



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Paul Whalen, AICP, Senior Planner

DATE: November 17, 2020

TITLE: PUBLIC HEARING regarding a Subdivision Permit and Plat for Niobrara Energy Park, 4th Filing, a replat of Lot 2, Block 4, Niobrara Energy Park, Laramie County, WY.

EXECUTIVE SUMMARY

AVI, PC on behalf of 4G Properties LLC, has submitted a Subdivision Permit and Plat application for Niobrara Energy Park, 4th Filing, located southwest of E. Allison Road and S. College Drive. The application has been submitted to subdivide the subject property into four industrial use lots.

BACKGROUND

The site, located in the SW1/4 NE1/4 of Section 9, Township 13North, Range 66West of the 6th P.M. Laramie County, WY totals 4.65-acres, and is zoned (LI) Light Industrial. The applicant proposes subdividing the vacant site into (4) lots averaging 1.1625 acres each.

Pertinent Regulations

Section 2-1-101 (a-e) of the Laramie County Land Use Regulations governing the criteria for a subdivision permit and plat.

Section 4-2-108 of the Laramie County Land Uses Regulations governing the LI – Light Industrial zone district.

DISCUSSION

The Laramie County Comprehensive Plan identifies the area as Urban Rural Interface (URI). Higher density residential, intensive commercial, employment centers and industrial uses are

anticipated within this area. These uses generally have access to public water and sewer services, this property is located within the South Cheyenne Water and Sewer District.

PlanCheyenne envisions industrial uses for this region, with a range of employment-concentrated uses. These land uses are often associated with impacts such as noise, outdoor storage, heavy vehicle traffic and freight warehousing, making them incompatible in other areas of the community. Uses such as offices, distribution & warehouses, manufacturing & fabrication are appropriate in this category, as well as supporting retail uses and services, open space and recreation, and other public or civic uses.

As part of the Niobrara Energy Park, Filing 4 is located in the LI – Light Industrial zone district, and is the next stage in the Niobrara Energy Park development plan, (Filing 3 subdivision permit & plat approved April 3rd, 2019). Property to the south owned by the Laramie County Community College Foundation is zoned PUD – Planned Unit Development. Allison Draw and the Cheyenne Greenway traverses east/west between the two developments and serves as a buffer.

This property is located within one mile of the City of Cheyenne’s jurisdiction. Per the 2018 amendment to W.S.S. 34-12-103, effective January 1, 2019, comments were solicited from the City Planning and Development Offices. A response from the Cheyenne Planning and Development Director to the Board of County Commissioners was received on September 30, 2020, which outlined City requirements should the property be annexed in the future. The letter stated there were no items of disagreement on the City’s part that warranted a response by the Board.

A letter requesting waiver of traffic and drainage studies was submitted by the applicant, a copy of which is attached. At this time the County Engineer has concurred with this request based on the justification provided in the letter. Agency comments pertained to entry-drive access spacing, traffic patterns within Niobrara Energy Park, future road alignment/annexation, and corrections to the plat. A revised plat submitted on October 6, 2020, and a written response from the applicant addressing agency comments regarding plat corrections are attached- all comments have been resolved.

Public notice was provided per Section 1-2-104 of the Land Use Regulations. No public comment was received.

At the October 22nd, 2020 public hearing, the Laramie County Planning Commission recommended approval of the Niobrara Energy Park, 4th Filing subdivision permit and plat by a 3-0 vote.

RECOMMENDATION and FINDINGS

Based on evidence provided for the *subdivision permit & plat*, staff recommends the Board find that:

- a. This application meets the criteria for a subdivision permit and plat pursuant to Section 2-1-101 (a-e) of the Laramie County Land Use Regulations.
- b. This application is in conformance with Section 4-2-108 governing the LI – Light Industrial zone district;

and that the Board approve the Subdivision Permit and Plat for Niobrara Energy Park, 4th Filing with no conditions:

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for Niobrara Energy Park, 4th Filing with no conditions, and adopt the findings of facts a and b of the staff report.

ATTACHMENTS

- Attachment 1: Location Map**
- Attachment 2: Aerial Map**
- Attachment 3: Comprehensive Plan Map**
- Attachment 4: PlanCheyenne Map**
- Attachment 5: Zoning Map**
- Attachment 6: Applicant Traffic/Drainage Study Waiver Request**
- Attachment 7: Agency Comments Report w/Written Response– October 6, 2020**
- Attachment 8: Plat – Revised October 6, 2020**
- Attachment 9: Resolution**

