



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Marissa Pomerleau, Planning Technician

DATE: June 16th, 2020

TITLE: PUBLIC HEARING regarding a Zone Change from A2 – Agricultural to P - Public for the E1/2 E1/2, Section 35, T.14N., R.66W., of the 6th P.M., Laramie County, WY

EXECUTIVE SUMMARY

The City of Cheyenne has submitted a Zone Change application for the E1/2 E1/2, Section 35, T.14N., R.66W., located southwest of the intersection of E. Pershing Blvd and Whitney Rd. The purpose of the application is to change the zone district from A2 – Agricultural to P - Public to allow for the use of a public park. Upon approval of the zone change request, submittal of a Site Plan application will be required for the proposed operation.

BACKGROUND

The subject property is 105.48 acres and is currently undeveloped. With the property being either adjacent to or near city boundaries, any future development of the property shall require coordination with the appropriate governmental agencies.

Pertinent Regulations

Section 1-2-103(b) of the Laramie County Land Use Regulations governing the criteria for a zone map amendment.

Section 4-2-110 of the Laramie County Land Use Regulations governing the P - Public zone district.

DISCUSSION

The Laramie County Comprehensive Plan identifies the area as Urban Rural Interface (URI). Properties with uses directed towards community services are encouraged here. The URI land use designation is designed to allow for more intensive land uses as well as a higher level of vehicular access.

PlanCheyenne contemplates a Mixed-use Residential Emphasis and Open Space and Parks for this property. Uses for these categories include single and multi-family residences, retail stores, public and private parks, and country clubs. PlanCheyenne notes that non-residential developments are important improvements for developing neighborhoods.

The property is currently zoned A2 – Agricultural with the AR – Agricultural Residential zone district to the north and east and A2 – Agricultural and MR – Medium Density Residential zone districts to the west and south.

The FEMA 100 Floodplain covers most of the property. Any development or disturbance within the floodplain area would be subject to all floodplain regulations administered through the Laramie County Land Use Regulations.

Public notice was published, and neighbor notice letters were sent via certified mail. Staff received no comments from adjacent landowners. On May 28th, the Planning Office received an email from an adjacent landowner – the letter is attached. A Site Plan application was submitted on May 11th, 2020. The Site Plan approval will be dependent upon the approval of this Zone Change request.

A public hearing of this application was held on May 28th, 2020 by the Laramie County Planning Commission. This hearing was available to the public online to view and provide comment. No public comment was received.

Section 1-2-103 (b) states that in order for Planning Commission to recommend approval, one of the following must be found:

- i. That the zoning district map amendments or regulations are consistent with plans and policies of Laramie County; *or*
- ii. That the original zoning classification given to the property was inappropriate or improper; *or*
- iii. That there have been changes of an economic, physical or social nature within the area involved which altered the basic character of such area, and that the amendment will not detrimentally affect the area involved.

Criteria i. is met by the conformance with the Laramie County Comprehensive Plan and PlanCheyenne with type of development.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff recommends the Board find that:

- a. This application does meet the criteria for a zone map amendment pursuant to section 1-2-103 (b) i. and iii. of the Laramie County Land Use Regulations
- b. The proposed change in zone district is in conformance with the requirements of section 4-2-110 of the Laramie County Land Use Regulations.

and that the Board approve the Zone Change from A2 - Agricultural to P – Public the Laramie County Board of Commissioners for a portion of the E1/2 E1/2, Section 35, T.14N., R.66W., of the 6th P.M., Laramie County, WY with no conditions.

PROPOSED MOTION

I move to approve the Zone Change from A2 - Agricultural to P – Public to the Laramie County Board of Commissioners for a portion of the E1/2 E1/2, Section 35, T.14N., R.66W., of the 6th P.M., Laramie County, WY, 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: Current Zoning Map**
- Attachment 6: Agency Review Comments**
- Attachment 7: Adjacent Landowner Email**
- Attachment 8: Resolution Exhibit 'A' - Zone Change Map**
- Attachment 9: Resolution**

