



## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

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Planning • Building

### MEMORANDUM

**TO:** Laramie County Board of Commissioners

**FROM:** Marissa Pomerleau, Planning Technician

**DATE:** November 17<sup>th</sup>, 2020

**TITLE:** PUBLIC HEARING regarding a Zone Change from A2 to AR for a portion of the N1/2 SW1/4, Sec. 9, T.14N., R.65W., of the 6<sup>th</sup> P.M., and a Subdivision Permit & Plat for Dan-Ali Heights,, Laramie County, WY.

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### EXECUTIVE SUMMARY

Monument Home Builders, Inc., on behalf of EJE Enterprises, LLC, has submitted Zone Change and Subdivision Permit & Plat applications for Dan-Ali Heights consisting of 5 tracts located northeast of the intersection of E Four Mile Rd and Westedt Rd. The applications have been submitted to request a zone change from A2 to AR, and to replat the property into five residential-use tracts.

Both applications have been combined into one staff report for ease of presentation and discussion, with separate motions required on the two actions.

### BACKGROUND

The property is currently assessed as Residential Vacant Land. The surrounding area consists of rural residential and agricultural properties of varying acreage.

### Pertinent Regulations

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

**Section 4-2-100** of the Laramie County Land Use Regulations governing the AR – Agricultural Residential Zone District.

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

## **DISCUSSION**

The Laramie County Comprehensive Plan identifies the majority of this property as Rural Metro (RM). Within this area, properties typically are developed as small lots ranging from 2.5 – 5 acres with small or shared water and septic and sewer systems.

PlanCheyenne contemplates Rural Residential (RR) uses for this area. This category provides an easy and consistent transition from the city to the more rural areas of the county. The primary uses in this designation are single family residences on larger tracts with agricultural uses such as horses and the like being encouraged.

The subject property is bordered by A2 zoned properties with uses ranging from single and multi-family residential to agricultural. A change in zone for this property would allow for a minimum of 5.25-acre tracts.

Section 1-2-103 (b) of the Laramie County Land Use Regulations specifies that in order to recommend approval of this zone change, the Planning Commission must find at least one of the following:

- 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 conformance with the Laramie County Comprehensive Plan and PlanCheyenne with the type of development.

A letter requesting waiver of traffic and drainage studies was submitted by the applicant, a copy of which is attached. The County Engineer has concurred with this request based on the letter and review. Agency review comments were received regarding corrections to the zone change and plat maps. Revised zone change and plat maps were submitted to County Planning on October 8<sup>th</sup>, 2020 and are currently under review.

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

These applications were heard by the Laramie County Planning Commission on October 22<sup>nd</sup>, 2020. The Planning Commission voted (3 – 0) to recommend approval of the applications.

Staff finds the applications are consistent with the plans and policies of Laramie County.

## **RECOMMENDATION and FINDINGS**

**Based on evidence provided for the *zone change* request, staff recommends the Board find 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 4-2-100 of the Laramie County Land Use Regulations.

and that the Board approve a Zone Change from A2 to AR for a portion of the N1/2 SW1/4, Sec. 9, T.14N., R.65W., of the 6<sup>th</sup> P.M., Laramie County, WY, with the following condition:

1. Review comments regarding note placement and grammar on the map shall be addressed prior to recordation.

**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.

and that the Board approve the Subdivision Permit and Plat for Dan-Ali Heights with the following condition:

1. Review comments regarding note placement and grammar on the plat shall be addressed prior to recordation.

## **PROPOSED MOTION – ZONE CHANGE**

**I move to approve the Zone Change from A2 to AR for a portion of the N1/2 SW1/4, Section 9, T.14N., R.67W., of the 6<sup>th</sup> P.M., Laramie County, WY, with one condition, and adopt the findings of facts a and b for the *zone change*, as shown in the staff report.**

## **PROPOSED MOTION – SUBDIVISION PERMIT & PLAT**

**I move to approve the Subdivision Permit and Plat for Dan-Ali Heights with one condition, and adopt the findings of fact a for the *subdivision permit & plat*, as shown in 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: Waiver Request Letter**
- Attachment 7: Combined Agency Comments Report**
- Attachment 8: Exhibit 'A' - Zone Change Map**
- Attachment 9: Plat – Revised October 8<sup>th</sup>, 2020**

