

**LARAMIE COUNTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM PROCESSING FORM**

**1. DATE OF PROPOSED ACTION:** February 17, 2015

**2. AGENDA ITEM:** ☐ Appointments ☐ Bids/Purchases ☐ Claims  
☐ Contracts/Agreements/Leases ☐ Grants ☒ Land Use: Board App/Subdivision/ZC  
☐ Proclamations ☐ Public Hearings/Rules & Reg's ☐ Reports & Public Petitions  
☐ Resolutions ☐ Other

**3. DEPARTMENT:** Planning & Development Office

**APPLICANT:** RoadRunner 5, LLC

**AGENT:** Steil Surveying Services LLC

**4. DESCRIPTION:**

Consideration of a Subdivision Permit and Plat for Niobrara Energy Park, 2nd Filing, a replat of Lot 3, Block 1, Niobrara Energy Park, Laramie County, Wyoming.

RECEIVED AND APPROVED AS  
TO FORM ONLY BY THE  
DEPUTY LARAMIE COUNTY  
ATTORNEY

Amount \$ \_\_\_\_\_ From \_\_\_\_\_

**5. DOCUMENTATION:** 1 Originals 0 Copies

<u>Commissioner</u>		<u>Clerks Use Only:</u>		<u>Signatures</u>	
Ash	_____			Co Atty	_____
Holmes	_____			Asst Co Atty	_____
Heath	_____			Grants Manager	_____
Kailey	_____				
Thompson	_____				
Action	_____			Outside Agency	_____



## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

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Planning • Building

### MEMORANDUM

**TO:** Laramie County Board of Commissioners

**FROM:** Brett Walker, Planning Manager

**DATE:** February 17, 2015

**TITLE:** Review and action of a Subdivision Permit and Plat for Niobrara Energy Park, 2<sup>nd</sup> Filing, a replat of Lot 3, Block 1, Niobrara Energy Park, Laramie County, Wyoming.

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### EXECUTIVE SUMMARY

Steil Surveying Services, LLC, on behalf of RoadRunner 5, LLC, has submitted an application for the purpose of subdividing the parcel into 2 lots, in order to separate two existing industrial uses on the site.

### BACKGROUND

This subdivision is occurring within a mile of the City of Cheyenne and, thus, also requires their review and approval per W.S. 18-5-308(b). Notice was published and mailed to adjacent property owners as required per Section 1-2-104(a). Niobrara Energy Park was originally platted in the Summer of 2011 and has seen some considerable development take place over the last 3 years. While this parcel has had two commercial structures built on it, the applicant is now requesting a “lot split” to allow for separate ownership.

### **Pertinent Regulations**

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

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

## **AGENCY REVIEW**

### **Board of Public Utilities:**

This subdivision is outside BOPU's service area. See the South Cheyenne Water/Sewer District.

### **Cheyenne Development Services:**

This subdivision is occurring within a mile of the City and requires Governing Body review (W.S. 18-5-308(b) and approval.

### **County Assessor:**

As this is a new plat, it would be preferred that the lots be numbered 1 and 2.

### **County Engineer:**

1. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study. Both of these items were previously submitted for these lots when the site(s) were developed.

2. On the plat drawing, there are labels within each lot describing an existing steel building and the square footage of each. Since the purpose of a plat is to establish property lines, etc. it is not necessary to provide this information regarding the size of the existing buildings. The applicant may remove these labels if they so choose.

### **County Public Works Department:**

Applicant has applied for and received access permits for both parcels 3A and 3B that meet county standards and have received final inspections.

### **Dept. of Energy (WAPA):**

The division of this parcel will not affect the existing 100' easement Western has on the SWNW, NENW and SWNE of Section 9.

*Agencies Responding with No Comments:* Cheyenne MPO, Greater Cheyenne Greenway, Environmental Health, Fire District No. 1, Sheriff's Office, Charter Cable Services, WYDOT, Cheyenne Engineering Services, Combined Communications Center.