Laramie County, Wyoming



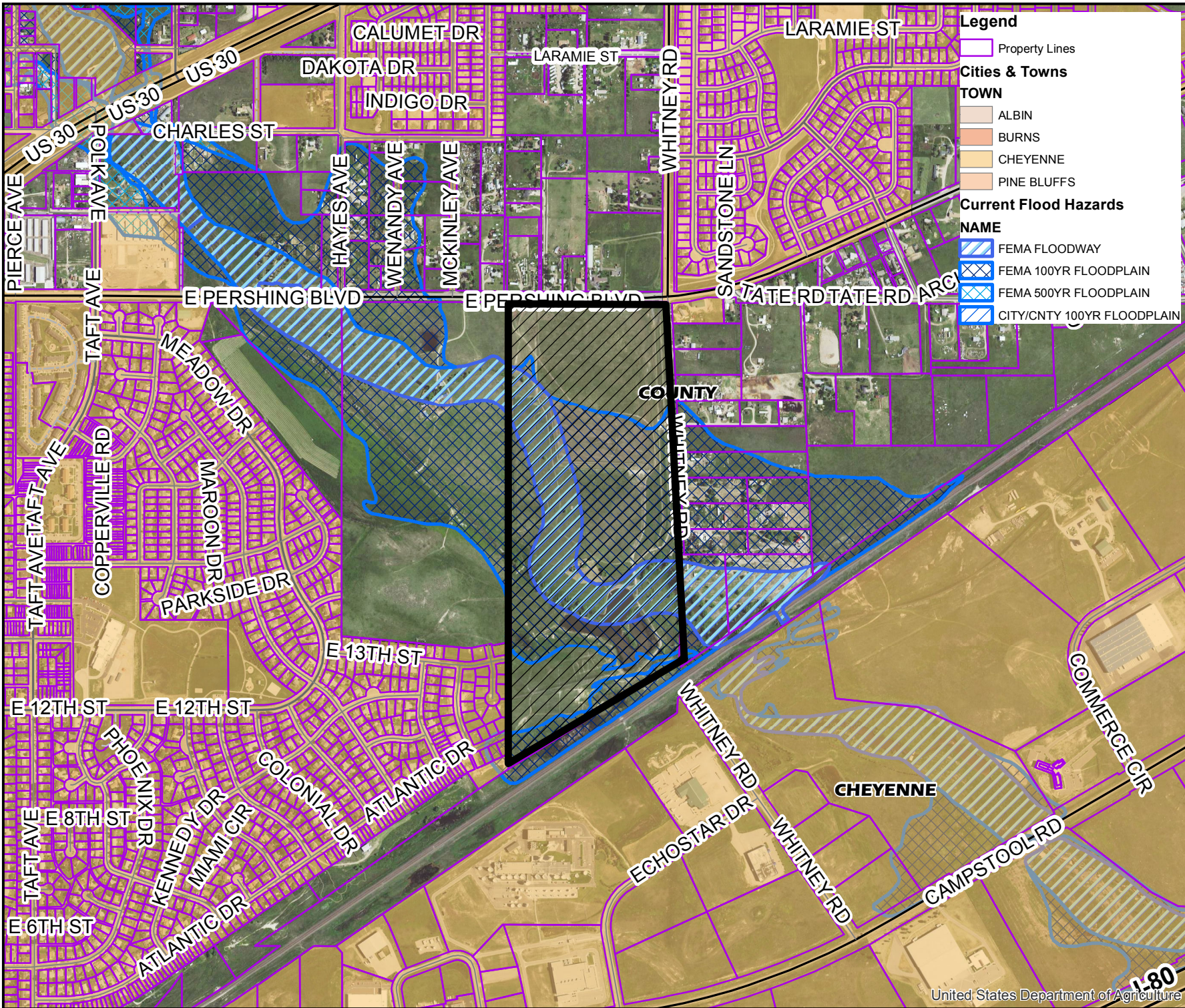
East Cheyenne Community Park

Zone Change

PZ-20-00097

Location Map

Subject Property



Legend

- Property Lines

Cities & Towns

TOWN

- ALBIN
- BURNS
- CHEYENNE
- PINE BLUFFS

Current Flood Hazards

NAME

- FEMA FLOODWAY
- FEMA 100YR FLOODPLAIN
- FEMA 500YR FLOODPLAIN
- CITY/CNTY 100YR FLOODPLAIN

April 2020

0 600 1,200
Feet

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



East Cheyenne Community Park

Zone Change


PZ-20-00097

Aerial Map

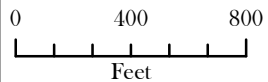
Subject Property