## Legend

 Property Lines

## Streets

### Classification

-  Interstate
-  Arterial
-  Collector
-  Local
-  Platted, Not Built
-  Private

# Laramie County, Wyoming



**Dan-Ali  
Heights**

**Subdivision  
Permit & Plat**

**PZ-20-00187**

**Location Map**

**Subject  
Properties**

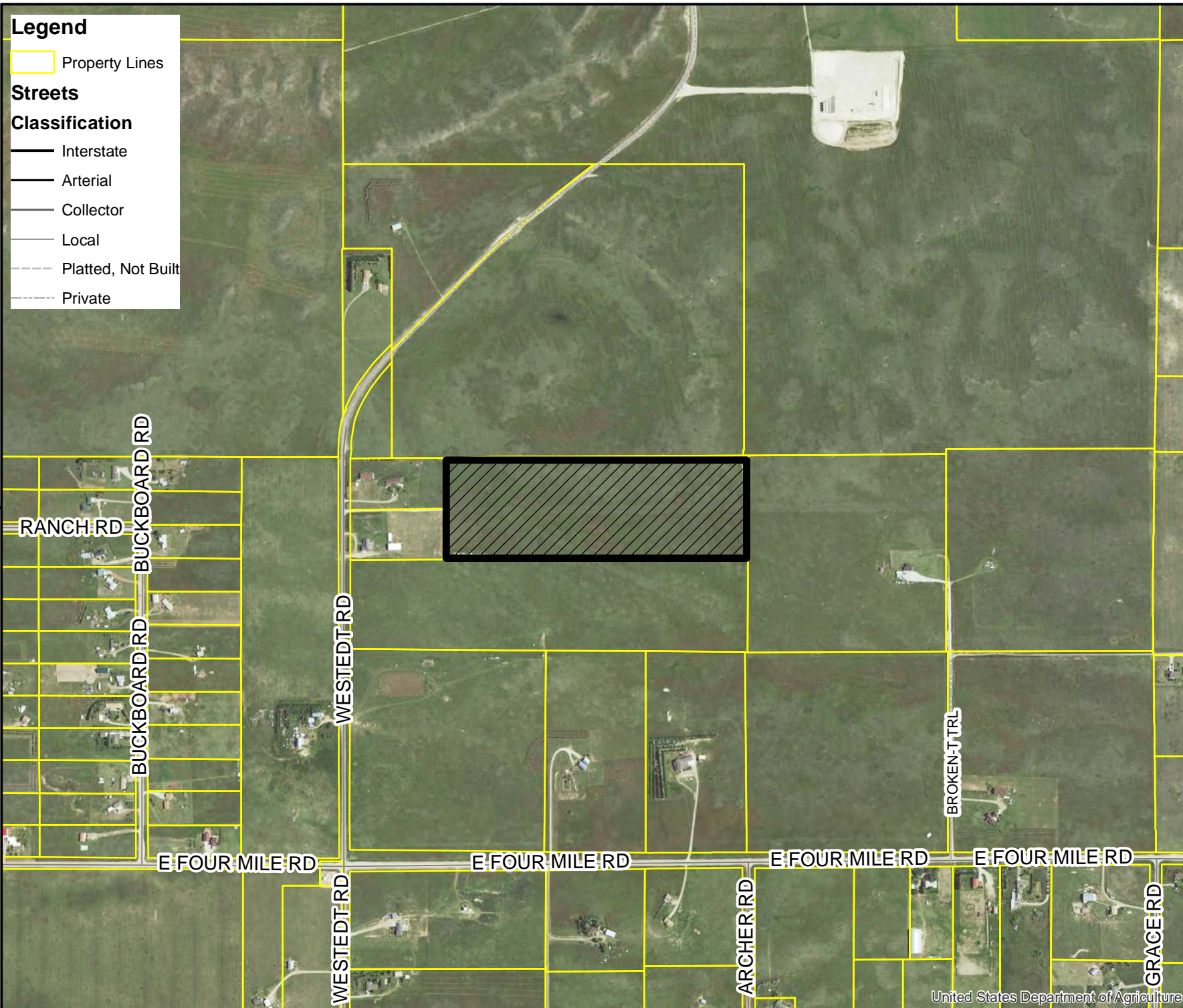


July 2020



0 500 1,000  
Feet

United States Department of Agriculture





## Legend

 Property Lines

## Streets

### Classification

 Interstate

 Arterial

 Collector

 Local

 Platted, Not Built

 Private

# Laramie County, Wyoming



**Dan-Ali  
Heights**

**Subdivision  
Permit & Plat**

**PZ-20-00187**

**Aerial Map**

**Subject  
Properties**



July 2020



0 250 500  
Feet


United States Department of Agriculture


## Legend


 Property Lines

## Future Land Use Districts

### OTHER

 Urban-Rural Interface (URI)