*Agencies Not Responding:* Laramie Co School Dist. No. 1, Wyoming State Engineer's Office, Wyoming DEQ, US Post Office, Emergency Management, Cheyenne Light Fuel & Power, High West Energy, CenturyLink, RT Communications, South Cheyenne Water & Sewer, SunCor Energy USA Pipeline.

## **DISCUSSION**

The application is in accordance with the development policies and physical patterns identified in the PlanCheyenne, which recommends Industrial uses for this area. The Industrial category encompasses existing and planned areas that include a range of employment focused uses, which may have impacts such as noise, outdoor storage, and freight needs that make them incompatible

in other areas of the community. As such, offices, distribution and warehouse facilities, as well as manufacturing and fabrication, are appropriate in this category. The site is integrated with the transportation network, with access to major transportation facilities, such as interstates (I-80) and railroads. PlanCheyenne policies that this project dovetails with include:

**Policy 1.4.a: Infill Opportunities**

The community will support infill in existing neighborhoods, but ensure that infill is compatible with neighborhoods and districts through design standards (e.g., to address scale, height, and character of infill as it relates to existing development).

**Policy 4.3.b: Neighborhood Design to Support Walking and Bicycling**

New neighborhoods should contain a mix of compatible uses so that residents have recreation, employment and shopping opportunities within walking or bicycling distance of their homes.

**Policy 7.2.e: Maximized Infrastructure Investments.**

The community will contain urban development within the Urban Service Boundary to maximize our efficient and economic use of infrastructure investments (both public and private).

The project also aligns with the Laramie County Comprehensive Plan (2001) by encouraging the location of new industrial development near major transportation facilities and within urban density development areas (Policy 6.6.1) and encouraging new industrial and commercial development that will provide a variety of skilled employment opportunities (Policy 6.6.4).

Community Facility Fees will not be assessed as “fees shall not be duplicated for the same parcel.”(*ref. Section 1-1-106.b., LCLUR*)

The first filing of Niobrara Energy Park included a development agreement between property owners, the City and the County Commissioners. This agreement will still be tied to the property and should be referenced on the plat. In addition, E. Allison Road should be indicated on the plat.

No new Right-of-Way is being proposed with this application. Access will be onto E. Allison Road. As Public Works commented, the applicant has applied for and received access permits for both parcels 3A and 3B and have received final inspections. The new property line will cause the accesses to be out of conformance with spacing requirements and must be re-evaluated prior to the hearing with the Laramie County Board of Commissioners. For instance, the spacing requires a minimum of 50’ from the edge of a property line to the edge of a driveway. The applicant has not demonstrated the proposed line works with this configuration.

The requirement for drainage and traffic studies was waived given that the these studies were received and evaluated when this lot was previously platted, no change of use is proposed, and not additional construction or development of the site is proposed at this time.

All proposed lots are buildable lots within the existing LI. Light industrial areas are to be primarily developed for environmentally controlled manufacturing or intensive employment uses and may have accessory commercial or office uses. Total building, parking, and outdoor storage area shall not exceed 85 percent of the property area. Characteristics such as community open space and pocket parks and connectivity to regional trails, including the Greater Cheyenne Greenway, are encouraged, and indeed a connection to said Greenway exists less than 750 feet away.

This application will not create any undue influence on existing or potential development for adjacent property considering the existing zoning and comprehensive plan policies for that property.

At its meeting on January 22, 2015, the Laramie County Planning Commission voted (4 – 0) to recommend approval of the application for the Subdivision Permit and Plat for Niobrara Energy Park, 2nd Filing, with the following four conditions:

1. Access for this lot shall be re-evaluated based on spacing requirements, and a recommendation made to resolve any issues, prior to the public hearing with the Laramie County Board of Commissioners.
2. East Allison Road and Right of Way shall be added to the plat prior to recordation.
3. The development agreement in effect shall be noted on the plat with the book and page prior to recordation.
4. Add utility easement on plat with regards to stormwater infrastructure.

