

**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

APPLICANT: Capiro, LLC **AGENT:** Steil Surveying Services

4. DESCRIPTION:

Consideration of a Subdivision Permit and Plat for the A & M Subdivision, Second Filing, located in all of Block 1 of the A & M Subdivision, First Filing, Laramie County, WY.

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

[Signature] 2/11/12

Amount \$ _____ From _____

5. DOCUMENTATION: 1 Originals 4 Copies

<u>Clerks Use Only:</u>	
<u>Commissioner</u>	<u>Signatures</u>
Humphrey _____	Co Atty _____
Thompson _____	Asst Co Atty _____
Woodhouse _____	Grants Manager _____
Action _____	Outside Agency _____

Proof of Publication

THE STATE OF WYOMING)
County of Laramie) ss.

AFFIDAVIT

L.D. Catalano of said County of Laramie, being first duly sworn, deposes and says that he is Controller; or Faith Vroman, of said County of Laramie, being first duly sworn, deposes and says that she is the Secretary of the

**LARAMIE
COUNTY**

DEC 16 2011

**PLANNING & DEVELOPMENT
OFFICE**

PUBLIC NOTICE

Steil Surveying Services, LLC, on behalf of Capiro LLC of 1407 S. Greeley Hwy., Cheyenne, WY 82007, has submitted an application for a Subdivision Permit for A & M Subdivision 2nd Filing to the Laramie County Planning and Development Office for the following location: Lot 1, Block 1, A & M Subdivision, Laramie County, WY, located at 1405 S. Greeley Hwy. The application has been submitted for the purpose of replatting to remove the access easement from the A & M Subdivision 1st Filing plat of record. The Laramie County Planning Commission will hold a public hearing to discuss this application on January 12, 2012. The anticipated Board of County Commissioners public hearing of this application is scheduled for February 7, 2012. Both meetings will be held at 3:30 PM at 310 W. 19th Street, Suite 310, Cheyenne, WY 82001. For information, contact the Laramie County Planning and Development Office at (307) 633-4303.

December 12, 2011

Wyoming Tribune-Eagle

a newspaper printed and published in said County and State, and in the Capitol of said State; that the notice of which the annexed is a true copy, has been published in the said newspaper.

for One
Times, to wit:
December 12, 2011

and that the first publication of said notice was made in said paper bearing date

December 12, A.D. 20 11

and that the last publication of said notice was made in said paper bearing date

December 12, A.D. 20 11

Subscribed in my presence and sworn to before me by the aforesaid L.D. Catalano, Controller or Faith Vroman, Secretary.

this 12th
Day of December, 20 11
My commission expires:

August 31, 2013

DIONNE ROCCA-FORTE - NOTARY PUBLIC

COUNTY OF LARAMIE STATE OF WYOMING

MY COMMISSION EXPIRES AUG. 31, 2013 Notary Public

RESOLUTION NO. 120207-19

ENTITLED: A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR THE A & M SUBDIVISION, SECOND FILING, LOCATED IN ALL OF LOT 1, BLOCK 1, OF THE A & M SUBDIVISION, FIRST 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

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

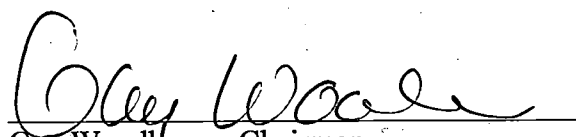
The Board of County Commissioners finds that:

- 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 the Subdivision Permit and Plat for the A & M Subdivision, Second Filing with no conditions.


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

BOARD OF COUNTY COMMISSIONERS

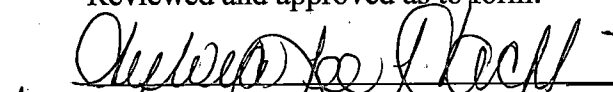

Gay Woodhouse, Chairman



ATTEST:


Debra K. Lathrop, Laramie County Clerk

Reviewed and approved as to form:


Mark T. Voss, Laramie County Attorney

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 a Subdivision Permit and Plat for the A & M Subdivision, Second Filing, located in all of Block 1 of the A & M Subdivision, First Filing, Laramie County, WY.

EXECUTIVE SUMMARY

Steil Surveying Services, LLC, on behalf of Capiro, LLC., has submitted an application for approval of a Subdivision Permit and Plat for Lot 1, Block 1, of the A & M Subdivision. The purpose of the application is to modify the existing plat to remove the access easement from Lot 1, Block 1, A & M Subdivision, First Filing.

BACKGROUND

Lot 1, Block 1 of the A & M Subdivision is located at 1405 S. Greeley Hwy. The lot is zoned Community Business (CB). The A & M Subdivision has a 30 feet wide access easement on the north boundary of the lot, which the applicant seeks to have removed from the plat.

