

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

1. **DATE OF PROPOSED ACTION:** October 18, 2016

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: John P Hartman Rev Tr **AGENT:** John P Hartman

4. **DESCRIPTION:**

Consideration of a Subdivision Permit and Plat of Murray Hill Estates 5th Filing, Tracts 1 and 2, a Vacation and Replat of Tracts 52 and 53, Murray Hill Estates 3rd Filing, Laramie County, WY.

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

Amount \$ _____ From  _____

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

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



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Pepper McClenahan, AICP, Planning Manager

DATE: October 18, 2016

TITLE: Review and action of a Subdivision Permit and Plat of Murray Hill Estates 5th Filing, Tracts 1 and 2, a Vacation and Replat of Tracts 52 and 53, Murray Hill Estates 3rd Filing, Laramie County, WY.

EXECUTIVE SUMMARY

John P. Hartman (on behalf of the John P. Hartman Revocable Trust), Jon C. Scheiderer, and Mary F. Scheiderer, have submitted an application for a Subdivision Permit and Plat for Murray Hill Estates 5th Filing, a replat of Tracts 52 and 53 of Murray Hill Estates 3rd Filing, situated generally northwest of Interstate 25 and West Riding Club Road. This subdivision would create 2 tracts of approximately 2.5 acres more or less. The subdivision is located within the one-mile review authority of the City of Cheyenne and was processed concurrently with plat requirements of the City.

BACKGROUND

The purpose of the vacation and replat is to correct an encroachment of a structure across a common lot line and within an easement. The location of the new lot line is positioned such that the structure complies with setback requirements for the zoning district and retains the original acreage for both Tracts resulting a zero net-gain or loss for either landowner.

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

County Real Estate Office:

1. On both places for the John P Hartman Revocable Trust we need it to “show the date of the trust”. For Jon C. and Mary F. Scheiderer - we need both places to list they received the deed as “Husband & Wife”.

County Planner:

1. Under “Note to Assessor” list complete name of John P. Hartman Revocable Trust to description in Tract 2.
2. Change reference from Fire District #1 to Fire District #2.
3. Under Dedication, the ownership of lots is reversed. Tract 52 is owned by John P. Hartman Revocable trust and is 2.69 acres, Tract 53 is owned by Jon C. and Mary F. Scheiderer and is 2.52 acres.
4. Under Acknowledgements, please add a line for signatures by both Jon C. and Mary F. Scheiderer.
5. Under Certificate of Surveyor change the word “map” to “plat”.

County Engineer:

1. I concur with the request for a waiver of a detailed drainage and traffic study since there are no proposed changes to the lots that would have any effect on either.
2. The plat map appears to meet the requirements and I have no comments on the map.

Environmental Health Department:

1. Environmental Health has no concerns with moving the property line through the platting process. Both properties are already developed and the density will not change.

Fire District No. 2:

1. No concerns with the proposed boundary change

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. This plat has been submitted to the City and is processing concurrently with the County.

1. Correct the Dedication legal description by referring to Tracts 52 and 53 as part of “Murray Hill Estates, 3rd Filing”.
2. Add the middle initial “P.” for the proper recital of the “John P. Hartman Revocable Trust” in the Note to Assessor.
3. Correct the Certificate of Surveyor such that Mr. Jones is referred to as a “Licensed” Professional Land Surveyor.
4. Remove reference to Tracts 52 and 53 in the “Note to Assessor” - list the ownerships as per the Dedication.
5. Add “Husband & Wife” to the Dedication, signature line, and notary for the Scheiderer’s.
6. Add the trust date for the John P Hartman Revocable Trust in the Dedication, signature line, and notary.

7. Provide documentation confirming that John P. Hartman is authorized to sign the plat on behalf of the trust.

Agencies responding with No Comment: Cheyenne Light Fuel & Power, Cheyenne MPO, Combined Communications Center, County Public Works Dept, Laramie County School District No. 1.

Agencies not responding: CenturyLink, County Assessor, County Treasurer, Emergency Management, Sheriff's Office.