### **RECOMMENDATION and FINDINGS**

**Based on evidence provided, staff recommends the Laramie County Board of Commissioners find that:**

- a. This application meets the criteria for a subdivision permit pursuant to section 2-1-101 (a-d) of the Laramie County Land Use Regulations.
- b. This application meets the criteria for a plat pursuant to section 2-1-101 (e) of the Laramie County Land Use Regulations.

**and that the Laramie County Board of Commissioners approve the Subdivision Permit and Plat for Niobrara Energy Park, 2<sup>nd</sup> Filing, a replat of Lot 3, Block 1, Niobrara Energy Park, Laramie County, Wyoming, with the following conditions:**

1. Access for this lot shall be re-evaluated based on spacing requirements, and a recommendation made to resolve any issues, prior to the public hearing with the Laramie County Board of Commissioners.
2. East Allison Road and Right of Way shall be added to the plat prior to recordation.
3. The development agreement in effect shall be noted on the plat with the book and page prior to recordation.
4. Add utility easement on plat with regards to stormwater infrastructure.

## **PROPOSED MOTION**

**I move to approve the Subdivision Permit and Plat for Niobrara Energy Park, 2<sup>nd</sup> Filing, with conditions 1 thru 4, and adopt the findings of fact a and b of the staff report.**

## **ATTACHMENTS**

**Attachment 1: Staff Aerial Map**

**Attachment 2: Planning Commission Meeting Minutes – January 22, 2015**

**Attachment 3: Plat**

**Attachment 4: Resolution**

# Niobrara Energy Park, Second Filing Subdivision Permit and Plat PZ-14-00197

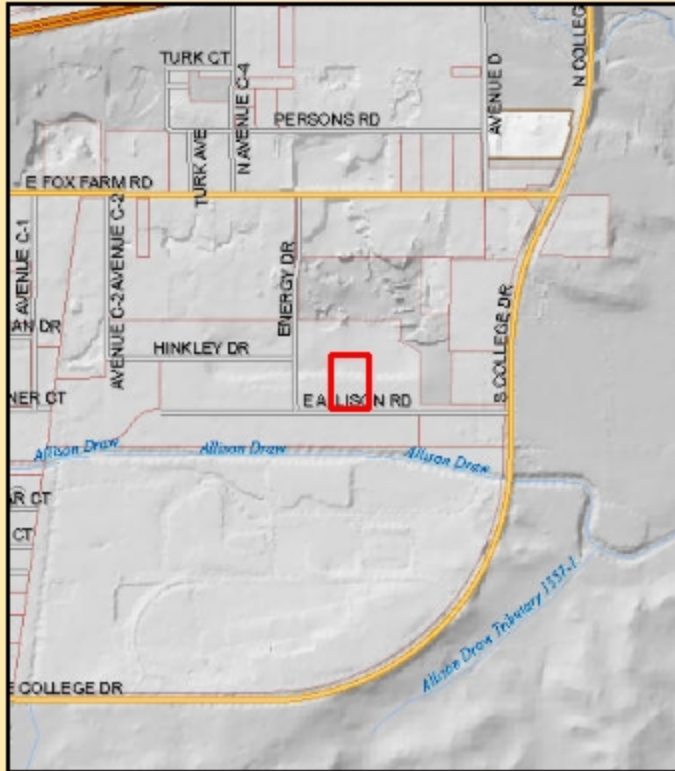