Laramie County, Wyoming



NIOBRARA ENERGY PARK
Lot 2, Block 4
Subdivision Permit & Plat

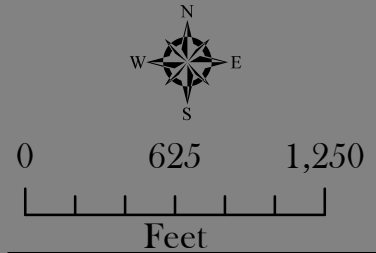
PZ-20-00260

Location Map

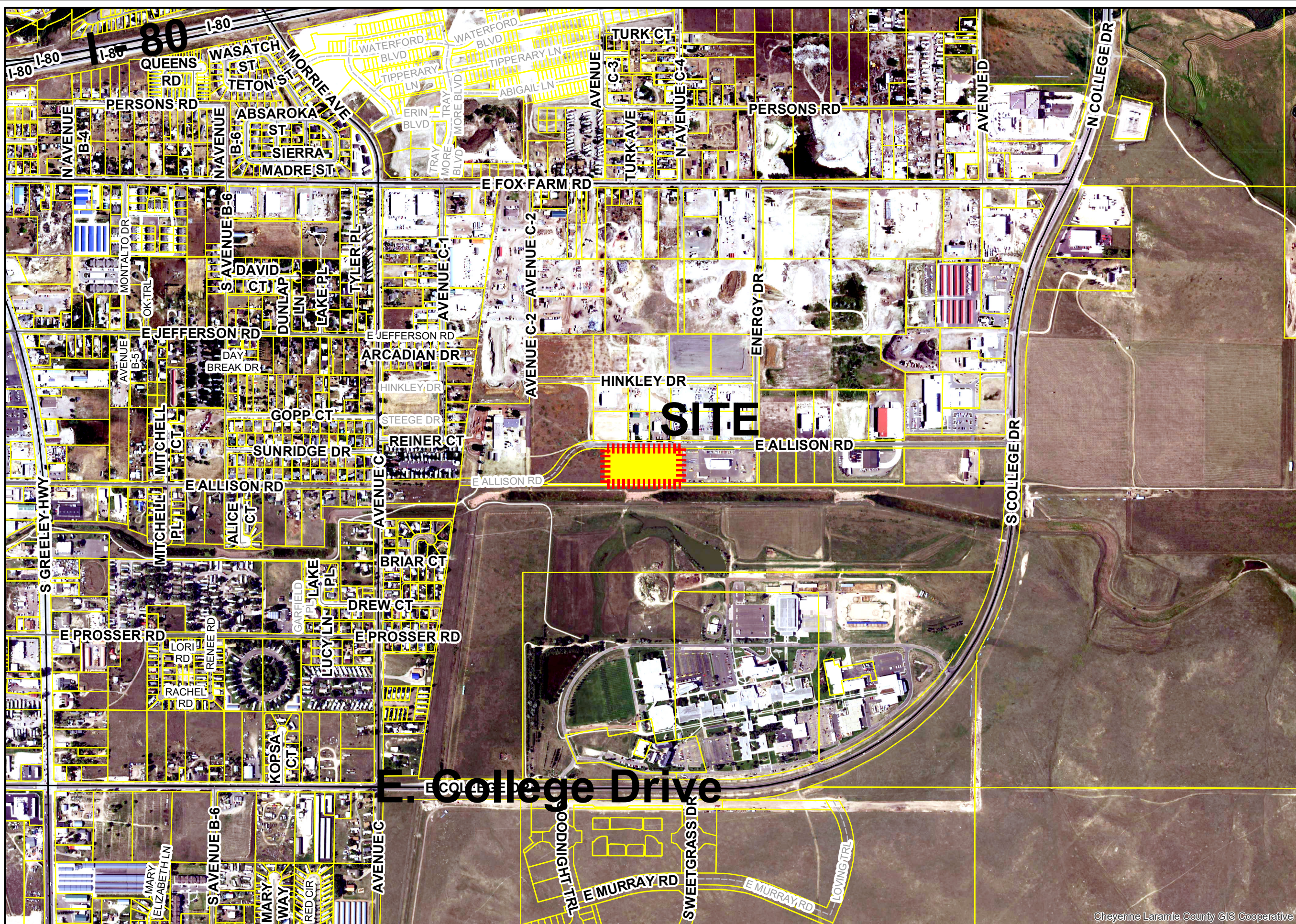
Legend

- Property Lines
- PROJECT SITE**

Sept 2020



Cheyenne Laramie County GIS Cooperative



This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS). The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability of the data. The CLCCGIS furthermore assumes no liability associated with the use or misuse of this information.

