

21

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

1. DATE OF PROPOSED ACTION: February 7, 2012

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

3. DEPARTMENT: Planning & Development Office

Teresa Walling
APPLICANT: Kenneth and Rae Walling **AGENT:** Steil Surveying Services

4. DESCRIPTION:

Consideration of a Subdivision Permit and Plat for the Prairie Dog Alley Subdivision, located in the North ½ of Tract 38, Dell Range Addition, Third Filing, Laramie County, WY.

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

[Signature] 2/1/2012

Amount \$ _____ From _____

5. DOCUMENTATION: 1 Originals 4 Copies

Clerks Use Only:

Commissioner

Humphrey _____
Thompson _____
Woodhouse _____
Action _____

Signatures

Co Atty _____
Asst Co Atty _____
Grants Manager _____
Outside Agency _____

RESOLUTION NO. 120207-21

ENTITLED: A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR THE PRAIRIE DOG ALLEY SUBDIVISION, LOCATED IN ALL OF THE NORTH ½ OF TRACT 38, DELL RANGE ADDITION, THIRD FILING, LARAMIE COUNTY, WY.

WHEREAS, Wyoming State Statutes §18-5-101 to 18-5-107; §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 Board of County 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, the proposed subdivision is in accordance with section 4-2-101 of the Laramie County Land Use Regulations.

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

The Board of County 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 the Board approves of the Subdivision Permit and Plat for the Prairie Dog Alley Subdivision with no conditions.

PRESENTED, READ AND ADOPTED THIS 7th **DAY OF** February, 2012.

BOARD OF COUNTY COMMISSIONERS

Gay Woodhouse
Gay Woodhouse, Chairman

ATTEST:

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

Reviewed and approved as to form:

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

RECORDED 4/05/2012 AT 1:53 PM REC# 588473 BK# 2268 PG# 1688
DEBRA K. LATHROP, CLERK OF LARAMIE COUNTY, WY. PAGE 1 OF 2

COPY OF RECORD



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Gary Kranse, Planning and Development Director

DATE: February 7, 2012

TITLE: Review and action of the Subdivision Permit and Plat for the Prairie Dog Alley Subdivision, located in the North ½ of Tract 38, Dell Range Addition, Third Filing, Laramie County, WY.

EXECUTIVE SUMMARY

Steil Surveying Services, LLC, on behalf of Teresa Walling and Kenneth E. and Rae D. Walling, has submitted an application for approval of a Subdivision Permit and Plat for the following location: the North ½ of Tract 38, Dell Range Addition, 3rd Filing, Laramie County, WY, located at 4717 and 4621 Summit Drive.

BACKGROUND

The Subdivision Permit and Plat application has been submitted for the purpose of splitting a 9.32 acre property into two parcels. The lot has been previously platted as part of the Dell Range Addition, 3rd Filing. Currently, two houses are located on the parcel of land. The structures are owned separately and served by individual on-site septic and well systems. Subdividing the land would permit ownership of both the land and improvements for each lot. There is no new development proposed for this property.

In order to recommend approval of the subdivision permit, the Planning Commission first had to find that the proposed subdivision met the requirements of the Laramie County Land Use Regulations. Since the minimum lot size in the A1 zone district is 10 acres, the property owner applied for a variance to allow the minimum lot size for this subdivision to be approximately 4.6 acres. On January 26, 2012, the Planning Commission voted (5-0) to approve the variance.

Based on the variety of surrounding lot sizes, Commissioner Cole recommended that this entire area be evaluated and potentially rezoned so that the zoning accurately reflects existing development conditions.

At the January 26, 2012 public hearing, the Planning Commission also voted (5-0) to recommend approval of the Subdivision Permit and Plat with no conditions.

Pertinent Regulations

Section 2-1-101 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 criteria for a plat.

AGENCY REVIEW

Cheyenne MPO

As a general rule, the MPO would ask for a 40' road reservation along the eastern boundary that would be recorded with this plat to accommodate the future extension of Highland Rd. to Thomas Rd. The house on Lot 2 does not meet the Laramie County Land Use Regulations zoning requirements for A2 where a primary residence shall set back 25 feet from the property line. The Highland Road right of way will have to jog and be reserved along the property line with future development actions.

