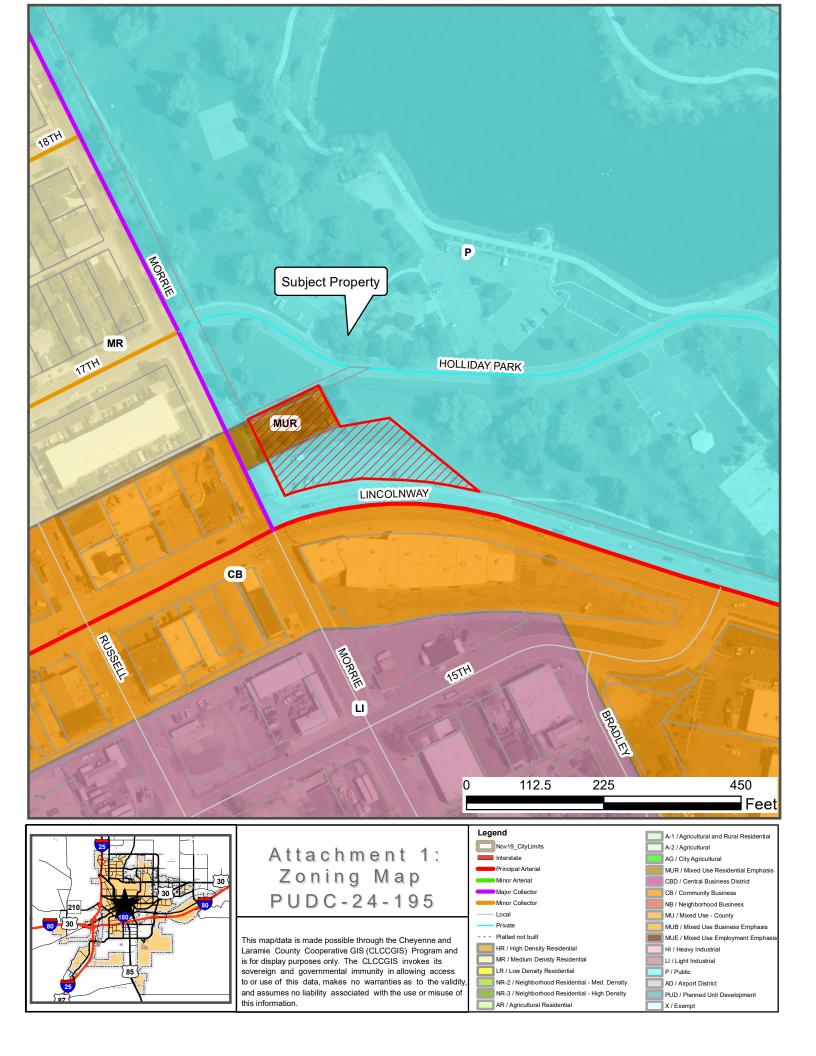
If the Commission acts contrary to staff's recommendation or modifies conditions of approval, the Commission shall cite specific reasons (based on the review criteria) for approval or denial.