Laramie County, Wyoming




NIOBRARA ENERGY PARK
Lot 2, Block 4
Subdivision Permit & Plat

PZ-20-00260

Aerial Map

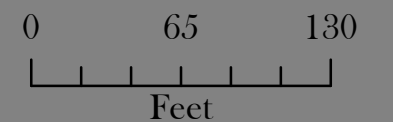


Legend

 Property Lines

 **PROJECT SITE**

Sept 2020



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Laramie County, Wyoming








NIOBRARA ENERGY PARK
 Lot 2, Block 4
 Subdivision Permit & Plat

PZ-20-00260

Comprehensive Plan Map

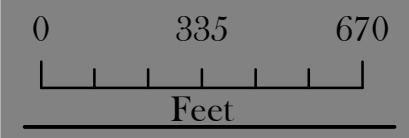
Legend

-  Property Lines
- Future Land Use Districts**
- OTHER**
-  Urban-Rural Interface (URI)
-  Rural Metro (RM)
-  Rural Ag Interface (RAI)
-  Ag & Range Land (AGR)



 **PROJECT SITE**

Sept 2020



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Laramie County, Wyoming



NIOBRARA ENERGY PARK
 Lot 2, Block 4
 Subdivision Permit & Plat

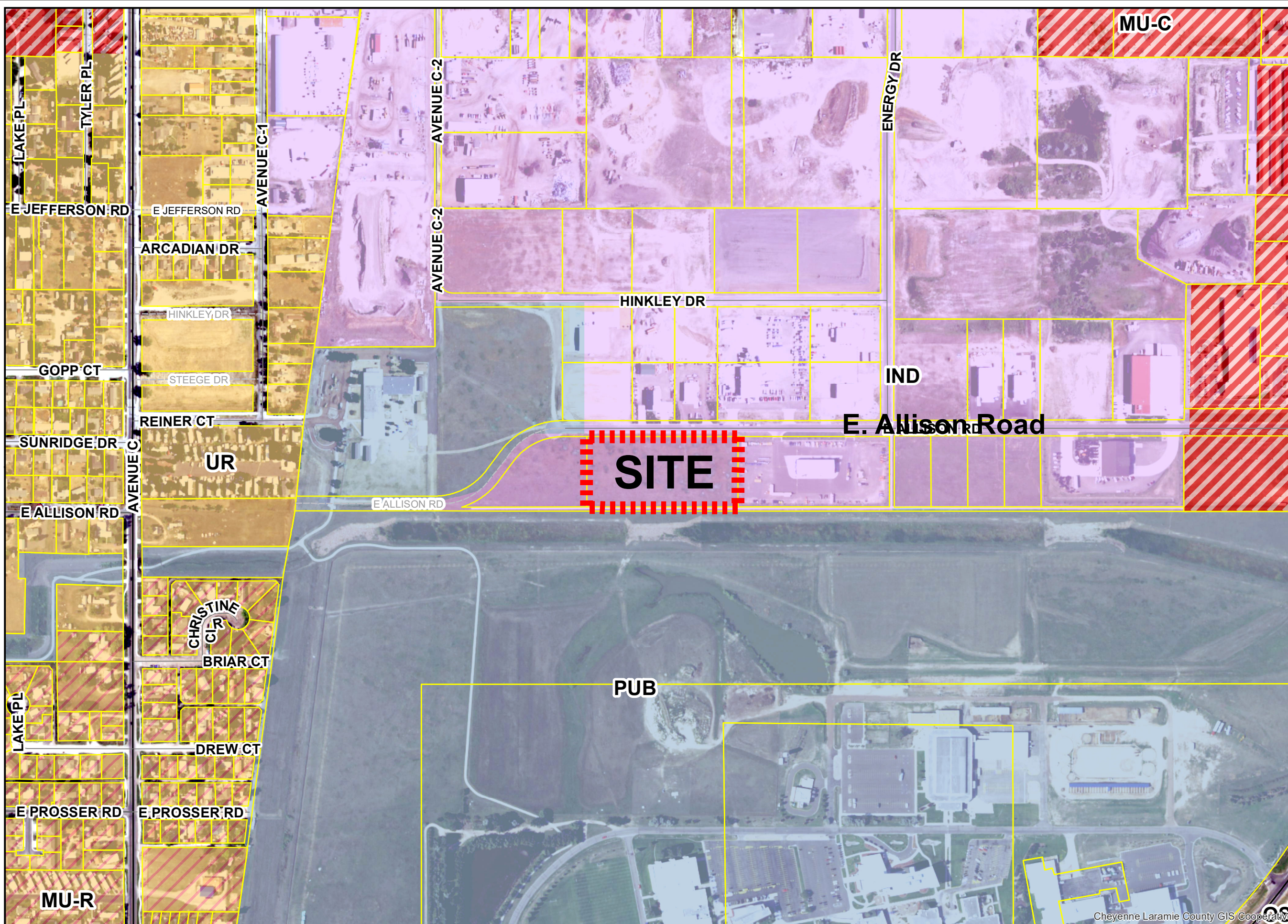
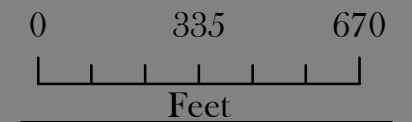
PZ-20-00260
 PlanCheyenne Map

Legend

- Property Lines
- PlanCheyenne (2014)**
- NEW_FLUP**
- Agriculture/Rural
- Rural Residential
- Urban Transition Residential
- Urban Residential
- Mixed-use Residential
- MU-E
- Industrial
- Mixed-use Commercial
- Community Business
- Central Business District
- Public and Quasi-Public
- PUB-FED
- Open Space and Parks
- ROW