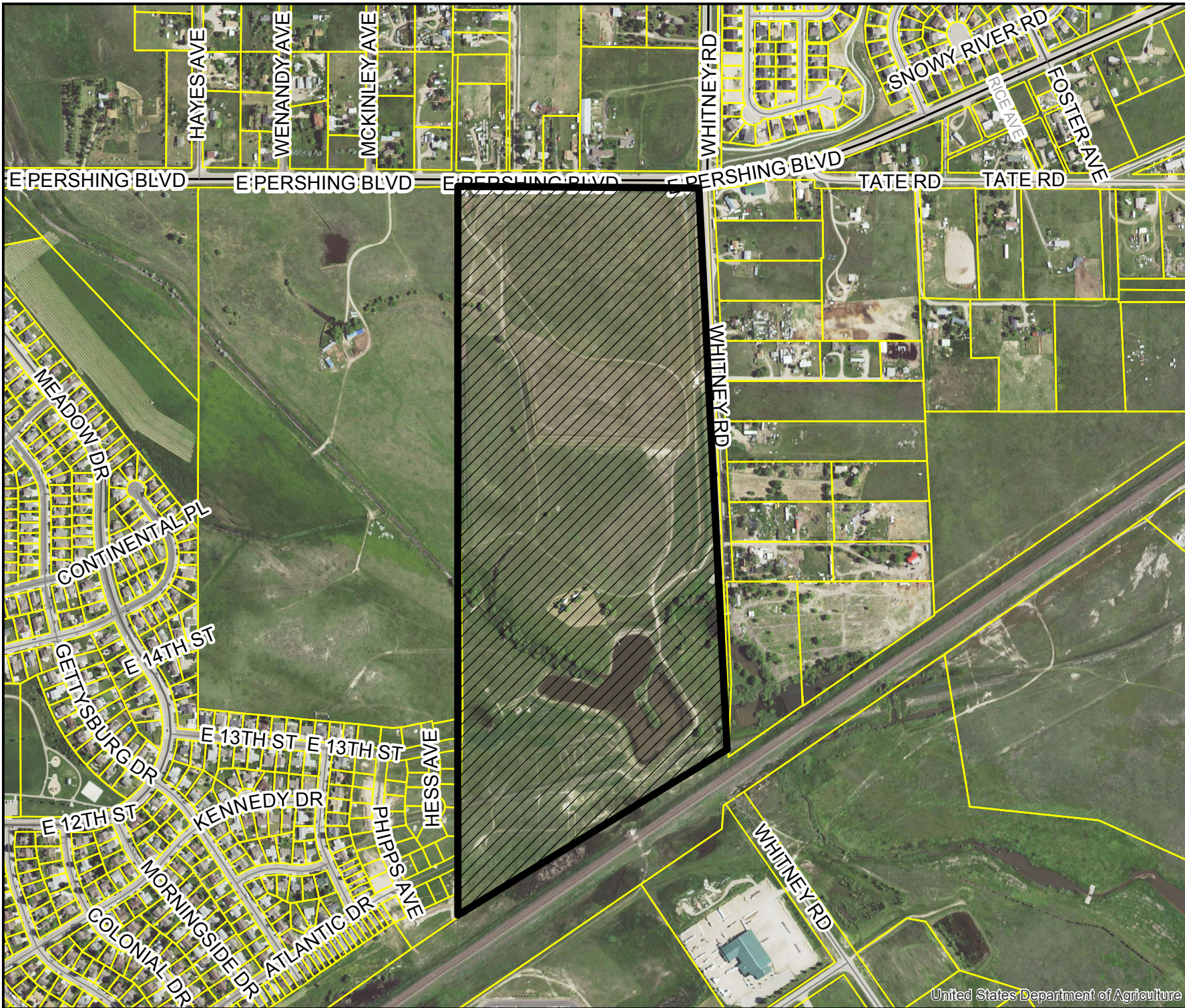
Legend

 Property Lines

April 2020



United States Department of Agriculture



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Laramie County, Wyoming



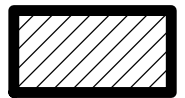
East Cheyenne Community Park

Zone Change

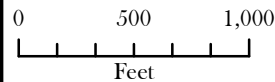
PZ-20-00097

Comprehensive Plan Map

Subject Property



May 2020



Legend

Property Lines

Future Land Use Districts

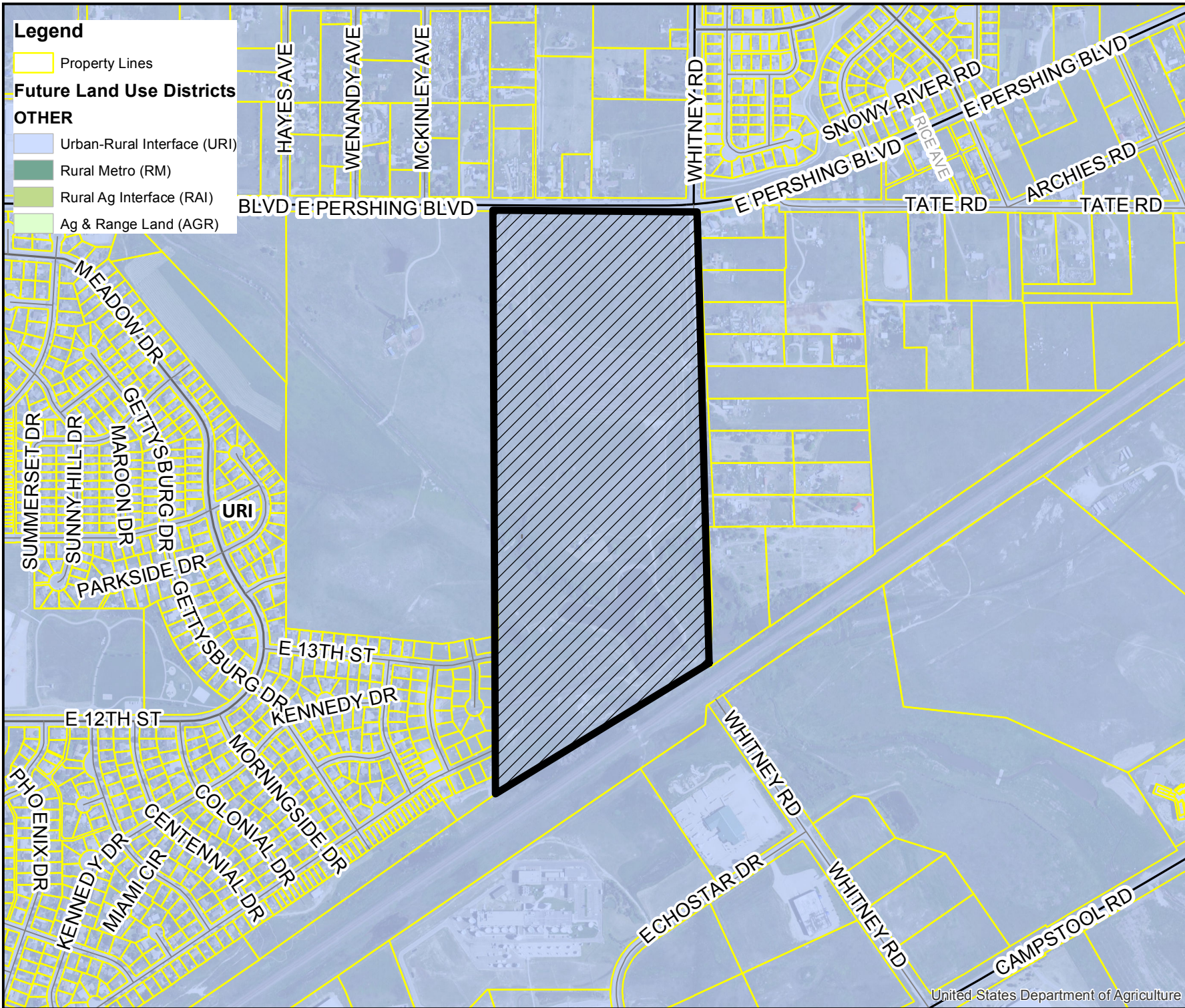
OTHER

Urban-Rural Interface (URI)

Rural Metro (RM)

Rural Ag Interface (RAI)

Ag & Range Land (AGR)