On January 12, 2012, the Planning Commission voted (4-0) to recommend approval of the Subdivision Permit and Plat for the A & M Subdivision, Second Filing with no conditions.

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 criteria for a plat.

AGENCY REVIEW

Cheyenne MPO

The MPO is in support of the replat of Lot 1 Block 1 of the A&M Subdivision including the removal of the access easement to S. Greeley Highway. Lot 2 Block 1 access should only be provided, through easement or platting, from Prosser Rd.

County Assessor

We are currently assessing Lot 1, Block 1, A & M Subdivision as two parcels. The parcel addressed 1405 S. Greeley is assessed Commercial, dba Dirty Duds Laundromat; the second at 1407 S. Greeley is assessed Residential. It appears the only difference between the two Filings is the addition of an 8' utility easement along the south boundary. The lot will continue to be assessed as two parcels unless Capiro LLC informs us to do otherwise or the use changes.

County Engineer

1. It is my understanding that there is an access easement on the "Portion of Tract 79" to provide Lot 2 access to Prosser Road. The access easement shall be shown on this plat drawing as documentation/proof that Lot 2 does already have access and will not be landlocked as a result of this plat. If this access easement does not already exist, the none needs to be obtained prior to approval of this plat. In addition, it shall be clearly shown on the plat drawing that the 24' Utility and Access Easement shown within Lot 2 full extends to through the 20' Sewer and Water Easement on the east side of Lot 2 and then ties into the easement that will be shown on the revised plat for the property referred to as "Portion of Tract 79".
2. Other than note 1 above, the plat drawing appears to meet the requirements.

County Real Estate Office

I have spoken to John Steil about vicinity map in bottom left corner. All looks good except that map.

Agencies Responding with No Comment: Board of Public Utilities, Environmental Health, Combined Communications Center, Sheriff's Office and South Cheyenne Water and Sewer District.

Agencies Not Responding: Cheyenne Urban Planning Office, Cheyenne Development Office, County Clerk, County Treasurer, County Conservation District, WYDOT, County Public Works Department, Emergency Management, Fire District No. 1, Cheyenne Light, Fuel & Power, Cheyenne Engineering Services and South Cheyenne Community Development Association.

DISCUSSION

PlanCheyenne indicates the location of the A & M Subdivision is best suited for Community Businesses. The property is currently used for business purposes and there is no change of use proposed for this property. This application is therefore in conformance with the plans and policies of Laramie County.

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.

Modifications to easements on Lot 2, A & M Subdivision, First Filing are outside the boundaries of the proposed subdivision and are therefore not included in the staff recommendation. Modifications to easements outside the area included in this application would need to be addressed by a separate action.

Access to Lot 2, A & M Subdivision, First Filing was originally provided through Lot 1 via the 30 foot access easement shown on the existing plat. The owners of Lot 2 currently use a dirt road that runs through the adjacent property to the east (Tract 79, Allison Tracts, Second Filing) for access. The owner of Tract 79, Allison Tracts, Second Filing has granted an easement (recorded Book 2251, Page 10) to ensure that Lot 2, A & M Subdivision maintains a defined legal access. Since access to Lot 2 has been secured, removing the access easement from Lot 1, A&M Subdivision, First Filing will have no negative impact to the owners of Lot 2.

Lot 1 is being assessed for two separate uses: commercial and residential. There is no subdivision permit on record that divides Lot 1 into two separate parcels. Both assessment areas are owned by the same entity. Should the owner elect to subdivide Lot 1 in the future, separate approval by the Board of County Commissioners would be required.

The subdivision meets the criteria for a subdivision permit and plat, pursuant to section 2-1-101 of the Laramie County Land Use Regulations. 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 of County Commissioners approve the Subdivision Permit and Plat for the A & M Subdivision, Second Filing with no conditions.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for the A & M Subdivision, Second Filing 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: Proof of Access Easement to Lot 2, A & M Subdivision, First Filing
through Tract 79, Allison Tracts, Second Filing**