Cheyenne Development Office

This property is within the 1-mile boundary of the City and City Subdivision Regulations require the property to be replatted after a single lot split. This property (Tract 38) has been split several times previously. Additionally, City regulations require the plat to conform to the Zone density requirements, which this proposal does not. A Zone Change request is in order.

Environmental Health

Regulations: Laramie County Small Wastewater System Regulations

Comments: These lots are already built out and have two separate small wastewater systems on them. This office has no objection to the lot split variance or subdivision permit as long as the lots are divided equally.

County Engineer

1. The plat drawing appears to meet the minimum requirements and I do not have any comment regarding the subdivision permit or plat.
2. Based on the fact that the two residences are already existing, and have been there for some time now, I have no objections to the variance request.

Agencies Responding with No Comment: Greater Cheyenne Greenway, County Assessor, Combined Communications Center, and County Real Estate Office.

Agencies Not Responding: Cheyenne Urban Planning Office, County Clerk, County Public Works Department, County Treasurer, County Conservation District, Emergency Management, Fire District No. 2, Sheriff's Office, Cheyenne Light, Fuel & Power, CenturyLink, and Cheyenne Engineering Services.

DISCUSSION

PlanCheyenne describes this property as best suited for Urban Transitional Residential uses. The Urban Transition Residential category provides for a limited range of lower density residential uses, blending urban and rural standards. The primary uses for this category include: single family residences and multi-family duplexes, patio homes, and townhomes. The property owner requested a variance in the minimum 10 acre lot size requirement in the A1 zone district. W.S. 18-5-306 (a) (i) requires that all proposed subdivision permits comply with any applicable zoning regulations. The variance in lot size application was reviewed and approved by the Planning Commission prior to approval of the Subdivision Permit and Plat application. The proposed subdivision is in conformance with both the Laramie County Land Use Regulations and PlanCheyenne.

The Planning and Development Director waived the requirement for a Preliminary Development Plan for this subdivision pursuant to section 2-1-100 (b) of the Laramie County Land Use Regulations. This section allows for the waiver of the Preliminary Development Plan when the proposed subdivision will not require DEQ/Conservation District review, will create five (5) or fewer lots, will require no new public right of way, is in conformance with all requirements of the Laramie County Land Use Regulations, and is consistent with the Laramie County Comprehensive Plan.

The Cheyenne MPO's comment regarding the reservation of additional right of way for the potential extension of Highland Road will be addressed if and when the property redevelops. North-South connections in the transportation network are important, and as the area redevelops these shall be considered. At this time, the proposed subdivision does not generate a need for the extension of Highland Road. Given the proximity of the existing residence at 4717 Summit Drive to the Highland Road alignment, further study of the potential to extend the road would be required.

The subdivision permit and plat meet the criteria of section 2-1-101 of the Laramie County Land Use Regulations and staff recommends approval of the application.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff recommends the Board of County 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 Board approve the Subdivision Permit and Plat for the Prairie Dog Alley Subdivision with no conditions.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for the Prairie Dog Alley Subdivision with no conditions and adopt the findings of facts a and b of the staff report.

ATTACHMENTS

Attachment 1: Aerial Map

Attachment 2: Zoning Map

Attachment 3: PlanCheyenne Map

Attachment 4: Planning Commission January 26, 2012 Meeting Minutes

Attachment 5: Draft Resolution

Attachment 6: Plat

Laramie County, Wyoming

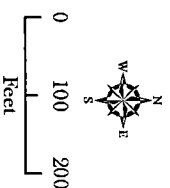


**Prairie Dog Alley Subdivision
Approximate Location**



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.