PROJECT SITE

Sept 2020



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Laramie County, Wyoming



NIOBARRA ENERGY PARK
Lot 2, Block 4
Subdivision Permit & Plat

PZ-20-00260

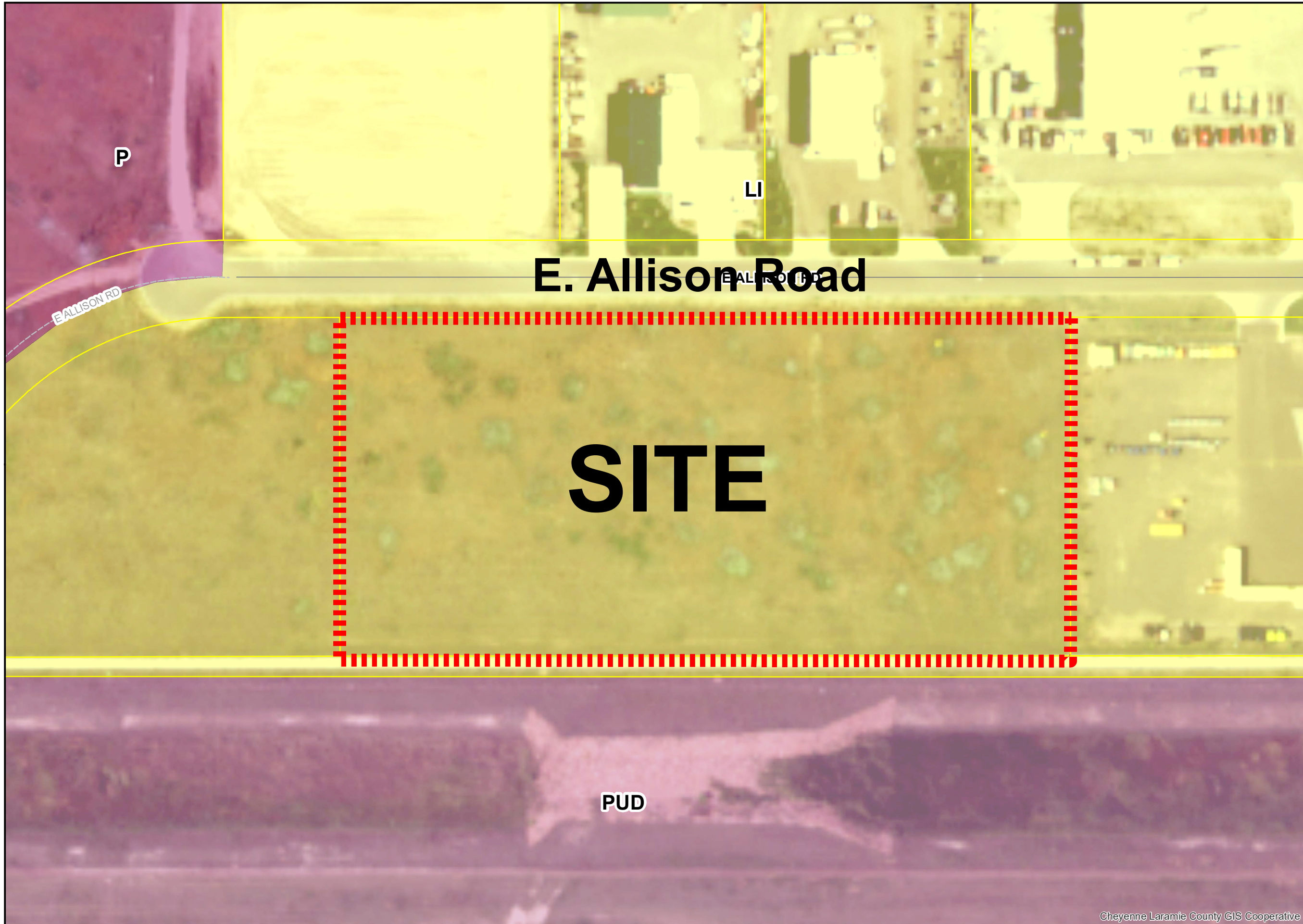
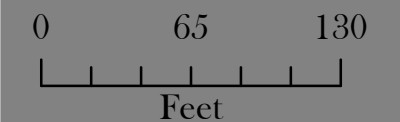
Zoning Map

Legend

- All Other Values
- Archer Special Use District (ASU)
- Agricultural (A-2)
- Agricultural and Rural Residential (A-1)
- Agricultural Residential (AR)
- Low Density Residential - Established (LR-1)
- Low Density Residential - Developing (LR-2)
- MR
- Medium Density Residential - Established (MR-1)
- Medium Density Residential - Developing (MR-2)
- High Density Residential - Established (HR-1)
- High Density Residential - Developing (HR-2)
- MU
- Mixed Use with Residential Emphasis (MUR)
- Mixed Use with Business Emphasis (MUB)
- Neighborhood Business
- Community Business (CB)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Public (P)
- Planned Unit Development (PUD)
- Military (M)
- Property Lines