Attachment 5: Planning Commission January 12, 2012 Meeting Minutes

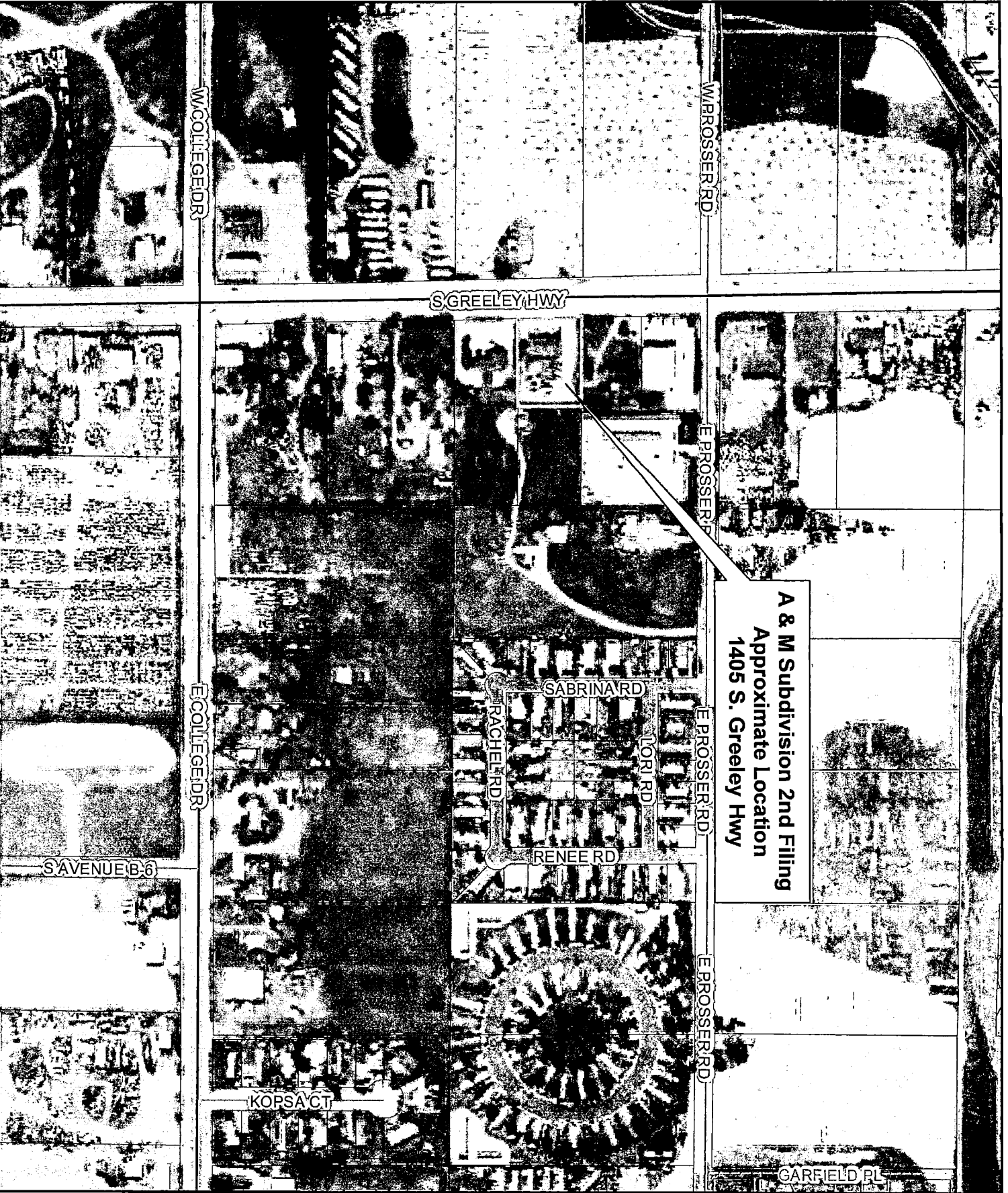
Attachment 6: Draft Subdivision Permit Resolution