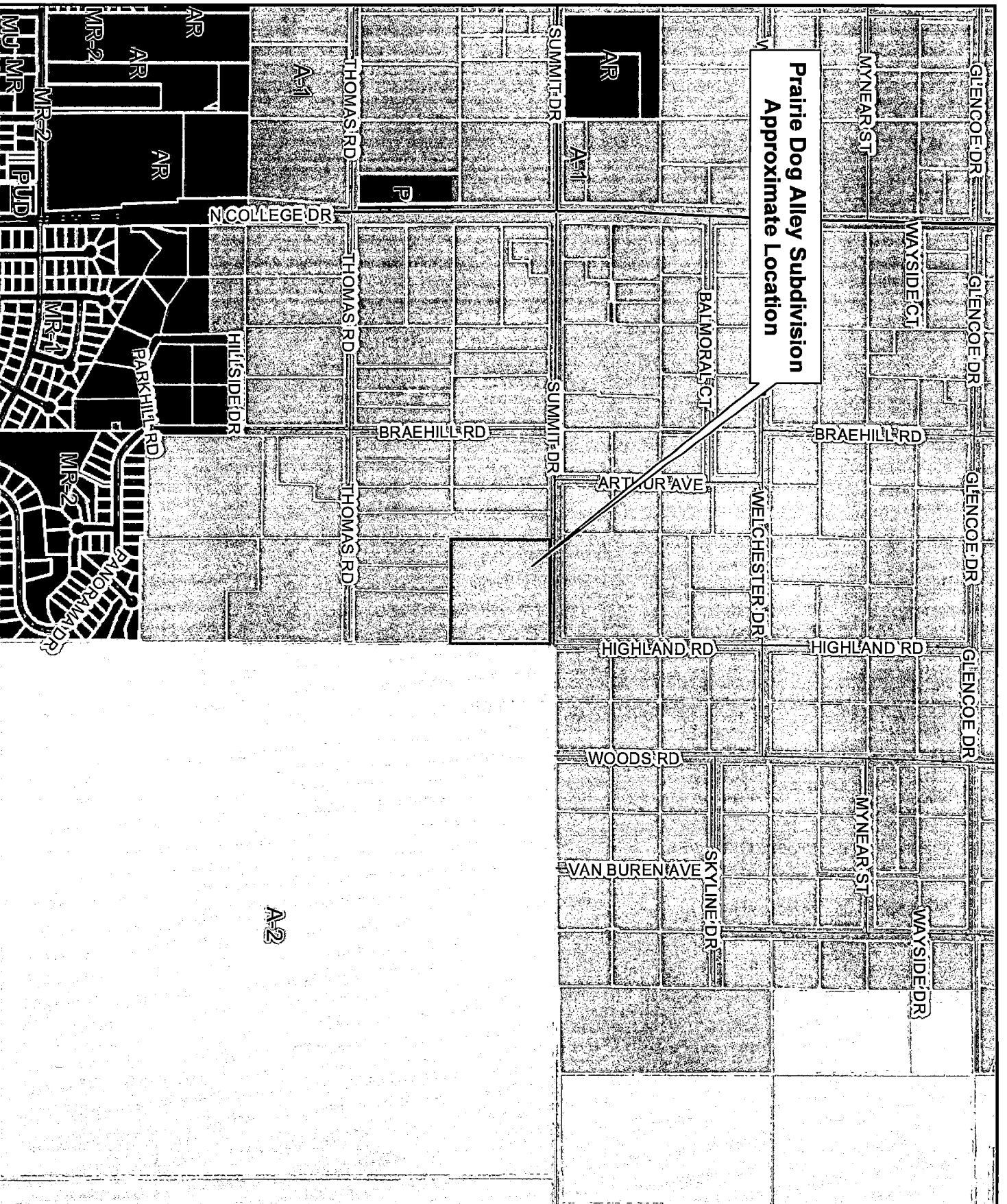
Printed on Dec. 15, 2011
May 2010 Aerial Imagery