 Rural Metro (RM)

 Rural Ag Interface (RAI)

 Ag & Range Land (AGR)

# Laramie County, Wyoming



**Dan-Ali Heights**

**Zone Change  
and Subdivision  
Permit & Plat**

**PZ-20-00187(265)**

**Comprehensive  
Plan Map**

**Subject  
Properties**



September 2020




0 300 600  
Feet

United States Department of Agriculture

















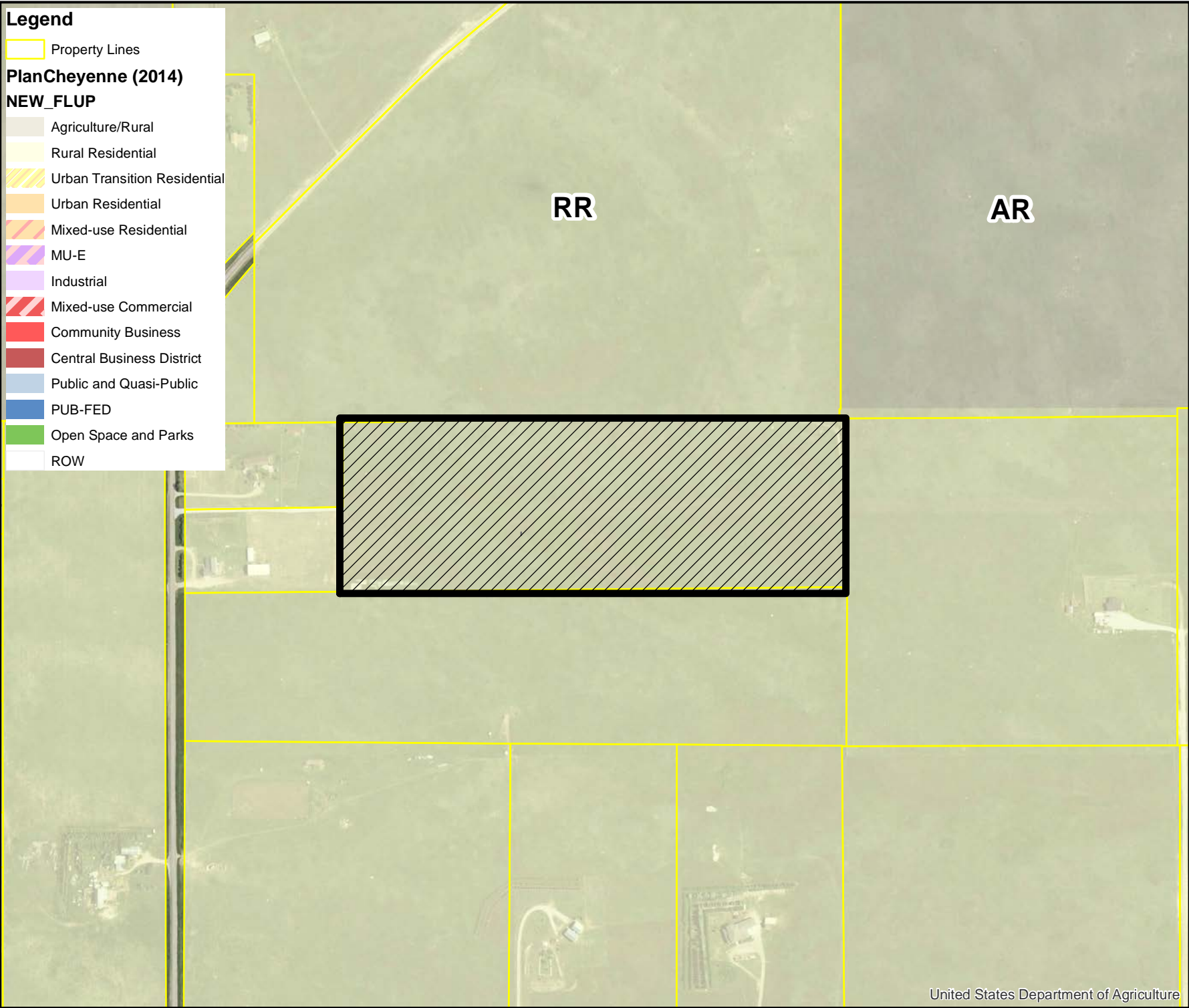
**Legend**

 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



# Laramie County, Wyoming



## Dan-Ali Heights

### Zone Change and Subdivision Permit & Plat

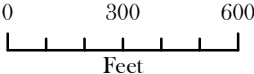
PZ-20-00187(265)

### PlanCheyenne Map

Subject Properties



September 2020



United States Department of Agriculture



## Legend

- Property Lines
- 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



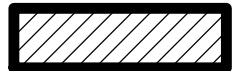
## Dan-Ali Heights

### Zone Change and Subdivision Permit & Plat

PZ-20-00187(265)

## Current Zoning Map

Subject  
Properties



September 2020



0 400 800  
Feet

**AGRICULTURAL AND RURAL RESIDENTIAL**

**AGRICULTURAL AND RURAL RESIDENTIAL**

United States Department of Agriculture



6750 Say Kally Rd., Cheyenne, Wyoming 82009

Off. (307) 637-7107

FAX (307) 778-3979

[www.joneslandsurvey.com](http://www.joneslandsurvey.com)

September 11, 2020

Laramie County Planning & Development Office  
3966 Archer  
Cheyenne, WY 82009

To Whom It May Concern:

We are requesting a waiver for the following items:

1. Drainage Study
2. Traffic Study
3. Environmental Impact Study

**Project Narrative**

We are subdividing 29.5 acres into 5 – 6+/- acre residential home sites behind 8235 Westedt Road. With this replat we will also need to rezone the tract from A-2 to AR to allow for the smaller residential Tracts.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cotton D. Jones', is written over a light blue horizontal line.

Cotton D. Jones, P.L.S.

**Building Dept.:** Building Dept., Antony Pomerleau Comments Attached 07/30/2020  
Advise that in accordance with LCLUR and the 2018 IFC Appendix D road width shall be minimum of 26' wide due to overall length of dead end road is exceeding 750' of developed length.

Fire apparatus access road shall be in accordance with all applicable sections of 2018 IFC chapter 5.

Advise building permits shall be required for building construction.