DISCUSSION

Murray Hill Estates, 3rd Filing subdivision was recorded with the County in 1987 and consisted of 69 tracts with the majority of the tracts equaling or exceeding 2.5 acres. Zoning in the area is Agricultural Residential (AR) which notes lots platted and recorded prior to May 5, 1987 shall be a minimum of 2.5 acres for any use in the district. The subject properties in this vacation and replat consists of two tracts which total 2.52 and 2.69 acres respectively. The proposed vacation and replat will retain the net acreages for both Tracts platting in 1987 by moving the shared side lot line in a northerly direction on the easterly portion and moving the line to the south along the westerly portion of the line. The encroaching structure straddles both the current lot line and a 16' utility easement platted with the Murray Hill Estates 3rd Filing. Murray Hill Estates 5th Filing will vacate this easement from the plat and will create a new lot line for Tracts 1 and 2 of the 5th Filing.

PlanCheyenne contemplates Rural Residential uses for these properties. They are also adjacent to the PUB (Public/Federal) area. These areas are intended to provide a gradual transition from the urbanized areas into the rural periphery of Cheyenne. Uses may include single family residences where animals are permitted. Clustering and open space is encouraged. Suggested density is one unit per 5-10 acres, depending on zoning and water availability.

The Laramie County Comprehensive Plan (2016) identifies the area as Urban Rural Interface (URI) and is intended to accommodate a mix of more intensive land uses than other areas. These areas may have public water and sewer services, a higher level of vehicular access and a greater overall level of community services. Higher density residential, intensive commercial, employment centers and industrial uses are preferred in these areas. Large lot, low density residential or intensive agricultural uses are generally less suitable.

Comments received from agency reviews have been addressed by the applicant and surveyor. Utility companies who may have an interested in the utility easement being vacated were contacted. Staff received no responses from utility providers.

A development action sign was posted on the property and notifications were sent to the adjacent property owners regarding the application. Staff received questions but no formal comments.

The Laramie County Planning Commission conducted a public hearing on September 22, 2016 and voted 5 – 0 to recommend approval of the subdivision permit and plat.

Cheyenne City Council unanimously approved the Final Plat at the September 26, 2016 meeting with two conditions:

1. Add the trust date for the John P. Hartman Revocable Trust under the signature line in the dedication.
2. Add the word “ESTATES” in the dedication, such that the dedication reads “MURRAY HILLS ESTATES, 5TH FILING.”

The attached revised plat incorporates the requested changes.

The Laramie County Land Use Regulations have criteria for a subdivision permit and plat. This application meets minimum requirements. Staff finds the proposed Subdivision Permit is in conformance with the plans and policies of the Laramie County Comprehensive Plan (2016) and the Laramie County Land Use Regulations (2011).

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 Board approve the Subdivision Permit and Plat of Murray Hill Estates 5th Filing, Tracts 1 and 2, a Vacation and Replat of Tracts 52 and 53, Murray Hill Estates 3rd Filing, Laramie County, WY, with no conditions.

PROPOSED MOTION

I move to approve of the Subdivision Permit and Plat for Murray Hill Estates 5th Filing and adopt the findings of facts a and b of the staff report.

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Aerial Map
Attachment 3: PlanCheyenne Map
Attachment 4: Comprehensive Plan Map
Attachment 5: Plat
Attachment 6: Resolution