Laramie County, Wyoming

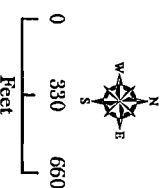


Prairie Dog Alley Subdivision
Approximate Location



A-2

Printed on Dec. 15, 2011
May 2010 Aerial Imagery

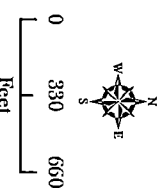


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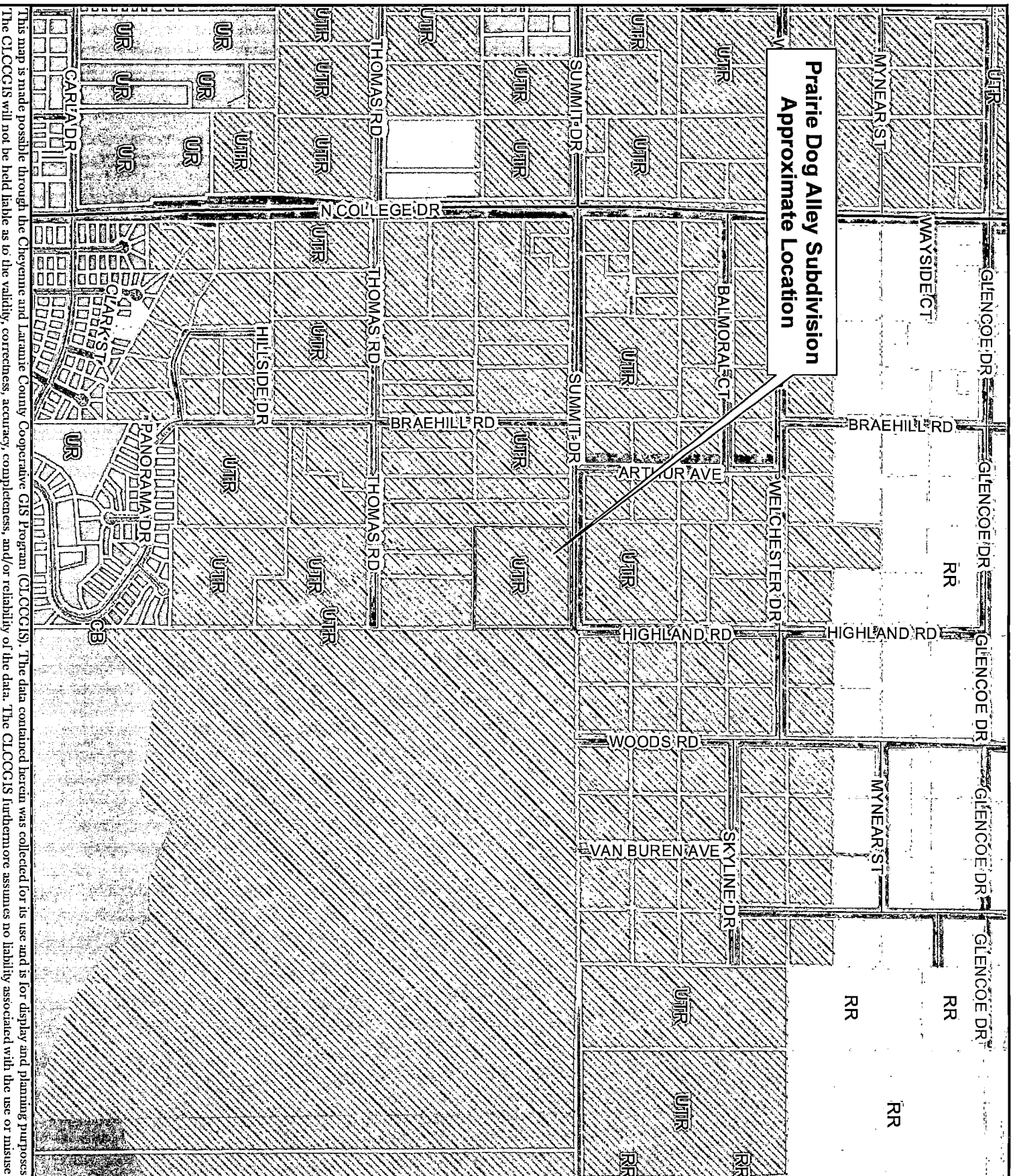
Laramie County, Wyoming



Printed on Dec. 15, 2011
May 2010 Aerial Imagery



**Prairie Dog Alley Subdivision
Approximate Location**



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**Minutes of the Proceedings
Prairie Dog Alley Subdivision
Variance and Subdivision Permit
Laramie County Planning Commission
Prepared by the Laramie County Planning & Development Office
Laramie County Wyoming**

Thursday, January 26, 2012

120126 00 The Laramie County Planning Commission met in regular session on Thursday, January 26, 2012 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioner Paula Qualls, Vice Chairman; Commissioners Frank Cole, Jim Ward and Bert Macy; Gary Kranse, Planning & Development Director; Abby Yenco, Senior Planner; Lyndsay Hazen, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Kenneth E. Walling, 4296 Road 211, Burns, WY; Rae D. Walling, 4296 Road 211, Burns, WY; Gary M. Hickman, Environmental Health Dept.; John Steil, Steil Surveying Services; Marilyn Ham, 2360 Road 217, Cheyenne, WY; Lisa Pafford, Cheyenne Building & Development; Tom Mason, Cheyenne MPO.

- 01** Review and approval of a Variance in lot size for the Agricultural and Rural Residential (A1) Zone district for the property located in the North ½ of Tract 38, Dell Range Addition, Third Filing, Laramie County, WY.