PROJECT SITE

Sept 2020



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Niobrara Energy Park, 4th Filing
Subdivision Permit and Plat
Friday, September 11, 2020
Page 1 of 1

Enter Project 2-4432.20



September 11, 2020
2-4423.20

Paul Whalen, Laramie County Planning
3931 Archer Parkway
Cheyenne, WY 82009

RE: Niobrara Energy Park, 4th Filing Subdivision Permit and Plat
Traffic & Drainage Study Waiver Request

Dear Mr. Whalen,

We would like to request a waiver for the requirement of providing a Traffic & Drainage Study at this time.

Future development will possibly encompass three buildings with industrial character. One of the buildings will be built structurally as one, with an internal fire wall internally dividing the structure in half. All four buildings will be leased by various operations. It is our intent to submit an overall Site and Landscape Plan that will encompass all four Lots, once approved. At which time and if necessary, drainage and traffic will be addressed. East Allison Road, designated and built as a Collector will provide access.

The ITE (International Traffic Engineer) Trip Generator Manual, 9th Edition, estimates that 6.97 trips per 1,000 square feet of building could be generated. At an estimated 32,000 square feet of total building space, 223 daily trips are possible.

An overall Drainage Plan has been built for the entire Niobrara Energy Park area. The existing ponds were sized for full build-out, which includes this proposed development. A supporting Drainage Report will be provided with any Site Plan application, providing calculated run-off volumes, and the remaining regional detention pond volume capacity.

If you have any questions or would like to discuss this project in greater detail, please contact our office.

Sincerely,

A handwritten signature in black ink that reads 'Bryan Nicholas'.

Bryan Nicholas

A.V.I. PROFESSIONAL CORPORATION

h:\4423_nep_lot 2_block 4\planning\corres\delv\4423 final plat waiver request letter.docx

County Real Estate Office: County Real Estate Office, Laura Pate Comments

Attached 09/18/2020

4G Properties LLC AND Sarne Family LLC own this lot. Both companies will need to sign the dedication and have their signatures notarized.

County Engineer: County Engineer, Scott Larson Comments Attached 09/17/2020

1. The 90' Joint Access Easement shown doesn't go to the right-of-way line so it is unclear where the joint access that ties to East Allison Road is. Is it located on a lot adjacent to the platted area?
2. What is the 15' easement shown in the northeast and northwest corners of the plat for? It should be labeled (i.e., Utility Easement, drainage easement, etc.).
3. I concur with the request for a waiver of a detailed Traffic Study and Drainage study at this time. A drainage summary/analysis/addendum will need to be submitted with any site plan applications describing how the proposed development fits with the original Drainage Study previously submitted for Niobrara Park.

County Public Works Department: County Public Works Department, David Bumann Comments Attached 09/17/2020

Flood Plain considerations will have to be accounted for at the site plane phase.

WYDOT: WYDOT, Randy Griesbach Comments Attached 09/18/2020

At time of site plan development, the scope of a traffic impact study will need to be determined. At a minimum, a review of the new estimated trip generation as compared to the original TIS trip generation assumptions should be completed.

Wyoming Game & Fish Dept: Wyoming Game & Fish, Wyoming Game and Fish Dept No Response 10/01/2020

WGFD comment letter sent via email.

Dear Mr. Whalen,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Niobrara Energy Park subdivision located in Laramie County. We have no terrestrial wildlife or aquatic concerns pertaining to the proposed project.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Anika Mahoney, Habitat Protection Biologist, at 307-335-2623.

Sincerely,

Amanda Losch

Habitat Protection Supervisor

AL/am/ct

cc: U.S. Fish and Wildlife Service

Chris Wichmann, Wyoming Department of Agriculture

Cheyenne Planning: Cheyenne Development Services, Seth Lloyd Comments
Attached 09/30/2020

The 90' access easement should be called out as going all the way to the north edge of the property (instead of the edge of the utility easement).

Allison is intended to connect to the west and become a major street in the future.

Number of total allowed accesses onto Allison should be limited by a plat note.

Official comment letter emailed. (See below)

September 30, 2020

*Board of County Commissioners
310 W 19th St #320
Cheyenne, WY 82001*

RE: Niobrara Energy Park, 4th Filing City Comments

Board of County Commissioners,

In compliance with W.S. 34-12-103 (b) the City hereby submits the following comments regarding the Niobrara Energy Park, 4th Filing Plat:

1. The Subdivision has potential to better align with the goals of the City's Comprehensive Plan Policy 4.1.D: Access Management (pg. 71) to provide acceptable access spacing along major streets by adding a note to the plat limiting total number of accesses onto Allison for the entire plat. The proposed access easement allows such an arrangement, but does not mandate.