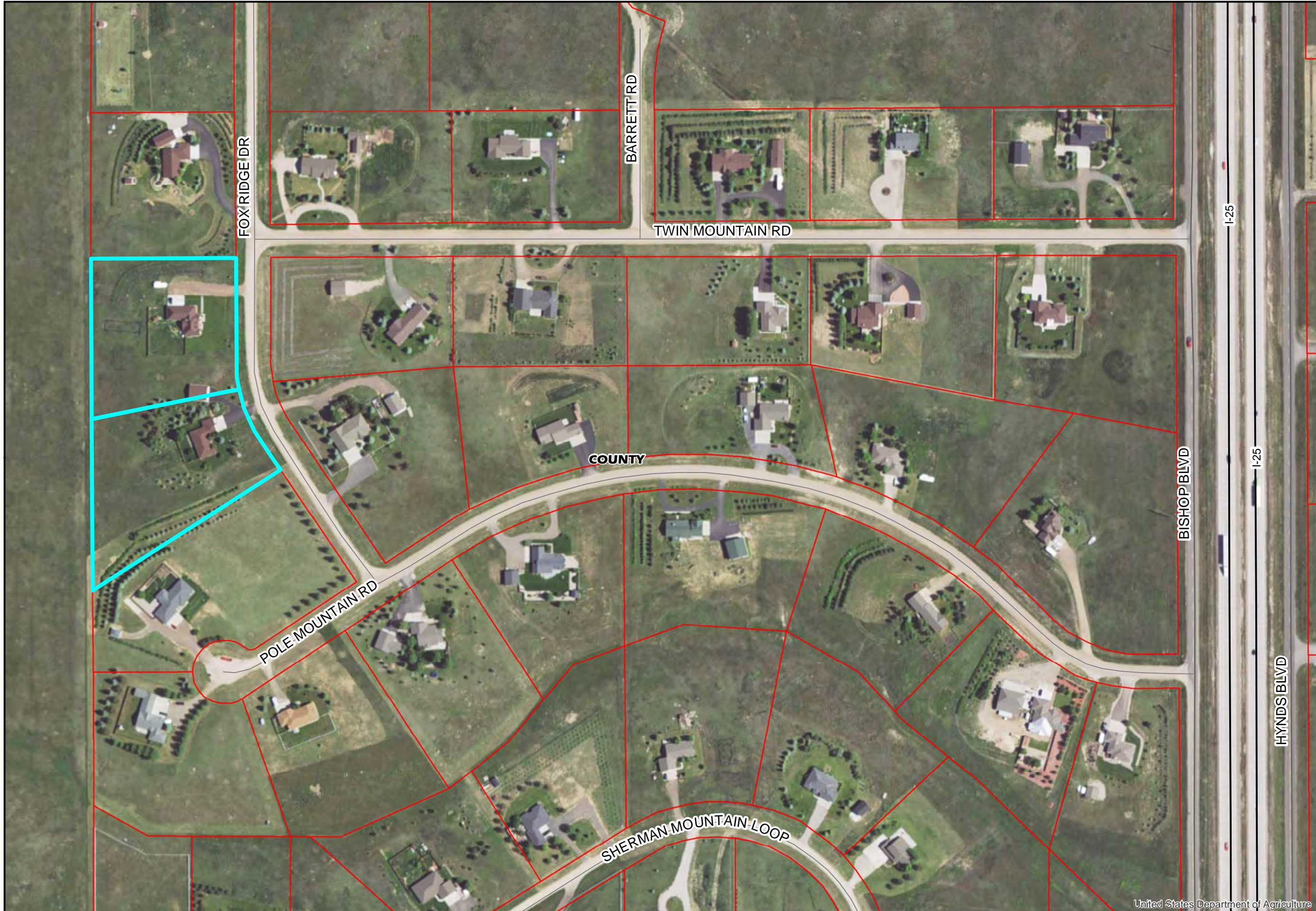
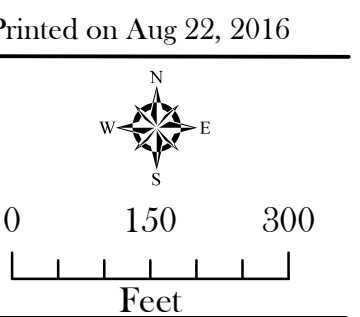
Laramie
County,
Wyoming