Abby Yenco introduced the Variance application as the first item on the agenda. The agenda order of the Variance and the Subdivision Permit applications were switched, as approval of the Variance was required before recommendation of the Subdivision Permit for approval to the Board of County Commissioners. John Steil, agent for the applicant, came forward to give an overview of the application. Currently the 9.32 acre property had two residences, and the application was submitted for approval of a variance in the zone district in order to split the property into two pieces. He added there were smaller property sizes surrounding this area, and if this property was split, it would be larger than some in the surrounding area.

Abby Yenco gave an overview of the staff report, and explained the lot size variance from 10 acres in the A1 zone district to approximately 4.66 acres per lot was not intended to add any new development to the property, as the two residences were already in existence. PlanCheyenne describes this area as best suited for Urban Transitional Residential uses, which indicated that the variance would create an appropriate density. The opportunity existed to increase the density based on the surrounding properties in the area. Many were smaller to the south and west, and to the north, the properties were 5 acres or larger. Staff found no significant adverse impacts. The property would remain as residential, so this was consistent with PlanCheyenne. She outlined findings that needed to be made for approval

by the Planning Commission, as listed in the staff report. She explained as the area was pre-developed, the split would be similar in size to others in the area. Based on the surrounding zone districts, rezoning this property would result in a spot zone. This variance option was chosen to avoid spot zoning. Staff recommended the Planning Commission find the application met the criteria for a variance and that it be approved.

Commissioner Cole commented that the only reason this property owner had to apply for this variance was because of PlanCheyenne's zone designation for that area, and as nothing in that area fits that use, the zoning was wrong. He expressed that it was a shame that the applicant had to bear the costs to make this change when a governmental agency had placed the wrong zone district in this area. He added that before land use planning was put into place, all properties were reviewed, but everything in this area was wrong. He stated the zoning should be revised, and the application costs reimbursed to the applicant.

Commissioner Clark opened the hearing to the public. Hearing no comments, the public hearing was closed.

Commissioner Cole moved to approve the variance and reimbursement of costs to the applicant, as the land use planning was totally wrong for the area. Commissioner Ward seconded the motion, so the commission could discuss, and asked if this was within our authority? Gary Kranse responded that PlanCheyenne was in the process of revision, and in comparison to the land use, did not clearly match. Also, the revision to the Comprehensive Plan would provide another opportunity to re-evaluate zoning in the area. He added that the reimbursement of fees was within the authority of the Planning Commission to recommend.

Commissioner Clark asked if Commissioner Ward was still seconding the motion; he responded yes. It was explained that if the Commission intended to approve the variance, the motion with findings needed to be stated. Commissioner Cole said he would not change the motion, due to everything being wrong. Ms. Yenco explained that if a vote was held on the motion to pass the variance, it would allow the applicant to proceed with the subdivision permit. Commissioner Ward asked if the motion was in proper form to move forward. Ms. Yenco responded it was in order to approve the lot size, and there could be an additional recommendation to the Board of County Commissioners to deal with the Comprehensive Plan and fee issues. A vote was taken and the motion passed 5 - 0.

Commissioner Ward moved to approve the variance in lot size with the motion as written in the staff report; Commissioner Qualls seconded, and the motion passed 5 - 0.

02 Review and action of the Subdivision Permit and Plat for the Prairie Dog Alley Subdivision located in the North ½ of Tract 38, Dell Range Addition, Third Filing, Laramie County, WY.

John Steil came forward as agent for the applicant. He explained that the Walling family were joint tenants/owners of the subject property, and it was clarified that Kenneth and Rae Walling actually rent from their daughter, Teresa Walling. The purpose of the variance application, which was heard and approved by the Commission as the first agenda item, was to allow the property to be split into two lots of less than 10 acres each, as the property was located in the A1 (Agricultural and Rural Residential) zone district. Mr. Steil stated there were 2 residences currently on the property, each having its own well and septic system. If this application for subdivision were to be approved, it would allow each party to claim ownership for their property.

Commissioner Clark opened the hearing to the public. Hearing no comments, it was closed. Abby Yenco offered to give the staff report to the commission members, stating the only other issue not covered by Mr. Steil was a comment made by the Cheyenne MPO related to road connections regarding Highland Road. Ms. Yenco explained that while north-south connections were important, the project did not generate a need to require new right of way.