2. Future annexation of the property will prompt review by the City. Concurrent with annexation by petition, public improvements to streets may be required; driveway accesses will be reviewed for conformance with City standards and may require modification; and Community Facility Fees will be required to be paid to the City. The City defers timing of design and construction of public improvements to the County.

I do not believe that there are any items of disagreement that warrant a response by the Board of County Commissioners pursuant to W.S. 34-12-103-(b).

Thank you,

*Charles W. Bloom, AICP
Planning and Development Director*

Intraoffice: Planners, Paul Whalen Comments Attached 09/25/2020

PLANNER COMMENTS:

1. Please add the 16-foot utility easement adjacent to East Allison Road and north of the 90-ft joint access easement (if it is to remain on this plat);

2. Also on each end of the 90-ft joint access easement there is a 15-ft area designated but there is no identification for what this area/easement is proposed for;

NO COMMENT:

Cheyenne MPO, Christopher Yaney, 09/17/2020;
Cheyenne Development Services, Seth Lloyd, 09/30/2020;
County Assessor, Kaycee Eisele, 09/16/2020;
Combined Communications Center, Chuck Trimble; 09/21/2020;
Sheriff's Office, Rae Morgan, 09/16/2020;
GIS Planners, Cambia McCollom, 09/16/2020;
Laramie Co School Dist. No. 1, Chris Hout, 09/17/2020;
Environmental Health Department, Roy Kroeger, 09/18/2020;

NO RESPONSE:

County Attorney, Mark Voss;
US Post Office, Denise Null;
Emergency Management, Matt Butler;
Black Hills Energy, Eric Underhill;
CenturyLink, Darrin Klawon;
Fire District No. 1, Darrick Mittlestadt;
Laramie County Weed & Pest, Brett Nelson;
County Conservation District, Shaun Kirkwood;
Wyoming DEQ, Colin McKee;



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

September 30, 2020

Board of County Commissioners
310 W 19th St #320
Cheyenne, WY 82001

RE: Niobrara Energy Park, 4th Filing City Comments

Board of County Commissioners,
In compliance with W.S. 34-12-103 (b) the City hereby submits the following comments regarding the Niobrara Energy Park, 4th Filing Plat:

1. The Subdivision has potential to better align with the goals of the City's Comprehensive Plan Policy 4.1.D: Access Management (pg. 71) to provide acceptable access spacing along major streets by adding a note to the plat limiting total number of accesses onto Allison for the entire plat. The proposed access easement allows such an arrangement, but does not mandate.
2. Future annexation of the property will prompt review by the City. Concurrent with annexation by petition, public improvements to streets may be required; driveway accesses will be reviewed for conformance with City standards and may require modification; and Community Facility Fees will be required to be paid to the City. The City defers timing of design and construction of public improvements to the County.

I do not believe that there are any items of disagreement that warrant a response by the Board of County Commissioners pursuant to W.S. 34-12-103-(b).

Thank you,

Charles W. Bloom, AICP
Planning and Development Director



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

GOVERNOR
MARK GORDON

DIRECTOR
BRIAN R. NESVIK

COMMISSIONERS
PETER J. DUBE – President
PATRICK CRANK – Vice President
RALPH BROKAW
GAY LYNN BYRD
RICHARD LADWIG
DAVID RAEI
MIKE SCHMID

September 18, 2020

WER 4502.178
Laramie County Planning and Development Office
PZ-20-00260
Niobrara Energy Park Subdivision
Laramie County

Paul Whalen
Senior Planner
Laramie County Planning and Development Office
3966 Archer Parkway
Cheyenne, WY 82009
pwhalen@laramiecounty.com

Dear Mr. Whalen,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Niobrara Energy Park subdivision located in Laramie County. We have no terrestrial wildlife or aquatic concerns pertaining to the proposed project.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Anika Mahoney, Habitat Protection Biologist, at 307-335-2623.

Sincerely,

Amanda Losch
Habitat Protection Supervisor

AL/am/ct

cc: U.S. Fish and Wildlife Service
Chris Wichmann, Wyoming Department of Agriculture

October 6, 2020
20.4423

Mr. Paul Whalen
3966 Archer Parkway
Cheyenne, WY 82009
RE: Niobrara Energy Park, 4th Filing

Dear Mr. Whalen,

Attached for your review is the second resubmittal of the Subdivision Permit and Plat for the above referenced project. This letter is in response to the County's comments (sent 10/1/2020) on the first Subdivision Permit and Plat submittal. The County's related comments are listed below with AVI's response or solution in red.

County Real Estate Office

4G Properties LLC AND Sarne Family LLC own this lot. Both companies will need to sign the dedication and have their signatures notarized.

Noted. Signatures have been added to the Plat.

County Engineer

1. The 90' Joint Access Easement shown doesn't go to the right-of-way line so it is unclear where the joint access that ties to East Allison Road is. Is it located on a lot adjacent to the platted area?