Murray Hill Estates
5th Filing
PZ-16-00159
Subdivision Permit/
Plat

Legend

 Subject Property



United States Department of Agriculture

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



**Murray Hill Estates
5th Filing
PZ-16-00159
Subdivision Permit/
Plat**

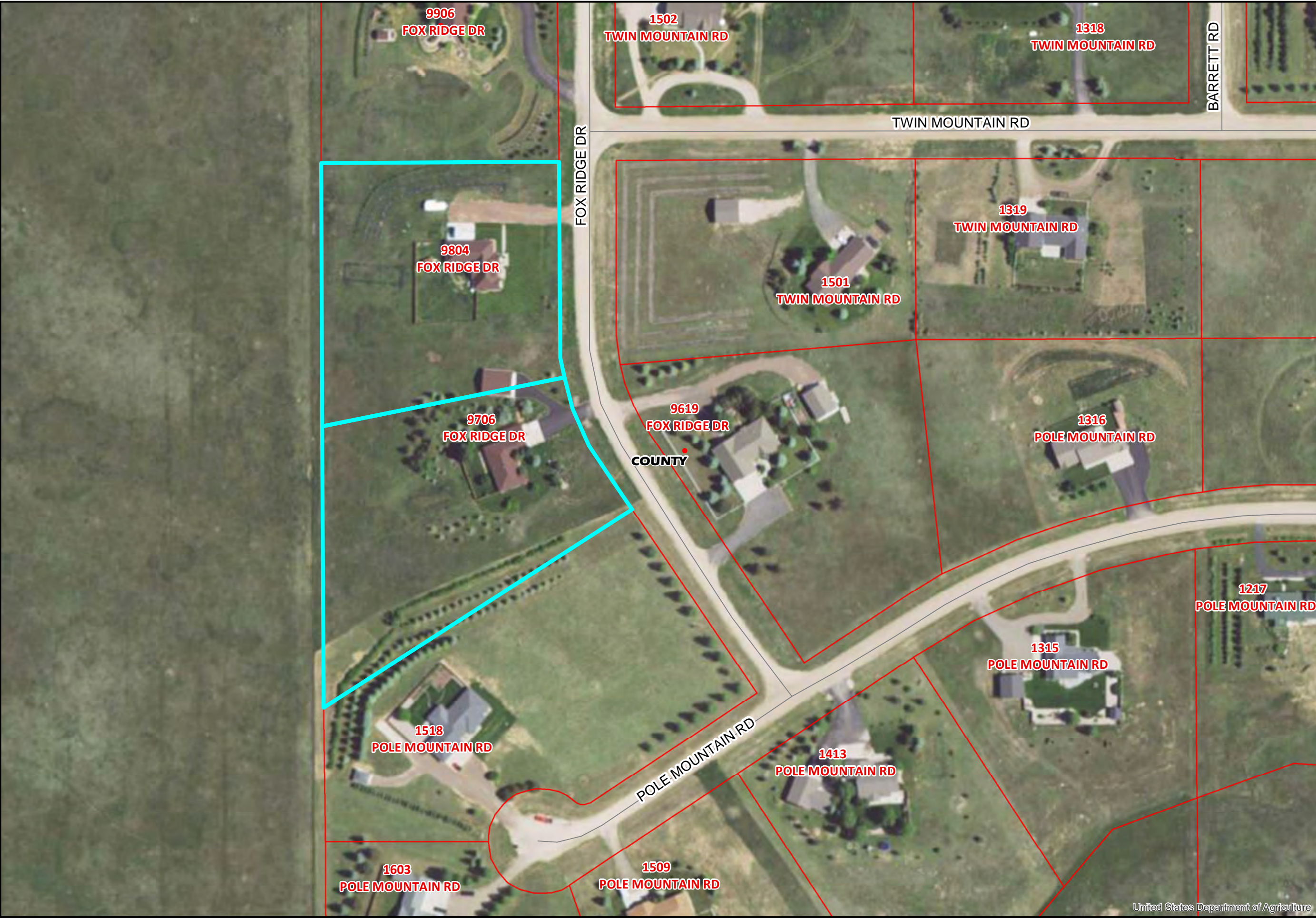
Legend

- Addresses
- Subject Property

Printed on Aug 22, 2016

A north arrow pointing upwards with 'N', 'S', 'E', and 'W' markers. Below it is a scale bar with markings for 0, 100, and 200 feet.