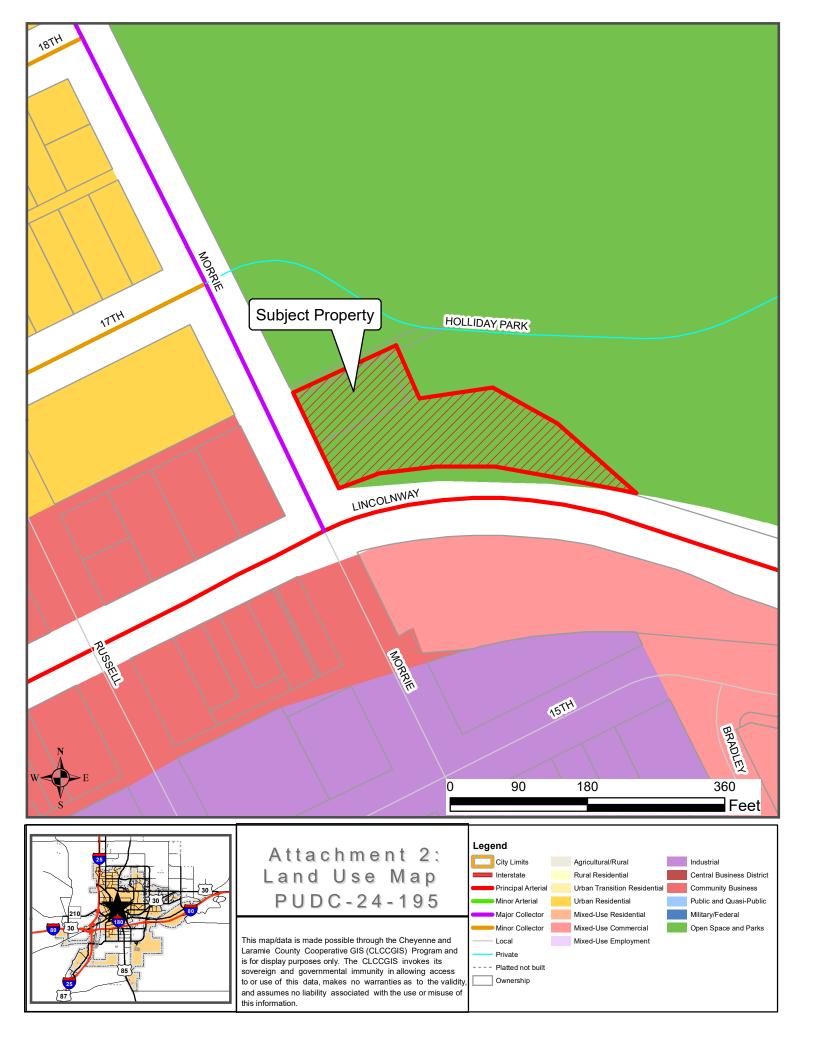
STAFF RECOMMENDATION:

Staff recommends approval of the rezoning of the property from MUR and P to MUB, but without the UU Overlay.

ATTACHMENTS:

- 1. Current Zoning Map
- 2. Future Land Use Map
- 3. Master Application
- 4. Applicant Provided Zone Change Map
- 5. Differences in uses per zone







PUDC-24-195

Zoning Map Amendment

Status: Active

Submitted On: 10/9/2024

Primary Location

1611 MORRIE AVE Cheyenne, WY 82001

Owner

SWAIN, BRANDON D 1611 MORRIE AVE CHEYENNE, WY 82001

Applicant

Brandon Swain307-214-9634

bswainy23@gmail.com2856 Deming Blvd

2856 Deming Blvd Cheyenne, WY 82001

Application

This application has a deadline. The deadline is the second Wednesday of the month. Application Schedule.

Project Name* ?

Holliday Park Plaza

Proposed Zoning* ②

MUB Mixed-Use Business Emphasis

Review Criteria

The following review criteria are found in the UDC regarding a zoning map amendment. Please acknowledge the proposed zoning map amendment meets each review criterion by checking the box.

The application is in accordance with the development policies and physical patterns identified in the Comprehensive Plan (2.2.1.d.1).*



The application is compatible with nearby property, specifically considering existing zoning, the Comprehensive Plan, and any other official plans and policies created under the guidance of that plan for these areas (2.2.1.d.2).*



The suitability of the subject property for development according to the standards and uses of the existing zoning district, compared to the suitability of the subject property for development according to the standards and uses of the proposed zoning district (2.2.1.d.3).*

The ability of the subject property and surrounding vicinity to be developed according to the Subdivision Standards in Article 4 considering the proposed zoning (2.2.1.d.4).*





The ability of the application to support the Intent and Applicability statements of the proposed zoning district, and achieve the Design Objectives of any specific standards (2.2.1.d.5).*



The ability of all potential future development to meet all applicable standards for development in the proposed zoning district, including other development options in the event that any specific development proposed in association with the application is not executed after approval (2.2.1.d.6).*



The review and recommendations of other reviewing bodies (2.2.1.d.7). (Not applicable at time of application)

Whether the application will harm the public health, safety, or general welfare (2.2.1.d.8).*



Certification

I hereby certify that I am the owner, applicant, or agent named herein and that I have familiarized myself with the rules and regulations with respect to the filing of this application and that the foregoing statements and answers contained on this application and accompanying documents are true and accurate to the best of my knowledge.*



CERTIFICATE OF SURVEYOR

I, Jeffrey B. Jones, A Professional Land Surveyor in the State of Wyoming, for and on behalf of Steil Surveying Services, LLC, hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes taken during an actual survey made by me or under my direct supervision; and that this map correctly shows the results of said survey and that the monuments found or set are as shown.

EXISTING ZONING - MUR/P PROPOSED ZONING - MUB WITH UU OVERLAY

BASIS OF BEARINGS: WYOMING STATE PLANE COORDINATES, EAST ZONE, NAD83-2011, US SURVEY FEET, DISTANCES ARE GRID DISTANCES.

REVISED: 10/9/2024 22266A - ZC.DWG

LEGEND



PROPOSED ZONING MUB WITH UU OVERLAY

EXISTING ZONING



EXISTING ZONING PUBLIC



EXISTING ZONING MR



EXISTING ZONING MUR

ZONE

ALL OF LOTS 5 AND 6, BLOCK 379, ORIGINAL CITY OF CHEYENNE AND A PORTION OF HOLIDAY PARK, CITY OF CHEYENNE. LARAMIE COUNTY, **WYOMING**

PREPARED SEPTEMBER 2024



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Office – general (3,500 – 20K) Office – Major Office Complex (>20K) Convenience Retail / Corner Store (<2k) Neighborhood Retail (2K - 5K) General Retail (5K - 25K) Large-scale Retail (25K - 100K) Warehouse Retail (> 100K) Ottage Lots Office – general (3,500 – 20K) Office – Major Office Complex (>20K) Convenience Retail / Corner Store (<2k) Neighborhood Retail (2K - 5K) Large-scale Retail (5K - 25K) Large-scale Retail (25K - 100K) Warehouse Retail (> 100K) Grocery Store <45K Supermarket > 45K Food Service – Limited (under 2K)	Cemeteries	Home occupations	
Office – Major Office Complex (>20K) City MUR - MIXED-USE RESIDENTIAL Uses By Right Detached Dwelling Semi-attached Dwelling ("Duplex") Attached Dwelling ("Townhouse") Cottage Lots Dormitories Office – Major Office Complex (>20K) Convenience Retail / Corner Store (<2k) Neighborhood Retail (2K - 5K) General Retail (5K - 25K) Large-scale Retail (25K - 100K) Warehouse Retail (> 100K) Grocery Store <45K Supermarket > 45K Food Service – Limited (under 2K)	Developed Athletic Field or Stadium	Office – Limited (<3,500)	
City MUR - MIXED-USE RESIDENTIAL Uses By Right Detached Dwelling Gemi-attached Dwelling ("Duplex") Attached Dwelling ("Townhouse") Convenience Retail / Corner Store (<2k) Neighborhood Retail (2K - 5K) General Retail (5K - 25K) Large-scale Retail (25K - 100K) Warehouse Retail (> 100K) Grocery Store <45K Supermarket > 45K Food Service – Limited (under 2K)	Entertainment, Amusement, Recreation—Other	Office – general (3,500 – 20K)	
City MUR - MIXED-USE RESIDENTIAL Uses By Right Detached Dwelling Gemi-attached Dwelling ("Duplex") Attached Dwelling ("Townhouse") Cottage Lots Dormitories Neighborhood Retail (2K - 5K) General Retail (5K - 25K) Large-scale Retail (25K - 100K) Warehouse Retail (> 100K) Grocery Store < 45K Supermarket > 45K Food Service – Limited (under 2K)	Limited Outdoor Storage	Office – Major Office Complex (>20K)	
Uses By RightDetached DwellingGeneral Retail (5K - 25K)Detached Dwelling ("Duplex")Large-scale Retail (25K - 100K)Semi-attached Dwelling ("Townhouse")Warehouse Retail (> 100K)Cottage LotsGrocery Store < 45K		Convenience Retail / Corner Store (<2k)	
Detached Dwelling Detached Dwelling ("Duplex") Attached Dwelling ("Townhouse") Cottage Lots Dormitories Large-scale Retail (25K - 100K) Warehouse Retail (> 100K) Grocery Store <45K Supermarket > 45K Food Service – Limited (under 2K)	City MUR - MIXED-USE RESIDENTIAL	Neighborhood Retail (2K - 5K)	
Warehouse Retail (> 100K) Attached Dwelling ("Townhouse") Cottage Lots Cormitories Warehouse Retail (> 100K) Grocery Store <45K Supermarket > 45K Food Service – Limited (under 2K)	Uses By Right	General Retail (5K - 25K)	
Attached Dwelling ("Townhouse") Cottage Lots Dormitories Grocery Store <45K Supermarket > 45K Food Service – Limited (under 2K)	Detached Dwelling	Large-scale Retail (25K - 100K)	
Cottage Lots Supermarket > 45K Food Service – Limited (under 2K)	Semi-attached Dwelling ("Duplex")	Warehouse Retail (> 100K)	
Pormitories Food Service – Limited (under 2K)	Attached Dwelling ("Townhouse")	Grocery Store <45K	
	Cottage Lots	Supermarket > 45K	
Multi-dwelling Building ("Apartment") Food Service – General (2K – 4K)	Dormitories	Food Service – Limited (under 2K)	
	Multi-dwelling Building ("Apartment")	Food Service – General (2K – 4K)	

Food Service – Large-scale (over 4k)

Live/Work

City MUR - MIXED-USE RESIDENTIAL	City MUB - MIXED-USE BUSINESS	
Uses By Right	Uses By Right	
Mixed-use Dwelling	Limited Industrial	
Assisted Living / Nursing Home	Commercial and Public Parking Facility	
Family Child Care Home (FCCH)	Government Facility	
Lodging, Bed and Breakfast	Uses requiring Administrative approval	
Home occupations	Accessory Dwelling	
Office – Limited (<3,500)	Neighborhood Assembly (<350 maximum occupancy)	
Food Service – Limited (under 2K)	Community Assembly (350 - 1000 maximum occupancy)	
Government Facility	Cemeteries	
Uses requiring Administrative approval	Primary and secondary schools	
Accessory Dwelling	Educational facilities	
Neighborhood Assembly (<350 maximum occupancy)	Community Athletic Field	
Community Assembly (350 - 1000 maximum occupancy)	Outdoor Sales, Limited	
Cemeteries	Utility Stations	
Primary and secondary schools	Uses requiring Board Approval (Conditional Use)	
Community Athletic Field	Group Housing	
Service Business - Limited	Developed Athletic Field or Stadium	
Family Child Care Center (FCCC)	Service Business - General	
Office – general (3,500 – 20K)	Animal Care – Hospital / Clinic	
Convenience Retail / Corner Store (<2k)	Entertainment, Outdoor Recreation Facility	
Neighborhood Retail (2K - 5K)	Entertainment, Venue (1000+ maximum occupancy)	
Outdoor Sales, Limited	Entertainment, Amusement, Recreation—Other	
Limited Industrial	Mini Storage	
Utility Stations	Outdoor Sales, Seasonal	
Uses requiring Board Approval (Conditional Use)	Outdoor Sales, Event or Display Area	
Group Housing	Outdoor Sales	
Urban Loft Building	Bars and liquor stores	
Service Business - General	Automobile Service Repair	
Child Care Center (CCC)	Automobile Service Station - Limited	
Entertainment, Indoor Recreation Facility	Data Center	
Entertainment, Outdoor Recreation Facility	Moderate Industrial	
Medical Care, Clinic and Office	Impoundment Yards	
Mini Storage	Recycling Services	

City MUR - MIXED-USE RESIDENTIAL

Uses requiring Board Approval (Conditional Use)

Outdoor Sales, Seasonal

Outdoor Sales, Event or Display Area

City MUB - MIXED-USE BUSINESS

Uses requiring Board Approval (Conditional Use)

Nurseries, landscaping