Laramie  
County,  
Wyoming



Date: 12/29/2014

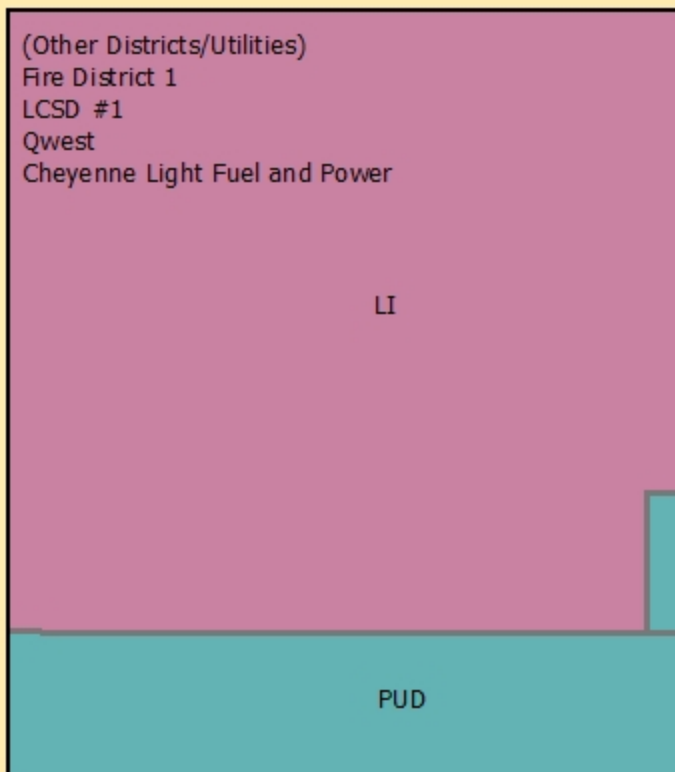
## Location 1 inch = 2,000 feet



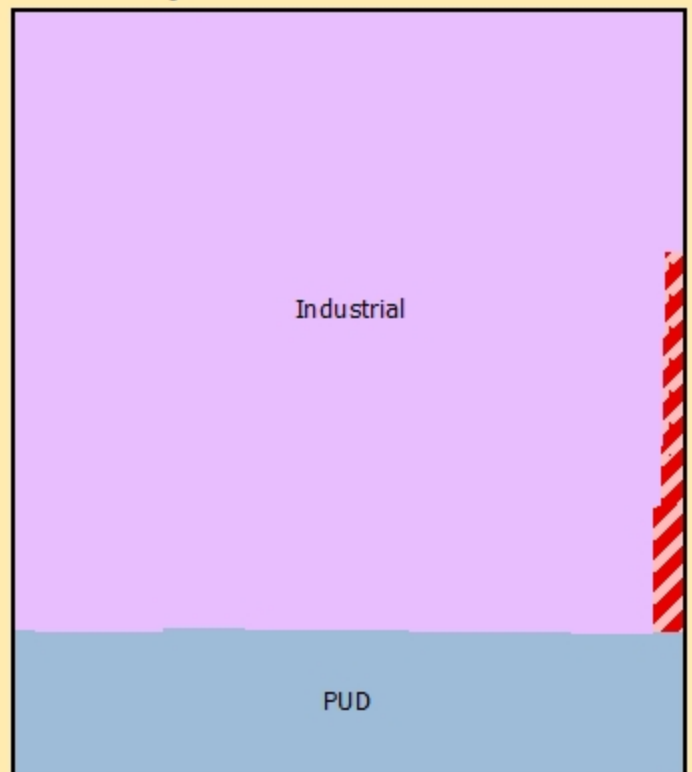
## Aerial 1 inch = 300 feet



## Zone Districts



## PlanCheyenne FLUP



**Minutes of the Proceedings  
Niobrara Energy Park 2<sup>nd</sup> Filing  
Laramie County Planning Commission  
Prepared by the Laramie County Planning & Development Office  
Laramie County Wyoming**

Thursday, January 22, 2015

- 150122 00** The Laramie County Planning Commission met in regular session on Thursday, January 22, 2015 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Bert Macy, Pat Moffett, and Bonnie Reider; Dan Cooley, Planning Director; Brett Walker, Planning Manager; Barbara Kloth, Senior Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Bill Swearingin, 7610 S. Milliron Road, Cheyenne; Ann Marie Taylor, 5908 Yellowstone Road, Cheyenne; Gary Datus, 10004 E. Milliron Road, Cheyenne; Bud Schepp, 4901 Klipstein Road, Cheyenne; Dan Schepp, 7808 Quarter Circle Drive, Cheyenne; Mike Smith, 1850 Horse Creek Road, Cheyenne; Casey Palma, 1102 W. 19th Street, Cheyenne; Seth Frentheway, 1800 Hackamore Road, Cheyenne; Tom Mason, 2101 O'Neil, Cheyenne; Dave and Edna Johnson, 3663 Piper Lane, Cheyenne.