Attachment 7: Plat

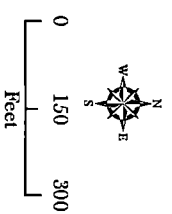
Laramie County, Wyoming



A & M Subdivision 2nd Filing
Approximate Location
1405 S. Greeley Hwy



Printed on Dec. 7, 2011



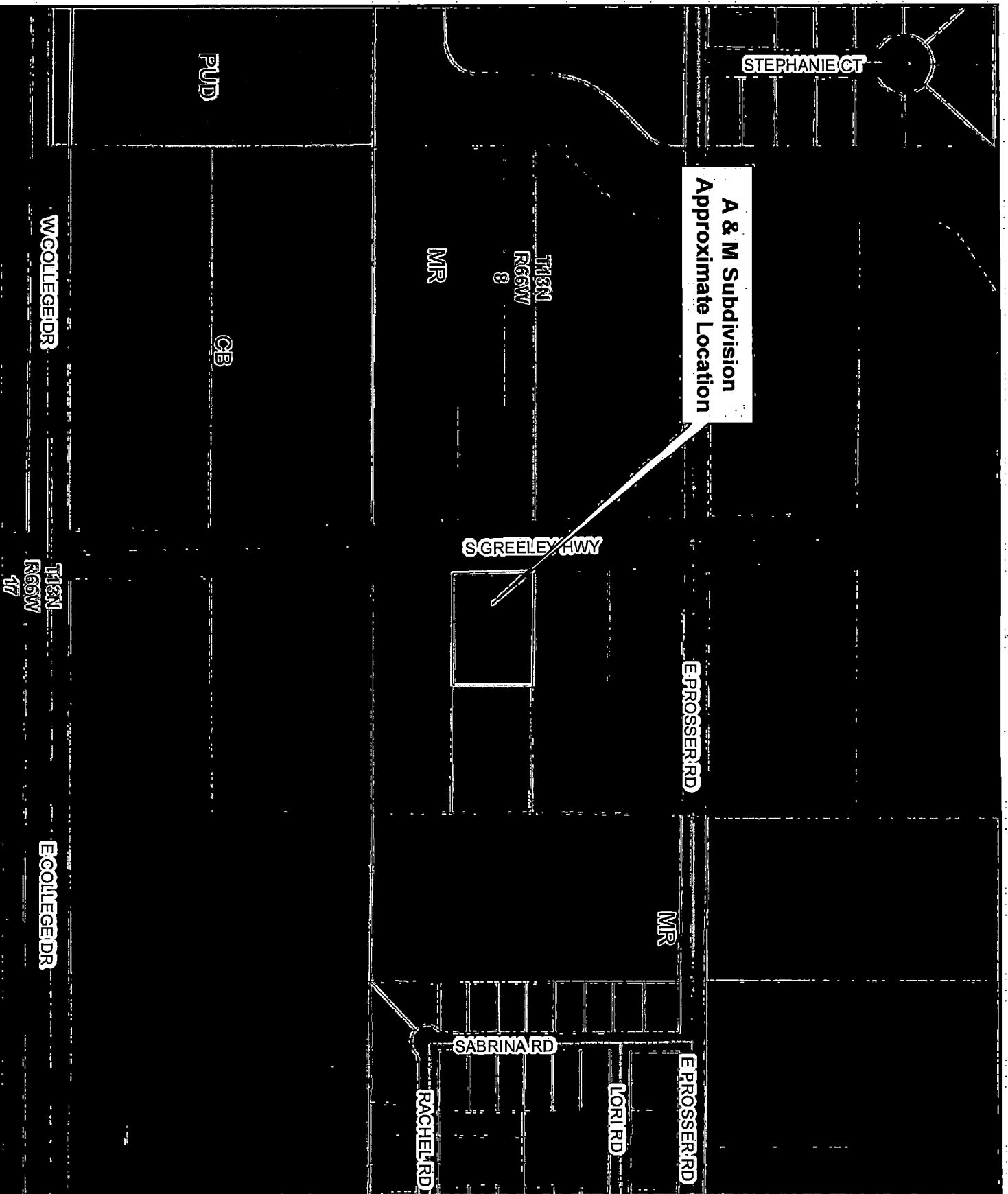
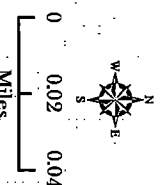
This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS). The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability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

Laramie County, Wyoming



Staff has found the zoning for this property should be CB (Community Business) and will be working to resolve this with the landowners.

Printed on Dec. 28, 2011

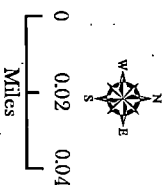


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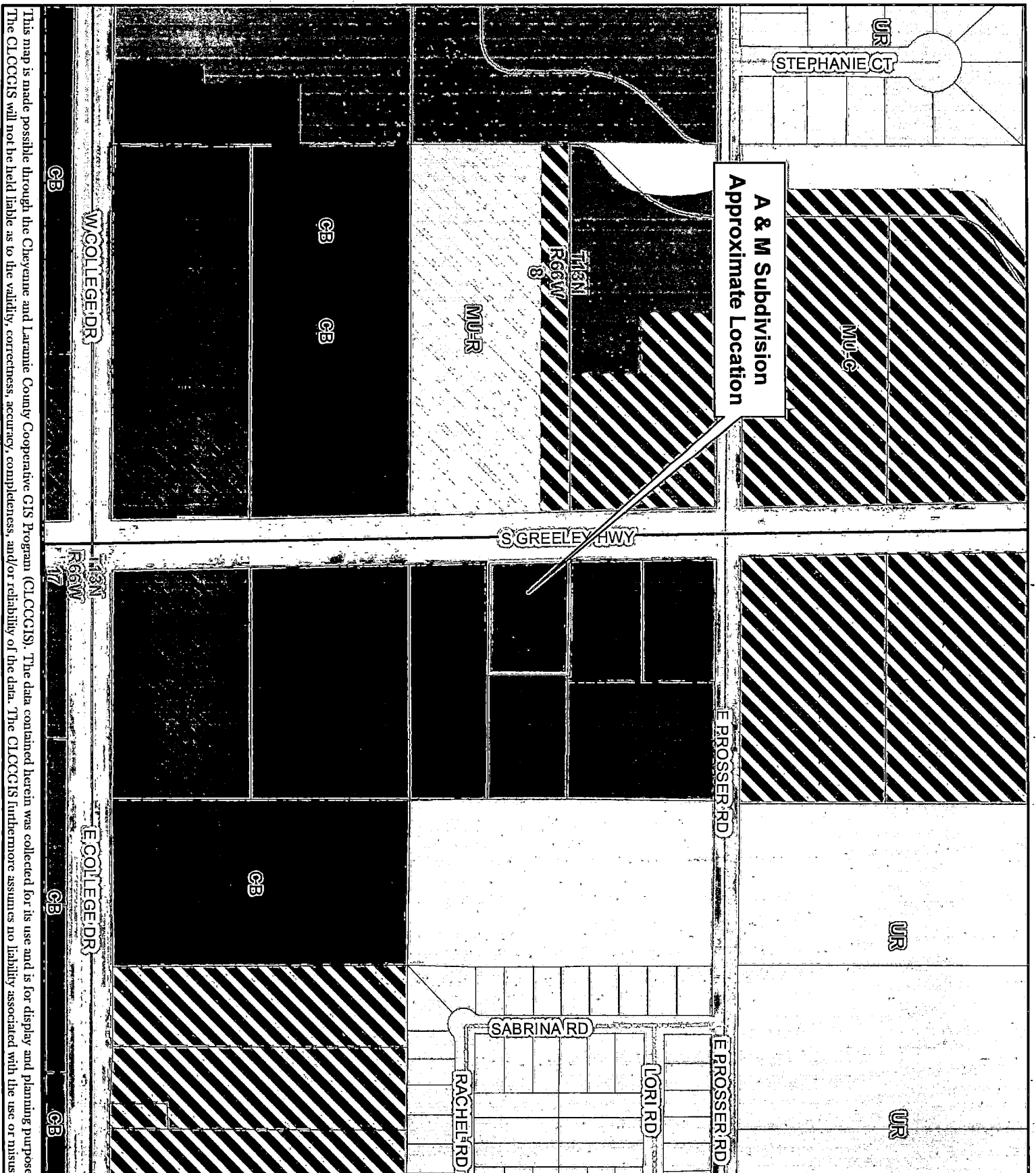
Laramie County, Wyoming



Printed on Dec. 28, 2011



A & M Subdivision
Approximate Location



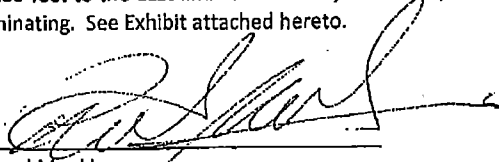
This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS). The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability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

*****AFFIDAVIT*****
GRANT OF ACCESS EASEMENT

Richard Menkin, owner in fee simple of Tract 79, Allison Tracts Second Filing, Laramie County, Wyoming, EXCEPT that portion of said Tract 79 described as beginning at the northwest corner of said Tract 79; thence S.89°34'36"E., along the north line of said Tract 79, a distance of 105' feet; thence S.00°14'29"W., a distance of 255' feet; thence N.89°34'36"W., a distance of 105' feet to the west line of said Tract 79; thence N.00°14'29"E., along said west line, a distance of 255' feet to the point of beginning.

Hereby grants a 30.00 foot access easement for ingress and egress purposes across a portion of said Tract 79 for the use of the owner, its heirs, successors and assigns of Lot 2, Block One, A&M Subdivision, Laramie County, Wyoming. Said access easement being 15.00 feet on each side of the following described centerline:

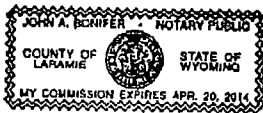
Beginning at a point on the north line of said Tract 79 from which the northwest corner of said Tract 79 bears N.89°33'41"W., a distance of 120.50 feet; thence S.00°17'34"W., parallel with the west line of said Tract 79, a distance of 340.00 feet; thence N.89°33'41"W., a distance of 120.55 feet to the east line of said Lot 2, Block One, A&M Subdivision and said centerline there terminating. See Exhibit attached hereto.


Richard Menkin

ACKNOWLEDGEMENT

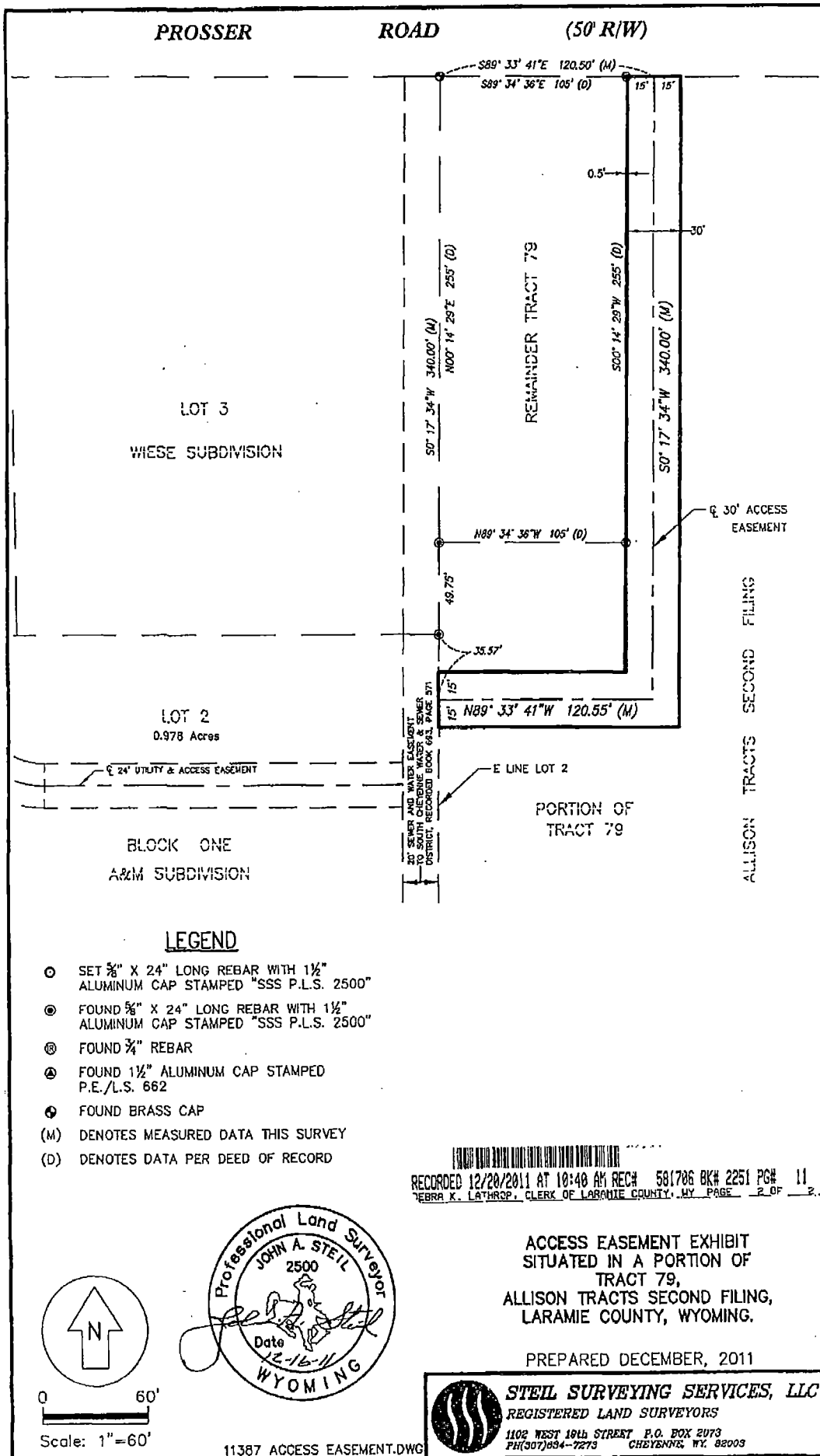
STATE OF WYOMING)
) SS
COUNTY OF LARAMIE)

The foregoing affidavit was acknowledged before me this 19th day of December, 2011, by Richard Menkin, a single person.




Notary Public, Laramie County, Wyoming

My Commission Expires: APR 20, 2014



**Minutes of the Proceedings
A & M Subdivision 2nd Filing
Laramie County Planning Commission
Prepared by the Laramie County Planning & Development Office
Laramie County Wyoming**

Thursday, January 12, 2012

- 120112 00** The Laramie County Planning Commission met in regular session on Thursday, January 12, 2012 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Jim Ward, and Bert Macy; Abby Yenco, Senior Planner; Lyndsay Hazen, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Gary Hickman, Environmental Health Dept.; Clint Grady, 1887 Century Rd., Cheyenne; Brent Grady, 308 Ponderosa Trail, Cheyenne; Richard Campbell, 6509 Tate Rd., Cheyenne; Scot Cook, P.O. Box 2836, Cheyenne; Brett Vizina, 1124 Dunn Ave., Cheyenne; Steven Shwen, 1124 Dunn Ave., Cheyenne; Tomas Sarmiento, 1407 S. Greeley Hwy, Cheyenne; Ron Perkins, 305 W. Magnolia, Fort Collins, Colorado; Russ Dahlgren, 914 East 23rd, Cheyenne; John Steil, P.O. Box 2073, Cheyenne; Ken Masters, 6656 Troyer Drive, Cheyenne; Lisa Pafford, Cheyenne Development Office; Jim Flesher, Cheyenne Planning Office; James Perrott MacNeil, P.O. Box 3252, Cheyenne.