0 100 200
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



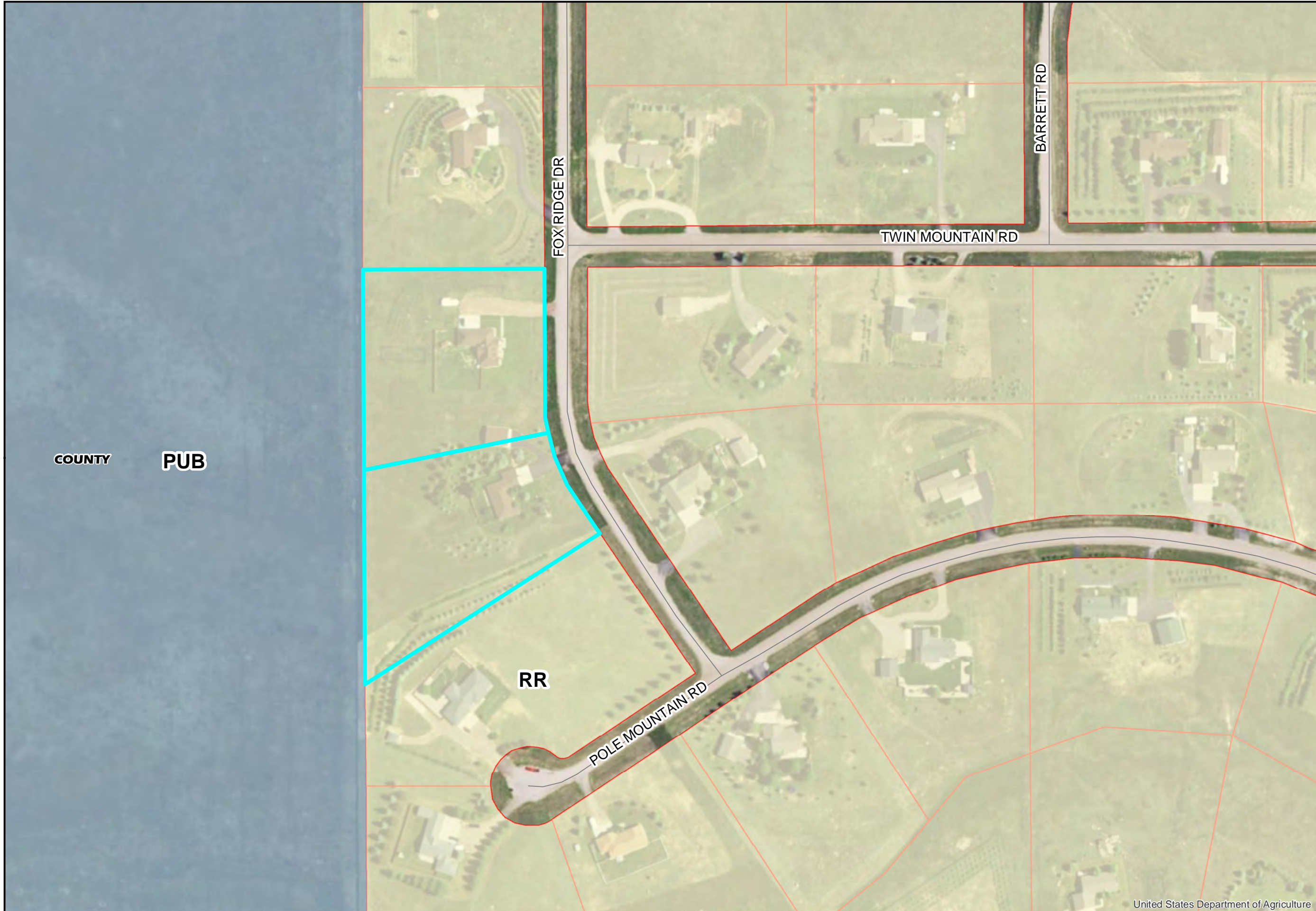
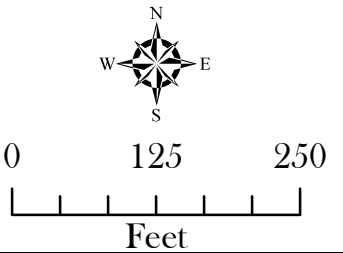
**Murray Hill Estates
5th Filing
PZ-16-00159
Subdivision Permit/
Plat**