The 90' Access Easement is now shown to the Right of Way line. Ties have been added from the property corners.

2. What is the 15' easement shown in the northeast and northwest corners of the plat for? It should be labeled (i.e., Utility Easement, drainage easement, etc.).

15' dimensions were to show the distance of the 90' Access Easement from the East and West property lines. These have been removed, and distance and bearings have been annotated from the property corners to the start of the 90' Access Easement.

3. I concur with the request for a waiver of a detailed Traffic Study and Drainage study at this time. A drainage summary/analysis/addendum will need to be submitted with any site plan applications describing how the proposed development fits with the original Drainage Study previously submitted for Niobrara Park.

Noted.

County Public Works Department

Flood Plain considerations will have to be accounted for at the site plane phase.

Noted.

WYDOT

At time of site plan development, the scope of a traffic impact study will need to be determined. At a minimum, a review of the new estimated trip generation as compared to the original TIS trip generation assumptions should be completed.

Noted.

Wyoming Game & Fish Dept

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed Niobrara Energy Park subdivision located in Laramie County. We have no terrestrial wildlife or aquatic concerns pertaining to the proposed project.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Anika Mahoney, Habitat Protection Biologist, at 307-335-2623.

Noted and acknowledged.

Cheyenne Planning

1. The Subdivision has potential to better align with the goals of the City's Comprehensive Plan Policy 4.1.D: Access Management (pg. 71) to provide acceptable access spacing along major streets by adding a note to the plat limiting total number of accesses onto Allison for the entire plat. The proposed access easement allows such an arrangement, but does not mandate.

Noted and acknowledged.

2. Future annexation of the property will prompt review by the City. Concurrent with annexation by petition, public improvements to streets may be required; driveway accesses will be reviewed for conformance with City standards and may require modification; and Community Facility Fees will be required to be paid to the City. The City defers timing of design and construction of public improvements to the County.

Noted and acknowledged.

I do not believe that there are any items of disagreement that warrant a response by the Board of County Commissioners pursuant to W.S. 34-12-103-(b).

Noted and acknowledged.

Intraoffice

1. Please add the 16-foot utility easement adjacent to East Allison Road and north of the 90-ft joint access easement (if it is to remain on this plat);

Noted, revisions have been made.

2. Also on each end of the 90-ft joint access easement there is a 15-ft area designated but there is no identification for what this area/easement is proposed for;

Noted, revisions have been made.

Thank you,

Please feel contact me with any **questions** or additional information you might need.