United States Department of Agriculture

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Laramie County, Wyoming



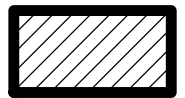
East Cheyenne Community Park

Zone Change

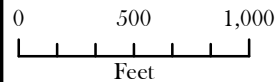
PZ-20-00097

PlanCheyenne Map

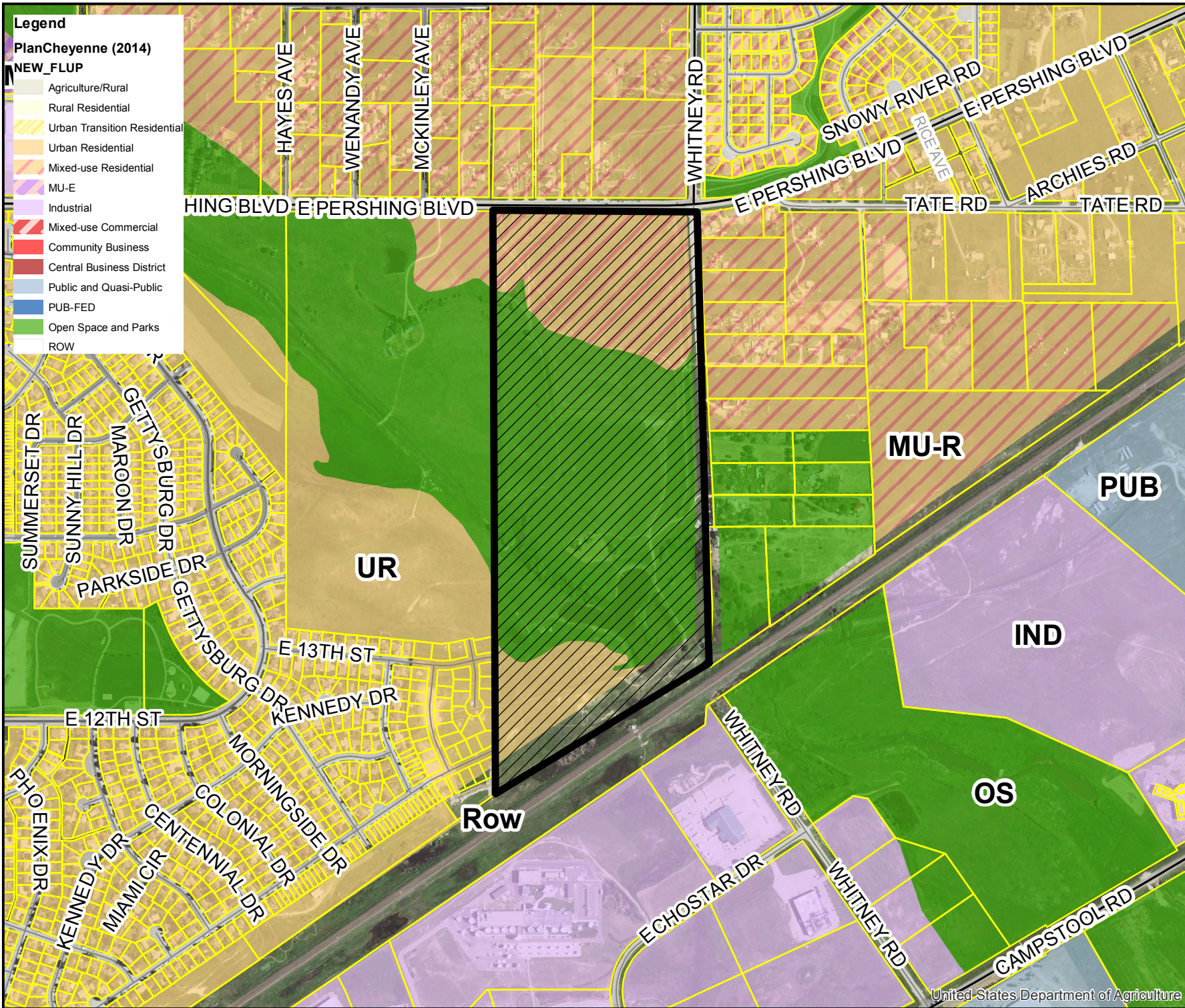
Subject Property



May 2020



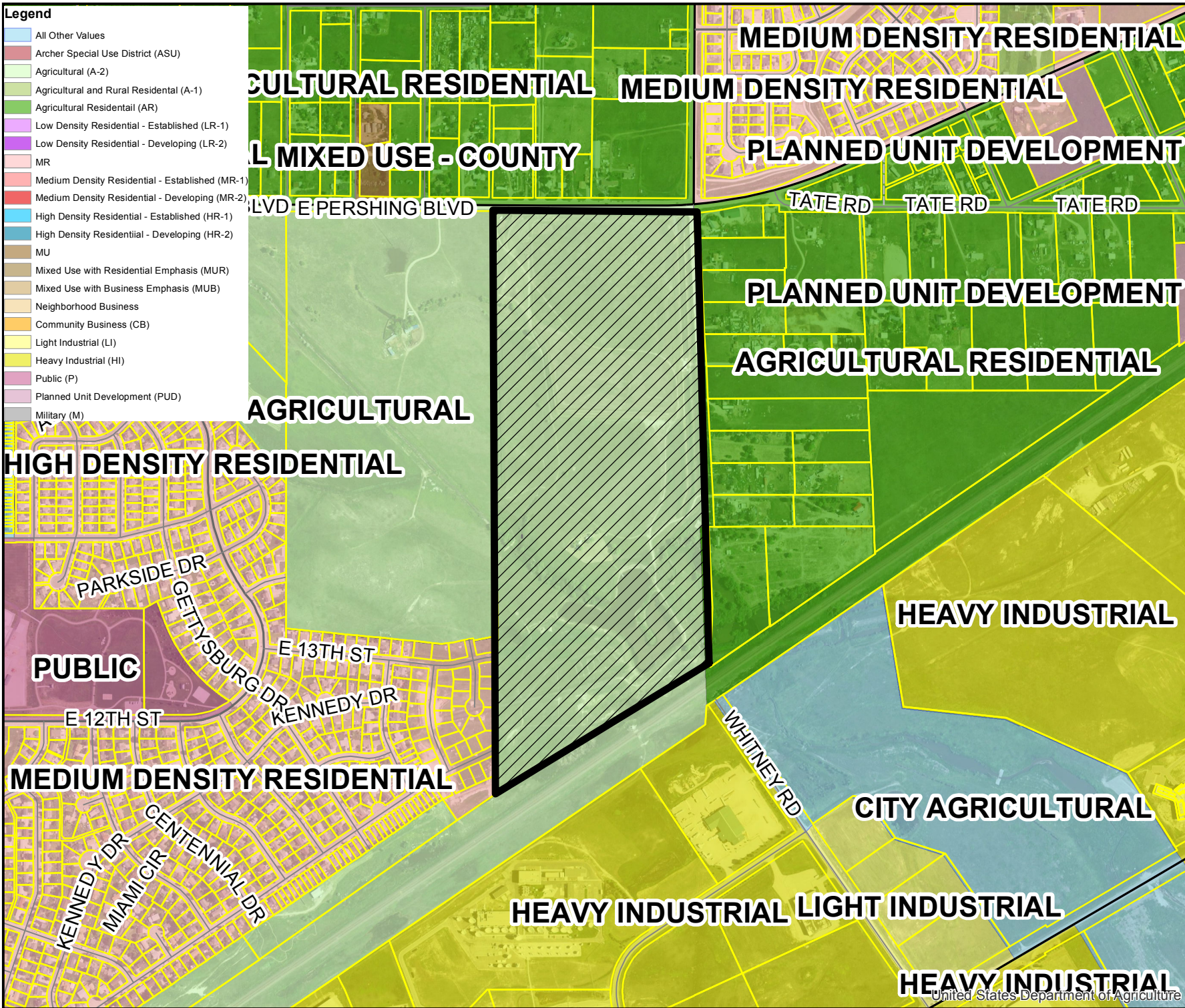
- Legend**
- PlanCheyenne (2014)**
- NEW_FLUP**
- Agriculture/Rural
 - Rural Residential
 - Urban Transition Residential
 - Urban Residential
 - Mixed-use Residential
 - MU-E
 - Industrial
 - Mixed-use Commercial
 - Community Business
 - Central Business District
 - Public and Quasi-Public
 - PUB-FED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