- 03** Review and action of a Subdivision Permit and Plat for Niobrara Energy Park, 2nd Filing, a replat of Lot 3, Block 1, Niobrara Energy Park, Laramie County, Wyoming.

Casey Palma, of Steil Surveying Services, was present as agent for the applicant, RoadRunner 5, LLC. This application was submitted to perform a lot split, to separate two businesses established on one lot, which would allow separate fee simple ownership. A utility easement will be added across the front of the west lot.

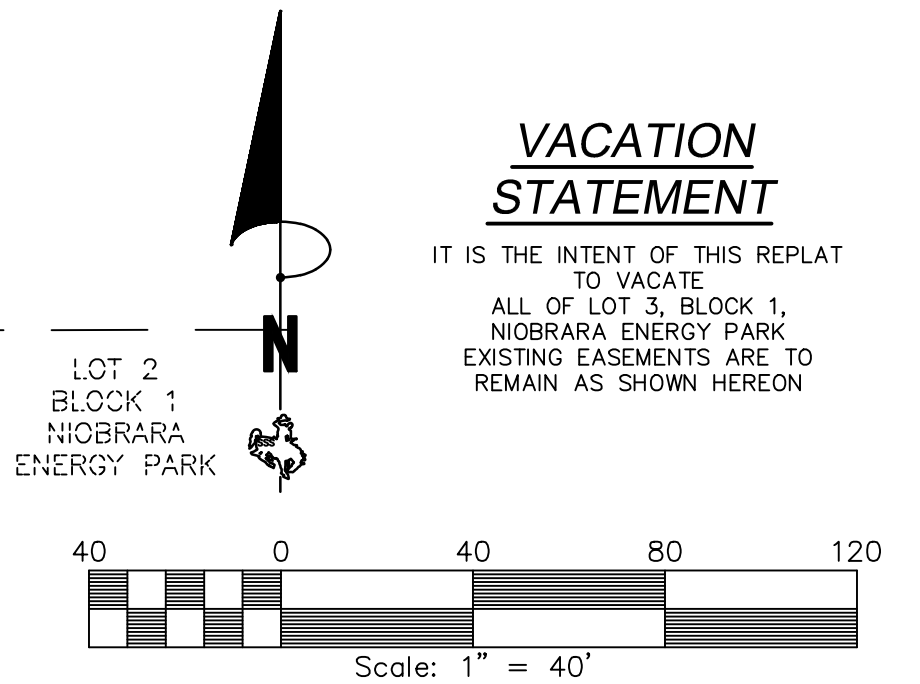
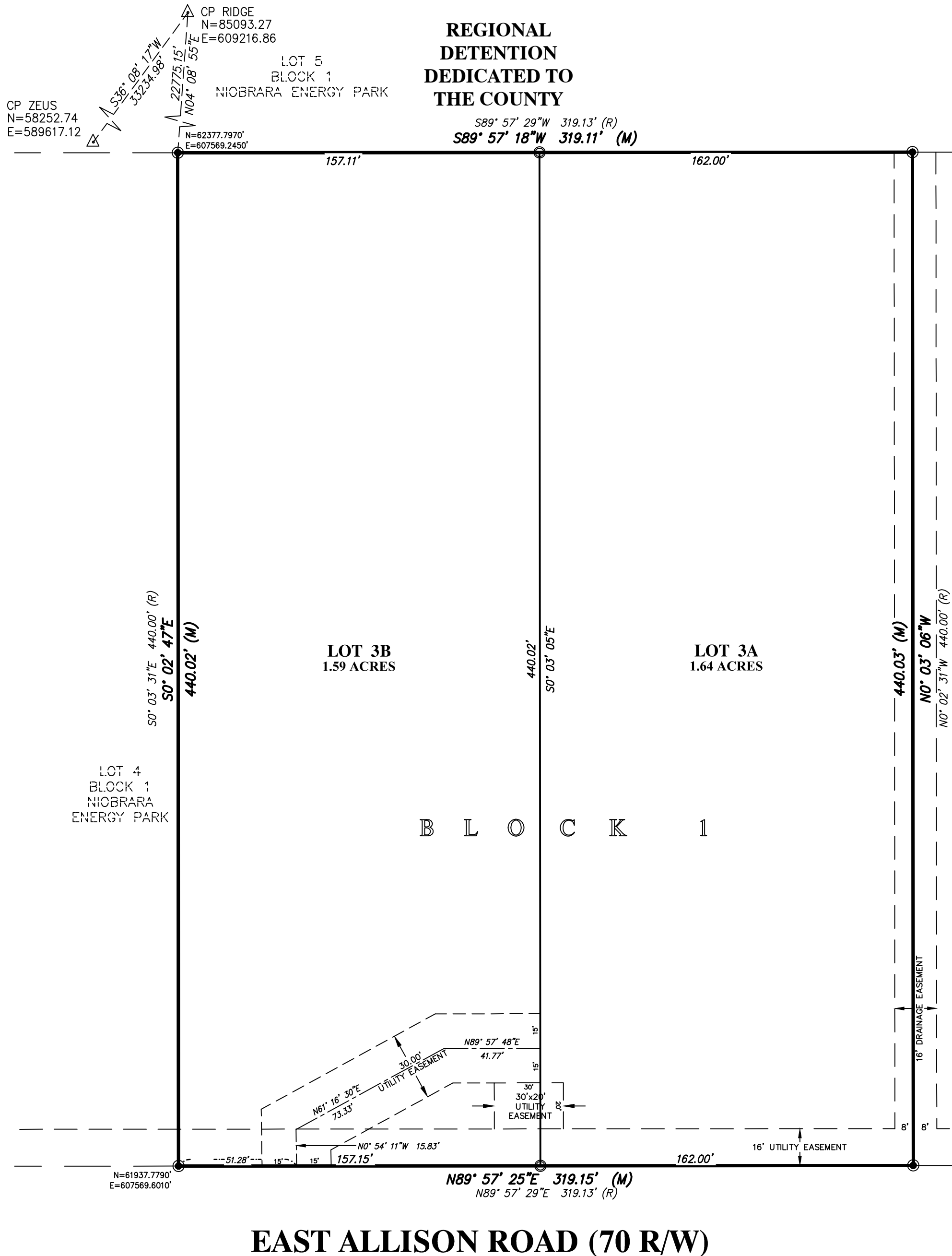
Commissioner Moffett asked if this easement was separate from the 100 foot Department of Energy easement. Mr. Palma said yes, this easement was for sanitary sewer. Commissioner Reider asked if the existing fence on the property was located where the dividing lot line would be. Mr. Palma responded essentially it was relatively parallel, with an approximate 2 foot difference.

Mr. Walker gave a brief summary of the staff report, and explained that this subdivision was within 1 mile of the City's jurisdiction, so would also require their approval. He explained the development agreement recorded with the First Filing would also apply to this property. Staff recommended approval with conditions 1, 2 and 3, and suggested condition 4 be added to include the utility easement on the plat with regards to the stormwater infrastructure.



Commissioner Clark opened the hearing for public comment. Hearing no comment, the public portion of the hearing was closed. Commissioner Reider moved to recommend approval with conditions 1 through 3, with the addition of condition 4 regarding the utility easement being added to the plat; Commissioner Moffett seconded the motion, and it passed with a vote of 4 – 0.