Advise that Laramie County has adopted the 2018 I-codes and the 2017 NEC.

**County Assessor:** County Assessor, Kaycee Eisele Comments Attached 07/30/2020  
The project name refers to this plat as "Dan Aly Heights" and both the dedication and certificate of surveyor say that as well, however, the title block says "Westedt Estates". Need clarification.

**County Real Estate Office:** County Real Estate Office, Laura Pate Comments Attached 08/06/2020  
There is NOT an ERNSTE subdivision. Please take this out of the title block. this subdivision was never recorded.  
Just use T-R-S in the title block. Whys is the project name different from the subdivision name?

**County Engineer:** County Engineer, Scott Larson Comments Attached 08/05/2020  
Engineer Review

1. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study given the proposed development will have a negligible impact on both.
2. The title block on the plat drawing indicates "Westedt Estates" but the application and several other places on the plat indicates it is "Dan-Aly Heights" (i.e., the Dedication, Certificate of Surveyor, etc.). Also, on the application is refers to "Dan-Ali Heights" and the plat drawing it is "Dan-Aly Heights". The name of the subdivision needs to be consistent on all documents.
3. The Vicinity Map is missing any information other than the site itself. More information is needed to determine the actual location in relationship with other features (i.e., roadways, section lines, etc.).
4. The plat shows an existing 30' Access & Utility Easement to the west of this site and a proposed 30' Private Access Easement. The County Regulations require that the roadway be designed and constructed according to the Land Use Regulations which requires a minimum 30' roadway surface (i.e., two 11' travel lanes and two 3' shoulders)

along with ditches for drainage. If there needs to be drainage ditches on either side of the roadway, or both sides, there may need to be drainage easements established since the roadway surface will take up the entire 30' easement. Construction plans for the roadway will need to be provided to the County for review and approval. The plans need to include the entire roadway from Westedt Road to the cul-de-sac. The design and construction of the roadway shall be the Laramie County Land Use Regulations.