United States Department of Agriculture

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- Legend**
- All Other Values
 - Archer Special Use District (ASU)
 - Agricultural (A-2)
 - Agricultural and Rural Residential (A-1)
 - Agricultural Residentail (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)



Laramie
County,
Wyoming



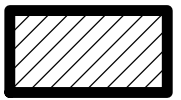
East Cheyenne
Community Park

Zone Change

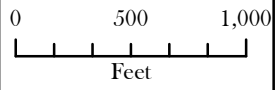
PZ-20-00097

Current Zoning
Map

Subject
Property



May 2020



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SunCor Pipeline: SunCor Energy USA Pipeline, Dillon Ohrt Comments Attached
04/29/2020

Suncor has reviewed the plans and has found no conflict with Suncor's assets. Please be advised that should further development occur on the property within 50' of Suncor's pipeline, that a development agreement will need to be entered into at that time.

Intraoffice: Planners, Marissa Pomerleau No Response 05/12/2020

1. Under the Land Description "of the 6th P.M." is stated twice.

AGENCIES WITH NO COMMENTS:

Board of Public Utilities
County Assessor
County Engineer
County Public Works Department
Environmental Health
WYDOT
Combined Communications Center
Sheriff's Office
Fire District No 2
Plains All American Pipeline
Cheyenne Planning
Intraoffice: Planners, Cambia McCollom

AGENCIES WITH NO RESPONSE:

Cheyenne MPO
Cheyenne Urban Planning Office
Cheyenne Development Services
County Attorney
County Real Estate Office
County Treasurer
Emergency Management
Black Hills Energy
High West Energy
CenturyLink
Cheyenne Engineering Services

Rocky Lincoln, 1219 Hess Ave.: May 28th, 2020

ROCKY LINCOLN [rlincoln0814@yahoo.com]

   Actions

To: Planning

Thursday, May 28, 2020 4:11 PM

- Retention Policy: 2 Year Delete Inbox (2 Years) Expires: 5/28/2022

My name is Rocky Lincoln, I live at 1219 Hess Avenue which is an adjacent property to this proposed project.

Before we purchased this property and had our forever home built we were told by our builder that the property up for discussion is owned by the county and was designated a "natural wetlands". Now we are being told by letter that this property is to be purchased by the city of Cheyenne and being considered for development of some kind. I have many questions and concerns as follows;

1. Why was this land sold to the city when we were told that it would never be developed?
2. Who is paying for this land and development? Tax payers are of course! Why were the adjacent land owners not informed before this happened?
3. What is going to happen in the future? As for now just a bike and walking path along with a parking area, what next?
4. We attempted to attend the meeting on May 28th and were told we could not attend. Is this a legal meeting? Nothing in the letter, dated April 23, 2020 mentioned anything about not being able to attend!
5. What happens to all of the wildlife present? Deer, Owls, Bald Eagles, Ducks, Geese, Pelicans, Rabbits, Hawks, Frogs, and the occasional Mountain Lion?????
6. Was it ever designated a natural wetlands or we just lied to? I need to know so I can give my attorney the information.

As you can tell I am very upset about this. I believe it diminishes the value of our property and surrounding areas. How can we voice our concerns other than in letter form? Not really fair to us! This was to be our forever home and one of the main reasons for building there was the undeveloped land we are adjacent to!

Please reconsider the project proposal and stop this. Please respond to this letter so that I know it was received and read.