EXISTING WATER SUPPLY SYSTEM AND SEWAGE SYSTEM PROVIDED BY SOUTH CHEYENNE WATER & SEWER TO REMAIN  
FIRE PROTECTION TO BE PROVIDED BY FIRE DISTRICT #1



### VACATION STATEMENT

IT IS THE INTENT OF THIS REPLAT TO VACATE ALL OF LOT 3, BLOCK 1, NIOBRARA ENERGY PARK EXISTING EASEMENTS ARE TO REMAIN AS SHOWN HEREON

### DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Road Runner 5, LLC, , a Wyoming Limited Liability Company, owner in fee simple of Lot 3, Block 1, Niobrara Energy Park

has caused the same to be surveyed, vacated, replatted and known as NIOBRARA ENERGY PARK, 2nd FILING, and does hereby declare the subdivision of said land as it appears on this plat, to be their free act and deed and in accordance with their desires and do hereby grant the easements for the purposes indicated hereon.

Road Runner 5, LLC

by: Benjamin Trautwein, Registered Agent

### ACKNOWLEDGEMENT

STATE OF WYOMING }  
COUNTY OF LARAMIE } SS

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Benjamin Trautwein, Registered Agent for Road Runner 5, LLC, a Wyoming Limited Liability Company.

Notary Public, Laramie County, Wyoming

My Commission Expires: \_\_\_\_\_

### LEGEND

- SET 5/8" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- FOUND 1 1/2" ALUMINUM CAP STAMPED "L.S. 555"
- ⊗ SET 5/8" REBAR
- △ CITY OF CHEYENNE CONTROL MONUMENT
- (M) DENOTES MEASURED DATA THIS SURVEY
- (R) DENOTES RECORD DATA PER NIOBRARA ENERGY PARK, 1ST FILING

### CERTIFICATE OF SURVEYOR

I, Jeffrey B. Jones, Registered 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.

### NOTES

- 1) BASIS OF BEARINGS - CITY OF CHEYENNE DATUM REFERENCED FROM CITY CONTROL MONUMENTS "RIDGE" & "ZEUS".
- 2) ALL UNMONUMENTED LOT CORNERS TO BE MONUMENTED WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910" ON 5/8"x24" REBAR.
- 3) NO PORTION OF THE SUBJECT PROPERTY FALLS WITHIN FEMA 100-YEAR SPECIAL FLOOD HAZARD AREA AS SHOWN ON F.I.R.M. PANEL NO. 56021C1357F; DATED JANUARY 17, 2007
- 4) BASIS OF ELEVATION - CITY OF CHEYENNE DATUM.
- 5) "30'x20' UTILITY EASEMENT" FOR LOCAL ELECTRICAL SERVICE AND TRANSFORMER ACCESS GRANTED TO ALL OWNERS OF LANDS CONTAINED WITHIN THIS REPLAT AND CHEYENNE LIGHT FUEL & POWER COMPANY, THEIR SUCCESSORS AND ASSIGNS.
- 6) ALL LANDS CONTAINED WITHIN THIS PLAT AND LOTS CREATED HEREON ARE SUBJECT TO CHEYENNE CITY/LARAMIE COUNTY DEVELOPMENT 2274, PAGE 373 OF THE LARAMIE COUNTY REAL ESTATE OFFICE.

### CITY APPROVAL

Approved by the City of Cheyenne Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 2015.

Development Director, City of Cheyenne, Wyoming

Approved by the Council of the City of Cheyenne, Wyoming this \_\_\_\_ day of \_\_\_\_\_, 2015.

Mayor ATTEST: City Clerk

### COUNTY APPROVAL

Approved by the Laramie County Planning Commission, this \_\_\_\_ day of \_\_\_\_\_, 2015.