5. No curve data is shown for the cul-de-sac.

#### Surveyor Review

1. The state plane coordinates for the C1/4 of Section 9 are very small and difficult to read, especially when compared to the coordinates for the W1/4 of Section 9.
2. The bearings and distances shown on the north and south boundary of Parcel B of ERNSTE SUBDIVISION are very small and difficult to read. Are the bearings of the north boundary and south boundary of DAN-ALY HEIGHTS supposed to be the same as the north boundary and south boundary, respectively, of ERNSTE SUBDIVISION (east-west extensions of boundaries) or is there a bend in those lines?
3. WESTEDT ROAD label is confusing. Is WESTEDT ROAD just the part of the easement falling west of the apparent center line? Is WESTEDT ROAD just 40' wide or is it 80' wide? Is all of WESTEDT ROAD just a PRIVATE ROAD NOT DEDICATED?
4. The square foot area of TRACT 5 is missing a comma, not congruent with the other TRACT labels.
5. There is either a misprint or some missing information just below the "S1/2 N1/2 SW1/4" label located just below the drawing on the plat.

**County Public Works Department:** County Public Works Department, David Bumann  
Comments Attached 08/06/2020

The developer will have to demonstrate building the access road to County standards in what appears to be a 30' wide roadway easement

**Environmental Health:** Environmental Health Department, Roy Kroeger  
Comments Attached 08/07/2020

Regulations:

#### LARAMIE COUNTY SMALL WASTEWATER SYSTEMS REGULATIONS

Comments:

WASTEWATER PERMITS ARE REQUIRED FOR EACH LOT. ALL SMALL WASTEWATER SYSTEMS MUST HAVE A 50' SETBACK FROM ALL PROPERTY LINES AND DRAINAGE EASEMENTS. A SIGNED FINAL PLAT SHALL BE SUBMITTED TO THIS OFFICE PRIOR TO APPLICATION FOR ANY PERMITS



**Intraoffice:** Planners, Marissa Pomerleau Comments Attached 08/07/2020

1. A zone change is required for this subdivision as the A2 zone district's minimum lot size is 20 acres.
2. Clarification on Subdivision name and spelling is needed as the plat and application state both a different name and spelling.
3. Engineered drawings of the proposed road are required to be submitted and shown on the Plat to ensure that it will fit in a 30' easement.
4. The Vicinity Map must be updated to show property location.
5. Please remove all language referring to "Ernst Subdivision".
6. The property is located within the jurisdiction of Fire District #2, not #6.
7. Please complete the legal descriptions of each surrounding property.

**Intraoffice:** Planners, Cambia McCollom Comments Attached 07/29/2020

Confusing naming references on the plat. Is the intended name "Dan-Ali Heights" or "Westedt Estates"? It was previously established as Ernst Subdivision.

If this is approved, does it legalize the naming of an easement and extend that naming to the portion not included in this subdivision (from Westedt Road to the Western boundary of the subdivision?) Or would it be better for this easement to remain un-named and address the potential new structures off of Westedt Rd? The area is small and confined, as well as the address range having some leeway in this area.

The name "Dan-Aly Way" may need to be reconsidered. Unique, distinguishable, and clear names are needed. The system already has:

Daniel

Danielle

Dannie

Alyssa Way

**AGENCIES WITH NO COMMENTS:**

Combined Communications Center

Fire District No 2

**AGENCIES WITH NO RESPONSE:**

Cheyenne MPO

County Attorney

County Treasurer

County Conservation District

WY State Engineer's Office

Wyoming Game & Fish Dept

Emergency Management

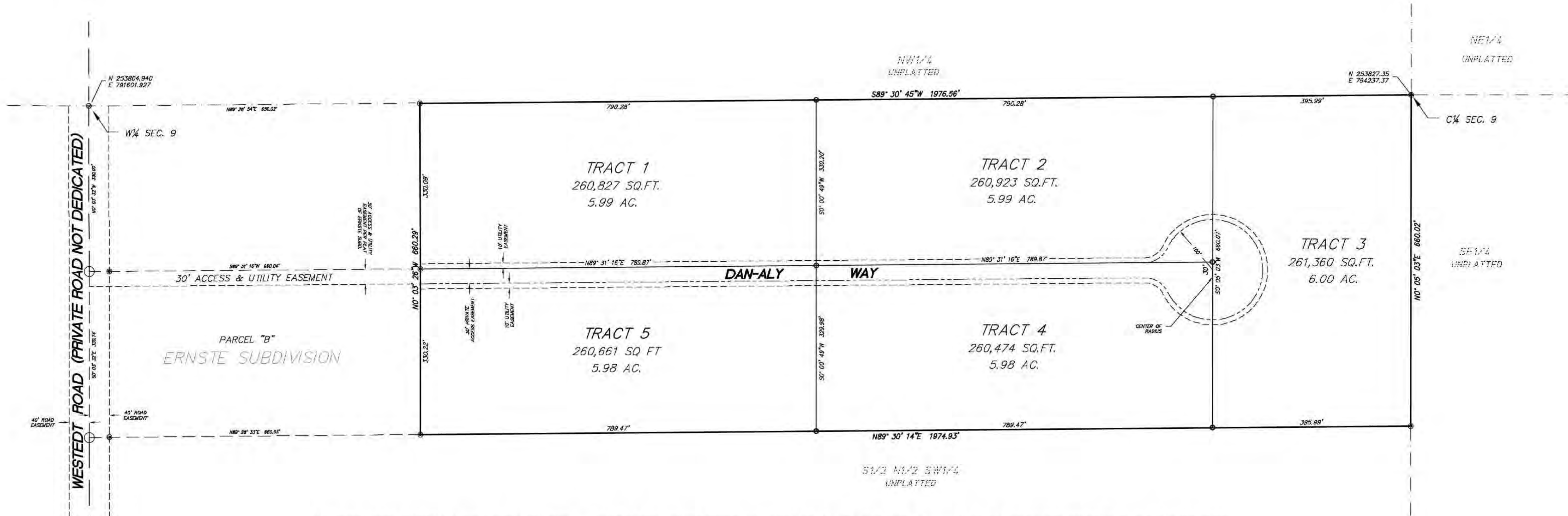
Sheriff's Office

High West Energy

CenturyLink

**Laramie County Weed & Pest**





NO PROPOSED CENTRAL WATER SUPPLY SYSTEM FIRE PROTECTION PROVIDED BY LARAMIE COUNTY FIRE DIST. #6 NO PUBLIC SEWAGE TREATMENT SYSTEM PROPOSED  
THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE

ACKNOWLEDGMENTS

STATE OF WYOMING )  
COUNTY OF LARAMIE ) SS  
THE DEDICATION INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY EDWARD J. ERNSTE, MANAGING MEMBER, EJE ENTERPRISES, A WYOMING LIMITED LIABILITY COMPANY.

NOTARY PUBLIC, LARAMIE COUNTY, WYOMING

MY COMMISSION EXPIRES: \_\_\_\_\_

DEDICATION

KNOW ALL PERSONS BY PRESENTS THAT: EJE ENTERPRISES, A WYOMING LIMITED LIABILITY COMPANY, OWNER IN FEE SIMPLE OF PARCEL "A", ERNSTE SUBDIVISION SITUATE IN A PORTION OF THE NORTH HALF (N½) OF THE SOUTHWEST QUARTER (SW¼), SECTION 9, T. 14 N., R. 65 W., 6TH P.M., LARAMIE COUNTY, WYOMING TO BE KNOWN AS "DAN-ALY HEIGHTS" BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF PARCEL "A", ERNSTE SUBDIVISION.  
SAID PARCEL CONTAINS 29.94 ACRES MORE OR LESS.

HAS CAUSED THE SAME TO BE SURVEYED, PLATTED AND KNOWN AS "DAN-ALY HEIGHTS". 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 DEDICATE TO THE USE OF THE PUBLIC THE ROADS AND GRANT THE EASEMENTS FOR THE PURPOSES INDICATED HEREON.