Thank you,

Rocky Lincoln
1219 Hess Avenue
Cheyenne, WY 82001

Exhibit 'A'



LAND DESCRIPTION

A portion of the East Half of the East Half (E $\frac{1}{2}$ E $\frac{1}{2}$) of Section 35, Township 14 North, Range 66 West of the 6th P.M., Laramie County, Wyoming, more particularly described as follows:

Commencing at the northeast corner of said Section 35; thence 177°32'38" (grid azimuth from North, City of Cheyenne Datum), along the east line of said Section 35, a distance of 50.05 feet to the point of beginning; thence 177°32'38", along said east line, a distance of 2569.44 feet to the east quarter corner of said Section 35; thence 182°23'36", along said east line, a distance of 260.61 feet to the northerly right-of-way line of the Union Pacific Railroad; thence 235°42'29", along said northerly right-of-way line, a distance of 1687.71 feet to the west line of the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 35; thence 01°10'24", along said west line, a distance of 1210.49 feet to the center-east 1/16th corner of said Section 35; thence 358°44'48", along said west line, a distance of 2572.11 feet to a point 50.00 feet south of the north line of said Section 35; thence 90°08'48", 50.00 feet south of and parallel with said north line, a distance of 1326.60 feet to the point of beginning. Containing 103.0573 acres more or less.

Subject to easements, covenants, restrictions and encumbrances legally acquired.

SITE INFORMATION:

ADDRESS: 6017 PERSHING BLVD.
SITE SIZE: 105.48 acres

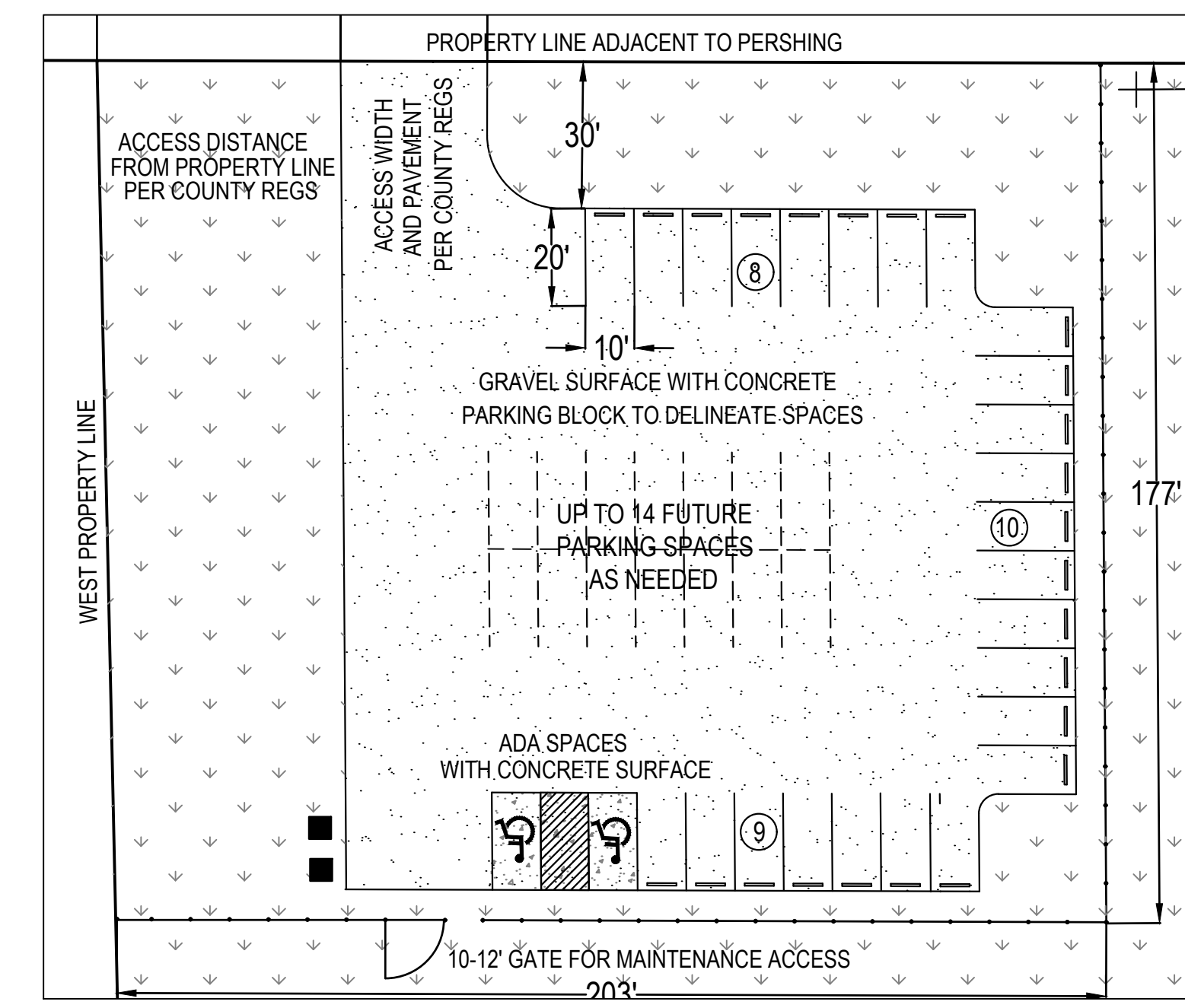
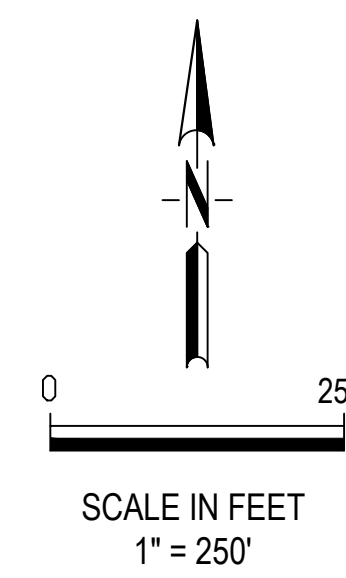
EXISTING ZONING: COUNTY, A2-AGRICULTURAL
PROPOSED ZONING: P-PUBLIC

PROPOSED USE: OPEN SPACE/NATURAL AREA/TRIALS
(LIMITED TO PEDESTRIANS AND BICYCLES)

PROPOSED IMPROVEMENTS: PARKING LOT ADJACENT TO PERSHING BLVD. SEE CONCEPT PLAN THIS SHEET (PARKING ACCESS, DESIGN AND QUANTITY REQUIREMENTS TO BE DETERMINED VIA COUNTY SITE PLAN REVIEW)

LEGEND

- SET 5/8" X 24" LONG REBAR WITH 1/2" ALUMINUM CAP STAMPED "SSS PLS 5910"
- FOUND 5/8" X 24" LONG REBAR WITH 1/2" ALUMINUM CAP STAMPED "SSS PLS 2500"
- FOUND 2 1/2" ALUMINUM CAP STAMPED "PLS 2500"
- ⊙ FOUND 3/8" REBAR
- ⊙ FOUND SHIP SPIKE
- FOUND 3/4" ALUMINUM CAP STAMPED "PLS 2500"
- FOUND 3/4" ALUMINUM CAP STAMPED "PLS 2927"
- ⊗ FOUND CHISELED "X"
- SET 5/8" X 24" LONG REBAR WITH 2 1/2" ALUMINUM CAP STAMPED "SSS PLS 5910 AND W/ APPROPRIATE DATA"
- EXISTING UTILITY POLE
- ← EXISTING GUY WIRE
- ⊙ EXISTING SANITARY SEWER MANHOLE
- OE— EXISTING OVERHEAD ELECTRIC LINES
- X— EXISTING BARBED WIRE FENCE
- GL— EXISTING GAS LINE
- SA— EXISTING SANITARY SEWER LINE
- BT— EXISTING BURIED TELEPHONE LINE



PARKING CONCEPT: 41 SPACES TO INCLUDE 2 EA ADA, DRIVE AISLES 30' TYPICAL
PARKING SPACES: 10 FOOT X 20 FOOT TYPICAL

CITY OF CHEYENNE
2101 O'NEIL AVENUE
CHEYENNE, WYOMING 82001
(307) 638-4379

EAST CHEYENNE COMMUNITY PARK
ZONE CHANGE MAP
PREPARED APRIL 2020

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A CHANGE IN ZONE DISTRICT
FROM A2 – AGRICULTURAL TO P - PUBLIC
FOR A PORTION OF THE E1/2 E1/2, SECTION 35, T.14N., R.66W.,
OF THE 6TH P.M., LARAMIE COUNTY, WY.**

WHEREAS, Wyoming State Statutes §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

WHEREAS, the Laramie County Board of Commissioners previously adopted the Laramie County Land Use Regulations; and

WHEREAS, the proposed zone change is in conformance with the requirements of section 1-2-103(b) of the Laramie County Land Use Regulations; and

WHEREAS, the proposed zone change is in conformance with the requirements of section 4-2-110 of the Laramie County Land Use Regulations.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:

The Laramie County Board of Commissioners finds that:

- a. This application meets the criteria for a zone map amendment pursuant to section 1-2-103 (b) of the Laramie County Land Use Regulations.
- b. The proposed change in zone district is in conformance with the requirements of section 4-2-110 of the Laramie County Land Use Regulations.

And the Board approves a Zone Change from A2 – Agricultural to P - Public for the E1/2 E1/2, Section 35, T.14N., R.66W., of the 6th P.M., Laramie County, WY, as shown on the attached Exhibit ‘A’ – Zone Change Map.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF _____, 2020.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Gunnar Malm, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney's Office