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

 Subject Property

Printed on Aug 22, 2016



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



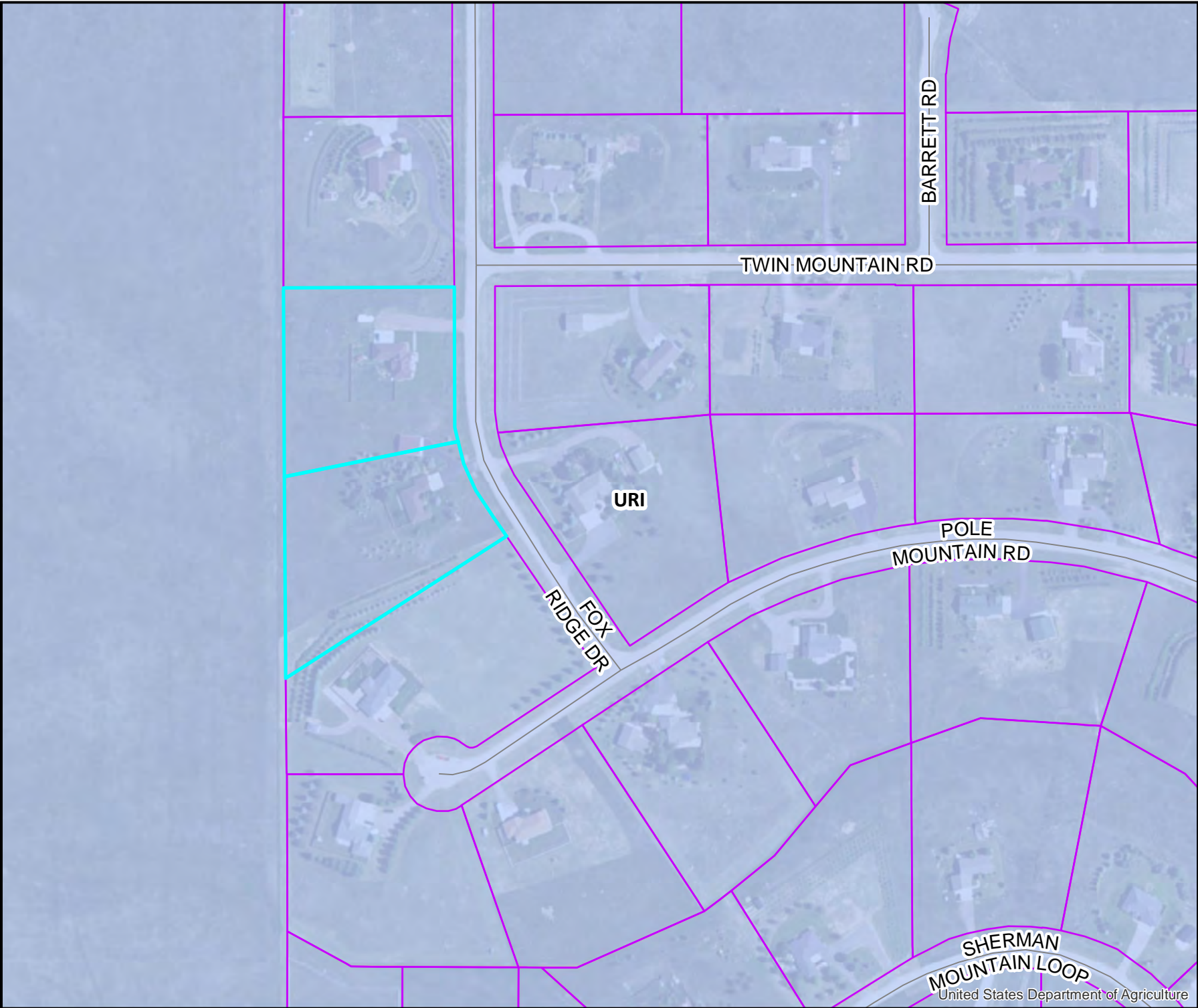
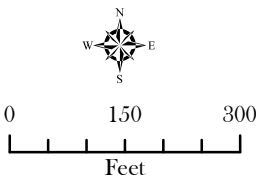
**Murray Hill Estates
5th Filing
PZ-16-00159
Subdivision Permit/
Plat**

Legend

- Property Lines
- Future Land Use Overlay Districts**
- OTHER**
- Gateway Corridor (GC)
 - Recreation Hub (REC)
 - Rural Center (RC)
- Future Land Use Districts**
- OTHER**
- Urban-Rural Interface (URI)
 - Rural Metro (RM)
 - Rural Ag Interface (RAI)
 - Ag & Range Land (AGR)