EDWARD J. ERNSTE, MANAGING MEMBER

APPROVALS

APPROVED BY THE LARAMIE COUNTY PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRMAN

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF LARAMIE COUNTY, WYOMING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRMAN

ATTEST: COUNTY CLERK

NOTES

- 1.) BASIS OF BEARINGS AND COORDINATE VALUES ARE BASED ON WYOMING STATE PLANE EAST ZONE NAD83. ALL DISTANCE AS SHOWN ARE U.S. SURVEY FEET GROUND.
- 2.) SUBJECT PROPERTY DOES NOT FALL WITHIN THE SPECIAL 100 YEAR FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. MAP PANEL No. 56021C1110F DATED JANUARY 17, 2007.
- 3.) ALL LOT AND TRACT CORNERS TO BE MONUMENTED WITH A 1½" ALUMINUM CAP ON #5 X 24" REBAR STAMPED "P.L.S. 9834" AND APPROPRIATE DATA.
- 4.) NET ACREAGE IS THE GROSS AREA LESS THE ACREAGE CONTAINED WITHIN THE INGRESS/EGRESS ACCESS EASEMENT.

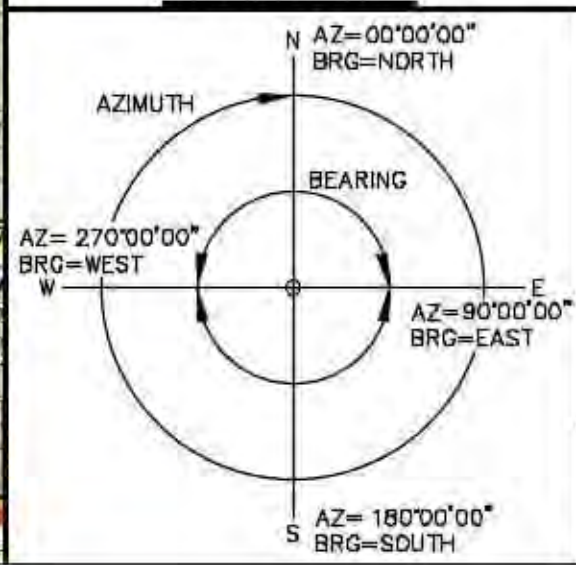
LEGEND

- FOUND 1½" ALUMINUM CAP
- SET #5 X 24" LONG REBAR WITH 1½" ALUMINUM CAP STAMPED "PLS 9834"
- ⊙ FOUND #4 REBAR
- ⊙ FOUND 1" PLASTIC CAP PLS 566
- (R) INDICATES RECORD DATA PER PLAT OF ERNSTE SUBDIVISION.

VICINITY MAP



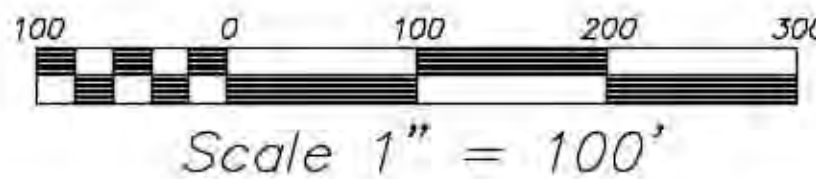
AZIMUTH



FILING RECORD

CERTIFICATE OF SURVEYOR

I, COTTON D. JONES, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY STATE THAT THIS PLAT OF "DAN-ALY HEIGHTS" WAS PREPARED FROM OFFICIAL PLATS AND DEEDS OF RECORD AND FROM NOTES OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY 2020, 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.



REV. 09/8/20

FINAL PLAT OF DAN-ALY HEIGHTS

A REPLAT OF PARCEL "A", ERNSTE SUBDIVISION, SITUATE IN A PORTION OF THE NORTH HALF(½) SOUTHWEST QUARTER(SW¼), SECTION 9, T. 14 N., R. 65 W., 6TH P.M., LARAMIE COUNTY, WYOMING.

PREPARED JULY 2020

**JONES LAND SURVEYING, INC.**  
Licensed in:  
WY, CO, MT, SD,  
ND, ID, UT, NV  
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Cheyenne, WY 82009  
Ph: 307-637-7107  
Cell: 307-630-8550  
Email: cotton.jones@msn.com