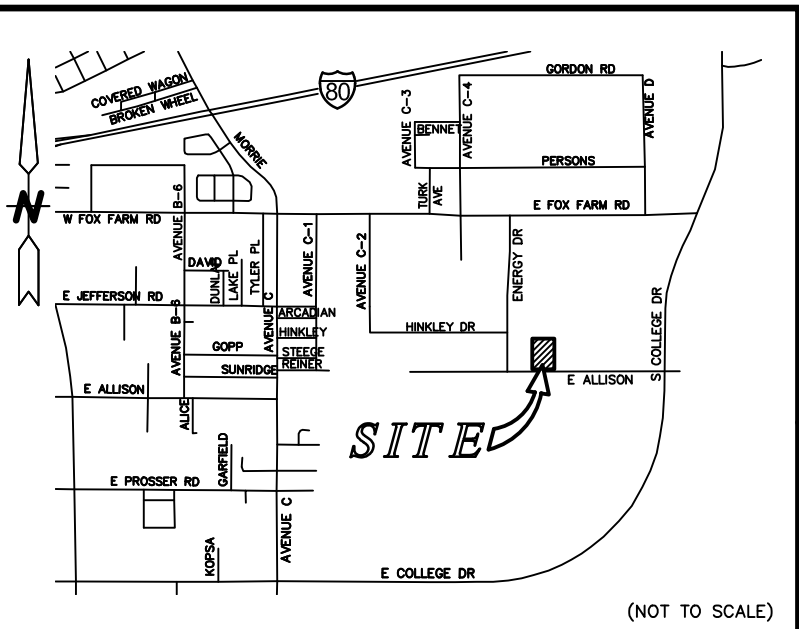
Chairman

Approved by the Board of Laramie County Commissioners of Laramie County, Wyoming, this \_\_\_\_ day of \_\_\_\_\_, 2015

Chairman ATTEST: County Clerk

### FILING RECORD

### VICINITY MAP



## FINAL PLAT OF NIOBRARA ENERGY PARK 2nd FILING

A REPLAT OF LOT 3, BLOCK 1, NIOBRARA ENERGY PARK, CITY OF CHEYENNE LARAMIE COUNTY, WYOMING.

PREPARED DECEMBER 2014



**STEIL SURVEYING SERVICES, LLC**  
PROFESSIONAL LAND SURVEYORS  
1102 WEST 19th ST. CHEYENNE, WY. 82001 • (307) 634-7273  
756 GILCHRIST ST. WHEATLAND, WY. 82201 • (307) 322-9789  
www.SteilSurvey.com • info@SteilSurvey.com

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR  
NIOBRARA ENERGY PARK, 2<sup>ND</sup> FILING, A REPLAT OF LOT 3, BLOCK 1,  
NIOBRARA ENERGY PARK, 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 adopted the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed subdivision is in accordance with section 2-1-101 (a-d) of the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed plat is in accordance with section 2-1-101 (e) of the Laramie County Land Use Regulations; and

**WHEREAS**, this resolution is the subdivision permit for Niobrara Energy Park, 2<sup>nd</sup> Filing.

**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 is in conformance with section 2-1-101 (a-d) of the Laramie County Land Use Regulations.
- b. This application is in conformance with section 2-1-101 (e) of the Laramie County Land Use Regulations.

**And that the Board approves the Subdivision Permit and Plat for Niobrara Energy Park, 2nd Filing, with the following conditions:**

1. Access for this lot shall be re-evaluated based on spacing requirements, and a recommendation made to resolve any issues, prior to the public hearing with the Laramie County Board of Commissioners.
2. East Allison Road and Right of Way shall be added to the plat prior to recordation.
3. The development agreement in effect shall be noted on the plat with the book and page prior to recordation.
4. Add utility easement on plat with regards to stormwater infrastructure.

**PRESENTED, READ AND ADOPTED THIS \_\_\_\_\_ DAY OF**

**\_\_\_\_\_, 2015.**

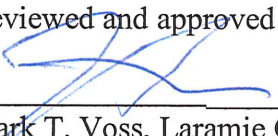
LARAMIE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Amber Ash, Chairman

ATTEST:

\_\_\_\_\_  
Debra K. Lathrop, Laramie County Clerk

Reviewed and approved as to form:

  
\_\_\_\_\_  
Mark T. Voss, Laramie County Attorney

For: