



A COMMUNITY OF CHOICE

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

May 17, 2021

Brad Emmons  
c/o AVI pc  
1103 Old Town Lane #101  
Cheyenne, WY 82009  
emmons@avipc.com

Re: UDC-20-00549-02; Administrative Adjustment request for a 50% landscaped reduction (2233 E. Lincolnway and 2215 E. Lincolnway – Culvers and Human Bean, Lots 1, 2, 11 & 12, Block 4 Lake Minnehaha Addition and a portion of Lots 3 and 10, Lake Minnehaha ReSubdivision and a portion of Lots 4-6, Block 4, Lake Minnehaha, ReSubdivision, Cheyenne, Wyoming)

Dear Mr. Emmons:

We are in receipt of your May 6, 2021 request for an Administrative Adjustment consideration to reduce the required landscaping by 50% for the proposed Culvers and Human Bean restaurants.

The City of Cheyenne's Planning & Development Department has reviewed your request measured by the criteria of Section 2.3.4.d of the City's Unified Development Code (UDC) and has *approved* the adjustment as requested above.

The Staff Evaluation on the following pages provides the justification for this decision. If you have any questions about this decision, please feel free to contact planner Erin Fagan at 307-637-6305 or [efagan@cheyennecity.org](mailto:efagan@cheyennecity.org).

Sincerely,

Charles W. Bloom, AICP  
Planning and Development Director

Encl: Staff Evaluation

## Staff Evaluation

### 2.3.4 *Administrative Adjustment*

#### (b) *Applicability*

- (3) *Other Minor Adjustments.* Adjustments to any other dimensional or design standard that result in no perceived impact on abutting property and where flexibility in the standards will help promote reuse or rehabilitation of existing buildings and lots. In no case may an adjustment of more than 50% of any dimensional standard be considered to have "no perceived impact."

#### 2.3.4.d. Review Criteria

*1. The relief requested is compatible with the character of the surrounding area in terms of building scale, building form, landscape, and site design.*

**Complies.** The requested reduction will have no apparent effect on the surrounding area in terms of building scale, form, landscape and site design. The proposed project is an infill project, located in an area that has been previously developed. The requested reduction would allow for adequate parking, access and drive-through spacing at the project site. The updated site would encourage additional redevelopment in the area.

*2. The relief requested supports the Intent and Applicability statements of the zoning district and meets and achieves the Design Objectives of any specific standards.*

**Complies.** The CB zone is intended for retail, employment, service and civic uses that may serve a number of neighborhoods or other districts in meeting daily needs. The district regulations are designed to encourage these uses, while also protecting the abutting and nearby areas. The requested reduction would allow the development of the property in a manner that would be consistent with both the Intent and Applicability statements of the CB zoning district.

*3. The relief requested is based upon sound planning or urban design principles that are professionally recognized and consistent with the Comprehensive Plan.*

**Complies.** The City's comprehensive plan, PlanCheyenne, has principles and policies that support this request for relief. Multiple policies support infill development which maximize the use of existing infrastructure. PlanCheyenne generally encourages reinvestment in existing properties resulting in the revitalization of individual properties or of a general area.

The 50% reduction from the required landscaping represents sound planning and design. The development will redevelop two vacant buildings and improve a vacant site. It will also encourage redevelopment in the area.

*4. The relief requested is based on the context of the property, is not solely for the convenience of one particular application on the site and is not generally applicable to other sites in the area.*

**Complies.** The relief from the required landscaping is based on the use of a drive-thru restaurant and a drive-thru coffee shop at this location. The relief requested is not generally applicable to other sites in the area.

*5. The relief requested is the minimum necessary to meet the Intent and Applicability of the zoning district and the Intent of the Administrative Adjustment process.*

**Complies.** The relief requested is a practical solution and the minimum reduction necessary.

*6. The relief requested does not alter the general concept of any preliminary development plan or regulating plan applicable to the property, and specifically preserves the design excellence or outstanding public amenity that was the basis for the PUD or regulating plan.*

Not Applicable

*7. The relief requested is within any specific bounds of discretion granted by these regulations, or where no such bounds are specified results in only minor modification of the standard that produces no perceived impact on abutting property.*

**Complies.** The request is for a 50% reduction of the required landscaped area. This reduction is allowed by the 50 percent limitation of the Administrative Adjustment authorization of Section 2.3.4.b of the UDC for this in-fill development.

*8. Any review and recommendations of other reviewing bodies supports these findings.*

No other comments were received regarding this proposal.