Commissioner Cole said there was no way to get to Dell Range on Highland Road, only to the next street. He commented the land to the east had other options, the connection to Van Buren would be difficult, and to the south was not logical until Whitney Road was developed.

Commissioner Cole moved to recommend approval to the Board as written in the staff report; Commissioner Qualls seconded the motion, and it passed by a vote of 5 - 0.

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT, Teresa Walling, a single person and Kenneth E. Walling and Roe D. Walling, husband and wife, owners in fee simple of the North Half (NH) of Tract 33, Dell Range Addition, Third Filing, Laramie County, Wyoming, have caused the subdivision of the North Half of the 6th P.M., Laramie County, Wyoming, to be surveyed, located, replatted and known as PRAIRIE DOG ALLEY SUBDIVISION, do 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 grant the easements for the purposes indicated herein.

Teresa Walling Kenneth E. Walling Roe D. Walling
Teresa Walling Kenneth E. Walling Roe D. Walling

ACKNOWLEDGMENT

STATE OF WYOMING } SS
COUNTY OF CHEYENNE }
The official was acknowledged before me this 26 day of December, 2011, by Teresa Walling, a single person and Kenneth E. Walling and Roe D. Walling, husband and wife.

Ross Apple
Notary Public, Laramie County, Wyoming
My Commission Expires: 4-30-14



APPROVALS

Approved by the City of Cheyenne Planning Commission
this ____ day of ____ 2012.

Development Director

Approved by the City Council of the City of Cheyenne, Wyoming, this
day of ____ 2012.

Mayer _____ ATTEST:
City Clerk

Approved by the Laramie County Planning Commission this ____ day
of ____ 2012.

Chairman

Approved by the Board of County Commissioners of Laramie County,
Wyoming, this ____ day of ____ 2012.

Chairman _____ County Clerk

CERTIFICATE OF SURVEYOR

I, John A. Steel, Registered Professional Land Surveyor in the State of Wyoming, hereby state that this plat of PRAIRIE DOG ALLEY SUBDIVISION 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 November, 2011, that the monuments are set or found as shown and that this subdivision is a true and correct survey of the land depicted hereon to the best of my knowledge.

PRAIRIE DOG ALLEY
SUBDIVISION

A REPLAT OF
THE NORTH HALF OF TRACT 38
DELL RANGE ADDITION, THIRD FILING,
SITUATED IN A PORTION OF THE
NE¼ OF SECTION 22
T.14N., R.66W., OF THE 6TH P.M.,
LARAMIE COUNTY, WYOMING.

PREPARED NOVEMBER, 2011


STEEL SURVEYING SERVICES, LLC
PROFESSIONAL LAND SURVEYORS
1102 WEST 14th STREET, P.O. BOX 2073
PHELPS, WY. 82436-2073

CRESTMoor

TRACT 31

TRACT 32

SUMMIT DRIVE (80' R/W)

HIGHLAND ROAD (80' R/W)

TRACT 15
ANTELOPE HILLS
FIRST FILING

40' ROAD
RESERVATION

LOT 1
4.6511 ACRES

LOT 2
4.6631 ACRES

BLOCK

ONE

UNPLATTED

TRACT 37

SOUTH HALF
TRACT 38

LEGEND

- ① SET N 1/4 X 1/4 SECTION 22, 1/4" ALUMINUM CAP STAMPED "SS" FILE# 2500
- ② FOUND 1/2" IRON PIPE
- ③ FOUND 26 BRASS CAP STAMPED "LS 518"
- (M) DENOTES MEASURED DATA THIS SURVEY
- (P) DENOTES PLAT DATA PER DELL RANGE ADDITION THIRD FILING

NOTES

- 1) BASIS OF BEARINGS - NORTH LINE OF TRACT 38, DELL RANGE ADDITION, THIRD FILING, HAVING A BEARING OF N.89°57'55"E.
- 2) SUBJECT PROPERTY DOES NOT FALL WITHIN SPECIAL 100 YEAR FLOOD HAZARD AREA AS SHOWN ON FIRM MAP NUMBER 5802C1092P DATED JANUARY 17, 2007.

NO PUBLIC WATER OR WASTEWATER SYSTEMS ARE PROPOSED
NO PUBLIC MAINTENANCE OF ROADS
FIRE PROTECTION PROVIDED BY FIRE DISTRICT NO. 2

VICINITY MAP