Subject Property

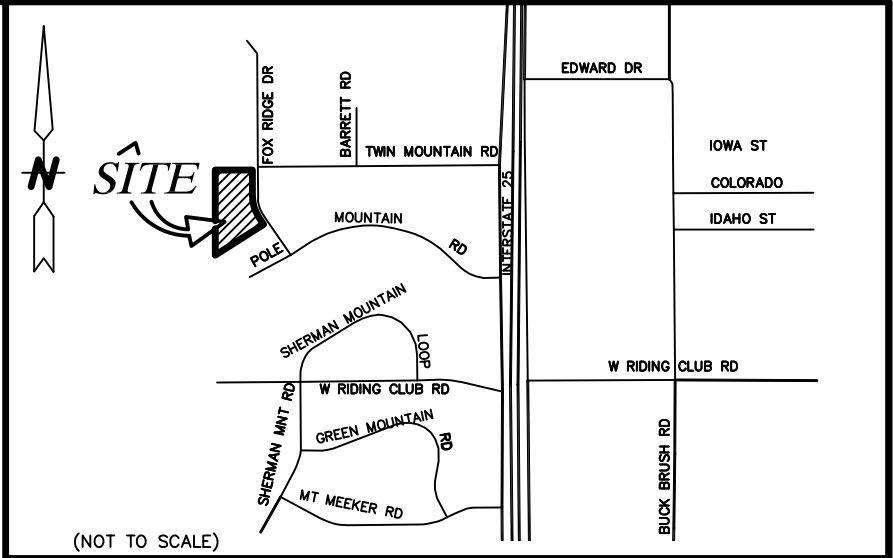
Printed on Sep 15, 2016



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.

NO PROPOSED CENTRAL WATER SUPPLY SYSTEM NO PROPOSED CENTRALIZED SEWAGE SYSTEM FIRE PROTECTION TO BE PROVIDED BY FIRE DISTRICT #2
THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE

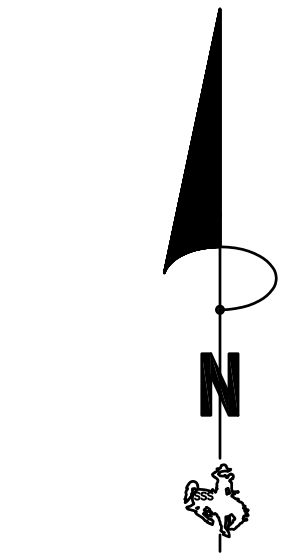
CURVE TABLE					
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1(M)	32° 57' 13"	343.84'	S16° 38' 12"E	195.04'	197.76'
C2(M)	11° 19' 47"	343.84'	S5° 49' 29"E	67.88'	67.99'
C2(R)	11° 18' 59"		174° 17' 58"	67.91'	67.80'
C3(M)	21° 37' 26"	343.84'	S22° 18' 06"E	129.00'	129.77'
C3(R)	21° 41' 01"		157° 47' 58"	130.12'	129.35'



VICINITY MAP

LEGEND

- SET 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910" ON 5/8" x 24" LONG REBAR
- FOUND 5/8" REBAR
- (M) DENOTES MEASURED DATA THIS SURVEY
- (R) DENOTES RECORD DATA PER MURRAY HILL ESTATES, 3RD FILING



Scale: 1" = 40'

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT: Jon C. Scheiderer and Mary F. Scheiderer, husband and wife owner(s) in fee simple of Tract 53, Murray Hill Estates, 3rd Filing, Laramie County, Wyoming. Containing 2.52 Acres. more or less.

AND

John P. Hartman trustee for John P. Hartman Revocable Trust, (October 13, 1998), owner in fee simple of Tract 52, Murray Hill Estates, 3rd Filing, Laramie County, Wyoming. Containing 2.69 Acres more or less.

Have caused the same to be surveyed, platted and known as MURRAY HILL ESTATES, 5th FILING, and do hereby declare the subdivision of said land as it appears on this plat, to be their free act and deed in accordance with their desires and do hereby grant the easements for the purposes indicated hereon.

The undersigned, their legal successors and/or assigns, do hereby further acknowledge that this final plat is being submitted to the Governing Body of the City of Cheyenne for approval pursuant to W.S. 34-12-103 and do furthermore acknowledge that W.S. 34-12-106, W.S. 34-12-108 & W.S. 24-3-101(a) may apply to the lands contained within the boundaries of this plat.

by: Jon C. Scheiderer Mary F. Scheiderer

by: John P. Hartman, trustee for John P. Hartman Revocable Trust, (October 13, 1998)

ACKNOWLEDGEMENTS

STATE OF WYOMING)
COUNTY OF LARAMIE) SS

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by Jon C. Scheiderer and Mary F. Scheiderer, husband and wife.

Notary Public, Laramie County, Wyoming

My Commission Expires: _____

STATE OF WYOMING)
COUNTY OF LARAMIE) SS

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by John P. Hartman trustee for John P. Hartman Revocable Trust. (October 13, 1998)

Notary Public, Laramie County, Wyoming

My Commission Expires: _____

COUNTY APPROVALS

Approved by the Laramie County Planning Commission this ____ day of _____, 2016.

Chairman

Approved by the Board of Commissioners of Laramie County, Wyoming this ____ day of _____, 2016.

Chairman ATTEST: County Clerk

CITY APPROVALS

Approved by the City of Cheyenne Planning Commission this ____ day of _____, 2016.

Development Director, City of Cheyenne, Wyoming

Approved by the Council of the City of Cheyenne, Wyoming this ____ day of _____, 2016.

Mayor ATTEST: City Clerk

REVISED: 9/20/2016

2016DWG\16165\REPLAT TR 52 53 MURRAY HILLS ESTATES.DWG

GENERAL NOTES

- BASIS OF BEARINGS - CITY OF CHEYENNE DATUM REFERENCED FROM CITY CONTROL MONUMENTS "RIDGE" & "EAST".
- ALL LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE TO BE MONUMENTED WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910" ON 5/8" x 24" REBAR. NO PORTION OF THE SUBJECT PROPERTY FALLS WITHIN A FEMA 100-YEAR SPECIAL FLOOD HAZARD AREA AS SHOWN ON F.I.R.M. PANEL #56021C1352F; DATED JANUARY 17, 2007.
- NO PORTION OF THE PROPOSED SUBDIVISION FALLS WITHIN A FEMA 100-YEAR SPECIAL FLOOD HAZARD AREA PER F.I.R.M. PANEL NO.56021C1078F; DATED JANUARY 17, 2007.
- WATER SERVICE TO EACH LOT TO BE PROVIDED BY INDIVIDUAL ON-SITE WELL. ALL WELLS SHALL COMPLY WITH APPLICABLE STATE AND LOCAL RULES AND REGULATIONS.
- SEWAGE DISPOSAL TO BE PROVIDED WITH INDIVIDUAL SEPTIC LEACH FIELD. ALL SEPTIC SYSTEMS SHALL COMPLY WITH APPLICABLE STATE AND LOCAL RULES AND REGULATIONS.

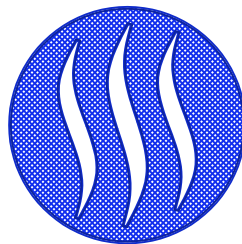
CERTIFICATE OF SURVEYOR

I, Jeffrey B. Jones, Licensed 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 plat 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.

MURRAY HILL ESTATES 5th FILING

A REPLAT OF TRACTS 52 AND 53, MURRAY HILL ESTATES, 3RD FILING, LARAMIE COUNTY, WYOMING.

PREPARED JUNE, 2016



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 OF MURRAY HILL ESTATES 5TH FILING, TRACTS 1 AND 2, A VACATION AND REPLAT OF TRACTS 52 AND 53, MURRAY HILL ESTATES 3RD FILING, 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 Murray Hill Estates 5th 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 Murray Hill Estates 5th Filing.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF _____, 2016.

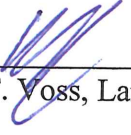
LARAMIE COUNTY BOARD OF COMMISSIONERS

Buck Holmes, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Mark T. Voss, Laramie County Attorney