- 04** Review and action of the Subdivision Permit and Plat for Lot 1, Block 1, of the A & M Subdivision, Laramie County, WY.

John Steil represented the applicant, and clarified the purpose of this application was to remove the word "access" from the easement designated on the original subdivision plat. Richard Menkin was selling lot 2, and the applicant was afraid the new property owners would drive across lot 1 to gain access to lot 2, so there was currently a fence placed between the lots. Mr. Menkin granted an access easement from Prosser Road to lot 2, which was now successfully being used for access to that property. As this property was within 1 mile of the City limits, the plat was going through the City's process for approval.

Abby Yenco gave a summary of the staff report, and explained that PlanCheyenne indicates this area as best suited for Community Business, and there would be no change in the current business on the property. She clarified the zone designation shown on the GIS system map was an error, and with staff having received copies of past resolutions documenting approved zone changes, the zoning would get updated, and would remain consistent with the plan. She confirmed that lot 2 had secured property access, which had been recorded.

Commissioner Clark opened the hearing to the public. James Perrott MacNeil asked if the section was located on old Union Pacific property? Ms. Yenco responded the owner had a property deed showing ownership. Commissioner Ward asked Mr. MacNeil if he represented Union Pacific. Mr. MacNeil responded he was the step-grandson of General Pershing. Commissioner Clark stated the Planning Office staff had researched the property, which ensured that the applicant owned the property.

Commissioner Clark closed the public hearing. Commissioner Cole motioned to recommend approval of the subdivision permit; Commissioner Ward seconded, and the motion passed 4 -0.

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT: Caprio LLC, a Wyoming Limited Liability Company, owner in fee simple of Lot 1, Block One, A&M Subdivision, Laramie County, Wyoming:

have caused the same to be surveyed, vacated, replatted and known as A&M Subdivision and appears on this plat, to their free and deed and in accordance with their desires, do hereby grant the easements for the purposes indicated herein.

Caprio LLC, a Wyoming Limited Liability Company

Tomás E. Samartino, Member
Constance Filipowich-Samartino, Member

ACKNOWLEDGMENTS

STATE OF WYOMING)
COUNTY OF LARAMIE) SS

The dedication was acknowledged before me this _____ day of _____ 2011, by Tomás E. Samartino and Constance Filipowich-Samartino, Members, Caprio LLC, a Wyoming Limited Liability Company.

Notary Public, Laramie County, Wyoming

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.