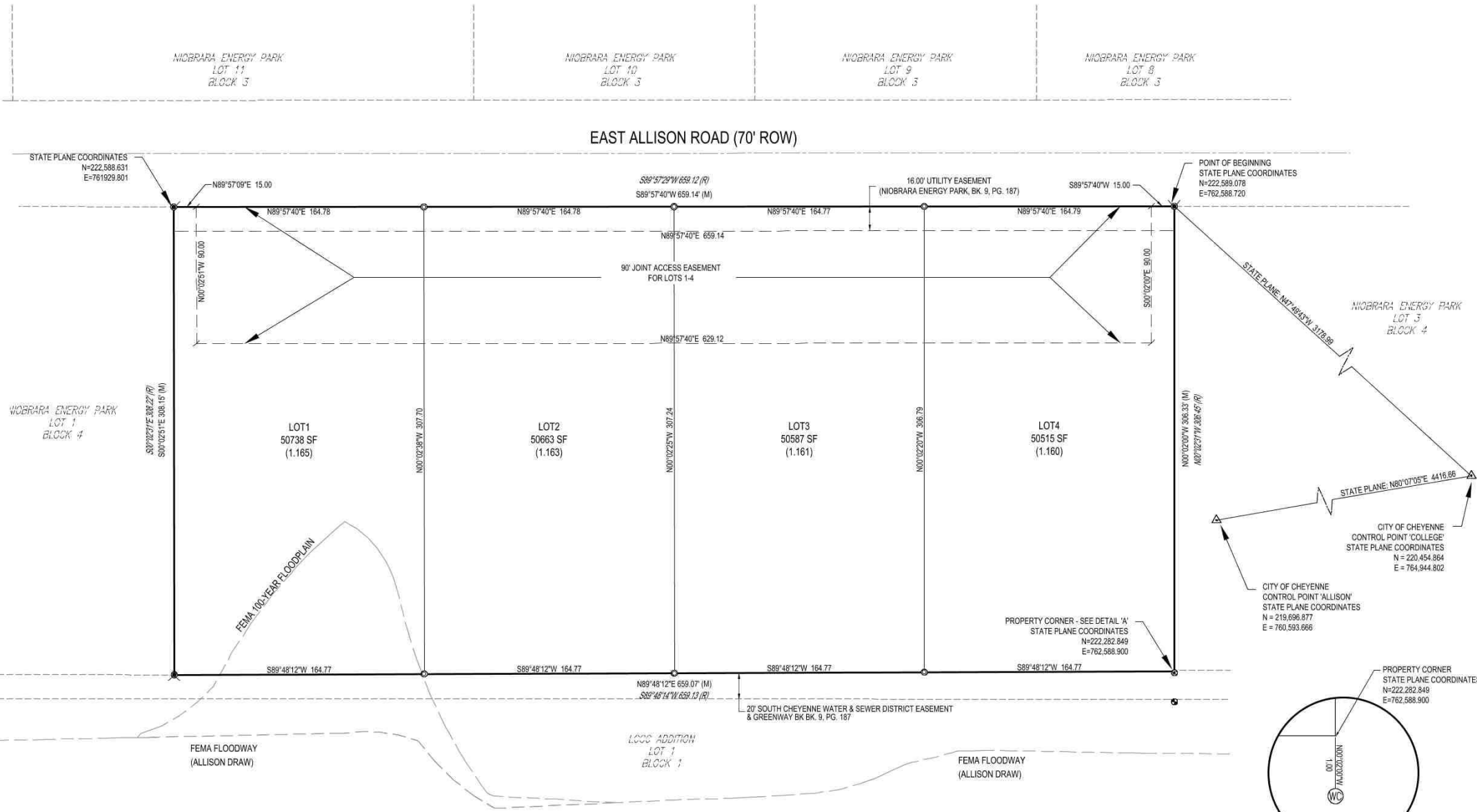
Sincerely,



307.637.6017

A.V.I. PROFESSIONAL CORPORATION

h:\4427_5307 hynds boulevard\planning\corres\delv\city\city comment response letter 09.23.20.docx



NO.	REVISION	DATE

PREPARED FOR:
4G PROPERTIES, LLC
 PO BOX 20432
 CHEYENNE, WY 82003

PROJECT:
NIOBRARA ENERGY PARK, 4TH FILING

DRAWING TITLE:



DATE:	Oct 06, 2020
DRAWN BY:	BMN
DESIGNED BY:	BMN
CHECKED BY:	AED
JOB NO.:	4423
DRAWING NO.:	1 OF 1

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, RYAN GERTSCH, MEMBER OF 4G PROPERTIES, LLC, AND THE MANAGING MEMBER OF SARNE FAMILY LLS, OWNERS IN FEE SIMPLE OF THE LANDS EMBRACED IN THIS PLAT OF "NIOBRARA ENERGY PARK 4TH FILING", DOES HEREBY DECLARE THIS PLAT OF SAID LANDS TO BE THEIR FREE ACT AND DEED IN ACCORDANCE WITH THEIR DESIRE, AND DOES HEREBY GRANT THE EASEMENTS SHOWN HEREON FOR THE PURPOSES INDICATED.

RYAN GERTSCH
 MEMBER, 4G PROPERTIES, LLC

MANAGING MEMBER
 SARNE FAMILY LLC

COUNTY APPROVALS

APPROVED BY THE LARAMIE COUNTY PLANNING COMMISSION

THIS ____ DAY OF _____, 20__.

CHAIRPERSON _____

APPROVED BY THE COUNTY COMMISSIONERS OF LARAMIE COUNTY

THIS ____ DAY OF _____, 20__.

CHAIRMAN OF THE BOARD _____ COUNTY CLERK _____

ACKNOWLEDGEMENTS

STATE OF _____)
) SS
 COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY RYAN GERTSCH, MEMBER OF 4G PROPERTIES, LLC. THIS ____ DAY OF _____, 2020, WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____
 MY COMMISSION EXPIRES _____



CERTIFICATE OF SURVEYOR

I, ADAM E. DESCHLER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY STATE THAT THIS SURVEY WAS PREPARED FROM OFFICIAL PLATS AND DEEDS OF RECORD AND FROM NOTES OF A FIELD SURVEY CONDUCTED ON BEHALF OF AVI P.C. BY ME OR UNDER MY DIRECT SUPERVISION ON JANUARY 14, 2020 AND THAT THE MONUMENTS ARE SET OR FOUND AS SHOWN AND THAT THIS PLAT CORRECTLY REPRESENTS SAID SURVEY OF THE LAND DEPICTED HEREON TO THE BEST OF MY KNOWLEDGE.

FILING RECORD

FINAL PLAT
 FOR
NIOBRARA ENERGY PARK
4TH FILING

A REPLAT OF LOT 2, BLOCK 4 OF NIOBRARA ENERGY PARK, ALSO BEING SITUATED IN A PORTION OF THE SW 1/4 NE 1/4 OF SECTION 9, T13N, R66W OF THE 6TH PRINCIPAL MERIDIAN, LARAMIE COUNTY, WYOMING
 PREPARED SEPTEMBER 2020

H:\4433_NEP_LOT_2_BLOCK_4_PLANNING_FINAL_PLAT.dwg Oct 06, 2020 8:31am mhdshob