Mayor _____ 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

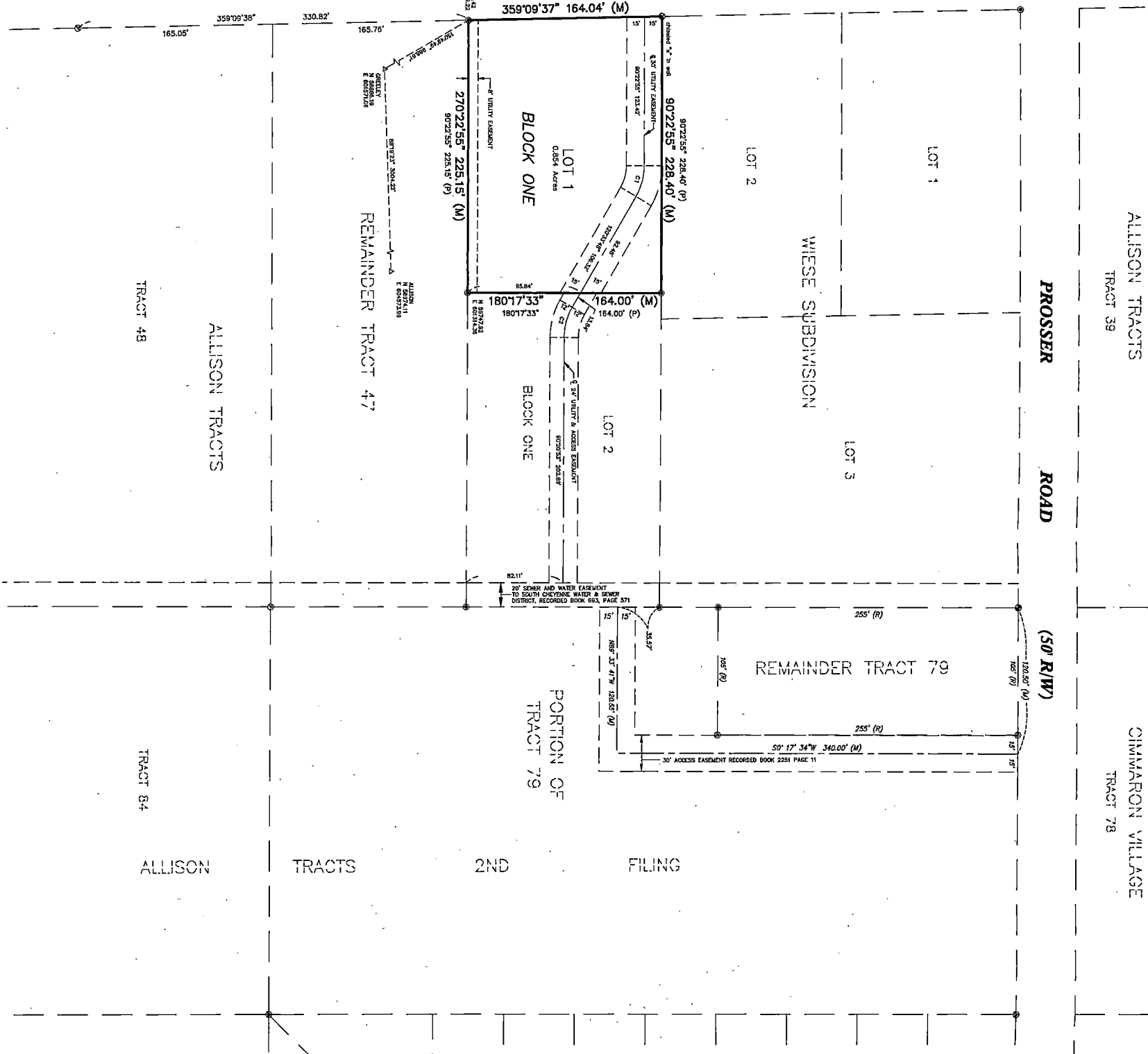
I, John A. Stiel, Registered Professional Land Surveyor in the State of Wyoming, hereby state that this report of A & M Subdivision 2nd FILING was prepared from official plats and deeds of record and from notes of a field survey conducted by our firm, my direct employees and myself, and that the same are true and correct. 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.

**A & M SUBDIVISION
2nd FILING**

A REPLAT OF LOT 1, BLOCK ONE,
A & M SUBDIVISION,
LARAMIE COUNTY, WYOMING.

PREPARED NOVEMBER, 2011

STIEL SURVEYING SERVICES, LLC
PROFESSIONAL LAND SURVEYORS
1102 WEST 19th STREET, P.O. BOX 2079
FARMINGTON, WY 82401



VICINITY MAP

Reception _____
The State of Wyoming } SS
County of Laramie }
This instrument was filed for record at _____ o'clock _____ M. on the _____ day of _____ A.D. 20 _____ and duly recorded in P/C _____ and _____ of _____ County Clerk & Ex-Officio Register at Devils Den, Wyoming.

FILING RECORD

CURVE TABLE DATA

Number	C1	C2
Delta	3070.53"	3072.55"
Chord	28528.21"	28527.21"
Radius	50.00'	50.00'
Arc Length	26.34'	26.37'
Chord Length	26.03'	26.06'

- LEGEND**
- SET 1/2" 24" LONG REBAR WITH 1/2" ALUMINUM CAP STAMPED "SS PLS. 2500"
 - FOUND 3/4" X 24" LONG REBAR WITH 1/2" ALUMINUM CAP STAMPED "SS PLS. 2500"
 - FOUND 3/4" REBAR
 - FOUND 1/2" ALUMINUM CAP STAMPED P.E./A.S. 682
 - ▲ CITY OF CHEYENNE CONTROL MONUMENT
 - (M) DENOTES MEASURED DATA THIS SURVEY
 - (P) DENOTES PLAT DATA PER A & M SUBDIVISION
 - (R) DENOTES DATA PER RECORDED DEEDS
 - (D) DENOTES PLAT DATA PER ALLISON TRACTS SECOND FILING
 - (M) DENOTES PLAT DATA PER WIESE SUBDIVISION
- NOTES:**
- 1) BASIS OF AZIMUTH - CITY OF CHEYENNE DATUM REFERENCED FROM CITY CONTROL MONUMENTS GREENEY & ALLISON.
 - 2) WATER & SEWER PROVIDED BY SOUTH CHEYENNE WATER & SEWER DISTRICT.
 - 3) SUBJECT PROPERTY DOES NOT FALL WITHIN SPECIAL 100 YEAR FLOOD HAZARD AREA AS SHOWN ON FIRM MAP NUMBER 56021C158F DATED JANUARY 17, 2007.
- VACATION STATEMENT**
- IT IS THE INTENT OF THIS REPLAT TO EASEMENT THE EASEMENT ACROSS LOT 1.