

LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Paul Whalen, AICP, Senior Planner

DATE: November 17, 2020

TITLE: PUBLIC HEARING regarding review and action on a Zone Change for

Tract 84, and a portion of Tracts 79 & 83, Allison Tracts, 2nd Filing, and Lot 2, Block 1, A & M Subdivision, being located in a Portion of the SE ¹/₄,

Section 8, T.13North, R.66West of the 6th P.M., Laramie County, WY.

EXECUTIVE SUMMARY

AVI PC on behalf of Prosser Investors LLC, has submitted Zone Change and Administrative Subdivision Permit & Plat applications for Cheyenne Prosser Subdivision. The project site, addressed as 318 E. College Drive consists of four lots and is located southeast of the S. Greeley Highway and E. Prosser Road intersection. The applications have been submitted requesting a zone change from MU (Mixed Use) and MR (Medium Density Residential) to HR (High Density Residential), and an administrative replat to create one contiguous site from the existing four lots. The applicant proposes developing a multi-family residential facility. The zone change and subdivision processes are the first steps in preparing the site for the anticipated development.

This staff report only addresses the zone change as the administrative replat (lot-line vacation) to create one lot from four will be administratively processed.

BACKGROUND

The existing single-family detached residences at 325 & 327 E. Prosser Road are scheduled to be demolished, and removed. The remainder of the project site is vacant, and the combined properties will create one lot totaling 12.44-acres. The properties, Allison Filing 2 Tracts 83 & 84 fronting E. College Drive are zoned MU (Mixed Use), whereas Lot 2, Block 1, of the A & M Subdivision, and most of Allison Tract 79 fronting E. Prosser Road, are zoned MR (Medium Density Residential).

Pertinent Regulations

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

Section 4-2-105 of the Laramie County Land Use Regulations governing the HR – High Density Residential Zone District.

DISCUSSION

The Laramie County Comprehensive Plan identifies the area as Urban Rural Interface (URI), which accommodates 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 and encouraged in these areas. The site is located in the South Cheyenne Water and Sewer District service area.

PlanCheyenne designates this area as Community Business, Urban Residential and Mixed Use Commercial, which emphasizes a range of retail and office uses to serve neighborhoods and the community and region. This category focuses on an assortment of commercial activities such as general retail and office, large tenant retail, and regional malls, but also allows for high-density residential (8-20 DU/acre), offices, hotels, service businesses, recreation-open space, and public/civic facilities. Intensive industrial activities are not appropriate.

The subject property once consolidated will be bordered predominantly by the CB – Community Business zone district on the west, and south, with MR – Medium Density Residential on the east and north. Land uses range from single and multi-family residential to commercial/retail business and storage facilities. A zone change for this site from MU/MR to HR is consistent with the County's Comprehensive Plan and the PlanCheyenne vision, as the rezone will allow for more intensive uses in an area supported by central water and sewer, developed roads and other public services and amenities.

Section 1-2-103 (b) of the Laramie County Land Use Regulations specifies that in order to recommend approval of this zone change, the Board 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.

Approval Criteria (i) is met as the zone change request conforms with the Laramie County Comprehensive Plan and PlanCheyenne for this type of land use.

Agency review comments were received regarding corrections to the zone change and plat map exhibits, existing water and sewer services, interior roads/addressing & access, future annexation, and requirements for the site plan application submittal. A revised zone exhibit with

the applicant's written response addressing the comments, was received and is included in this staff report—all comments have been adequately resolved. Comments regarding site plan requirements shall be addressed when the site plan application is formally submitted to the County.

Public notice was provided in accordance with Section 1-2-104 of the Land Use Regulations, with no public comments received.

At the October 22, 2020 public hearing, the Laramie County Planning Commission recommended approval of the Cheyenne Prosser Subdivision zone change request located in Tract 84, and a portion of Tracts 79 & 83, Allison Tracts, 2nd Filing, and Lot 2, Block 1, A & M Subdivision, being located in a Portion of the SE ½, Section 8, T.13North, R.66West of the 6th P.M., Laramie County, WY by a 3-0 vote.

Staff finds the application is 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-i) of the Laramie County Land Use Regulations.
- **b.** The proposed change in zone district is in conformance with the requirements of Section 4-2-105 of the Laramie County Land Use Regulations.

and that the Board approve a Zone Change from MR & MU to HR for Tract 84, and a portion of Tracts 79 & 83, Allison Tracts, 2nd Filing, and Lot 2, Block 1, A & M Subdivision, being located in a Portion of the SE ½, Section 8, T.13North, R.66West of the 6th P.M., Laramie County, WY with one condition.

1. Detailed traffic and drainage studies shall be required at the time of site plan application.

PROPOSED MOTION – ZONE CHANGE

I move to approve the Zone Change from MR & MU to HR – High Density Residential for Tract 84, and a portion of Tracts 79 & 83, Allison Tracts, 2nd Filing, and Lot 2, Block 1, A & M Subdivision, 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.

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Aerial Map

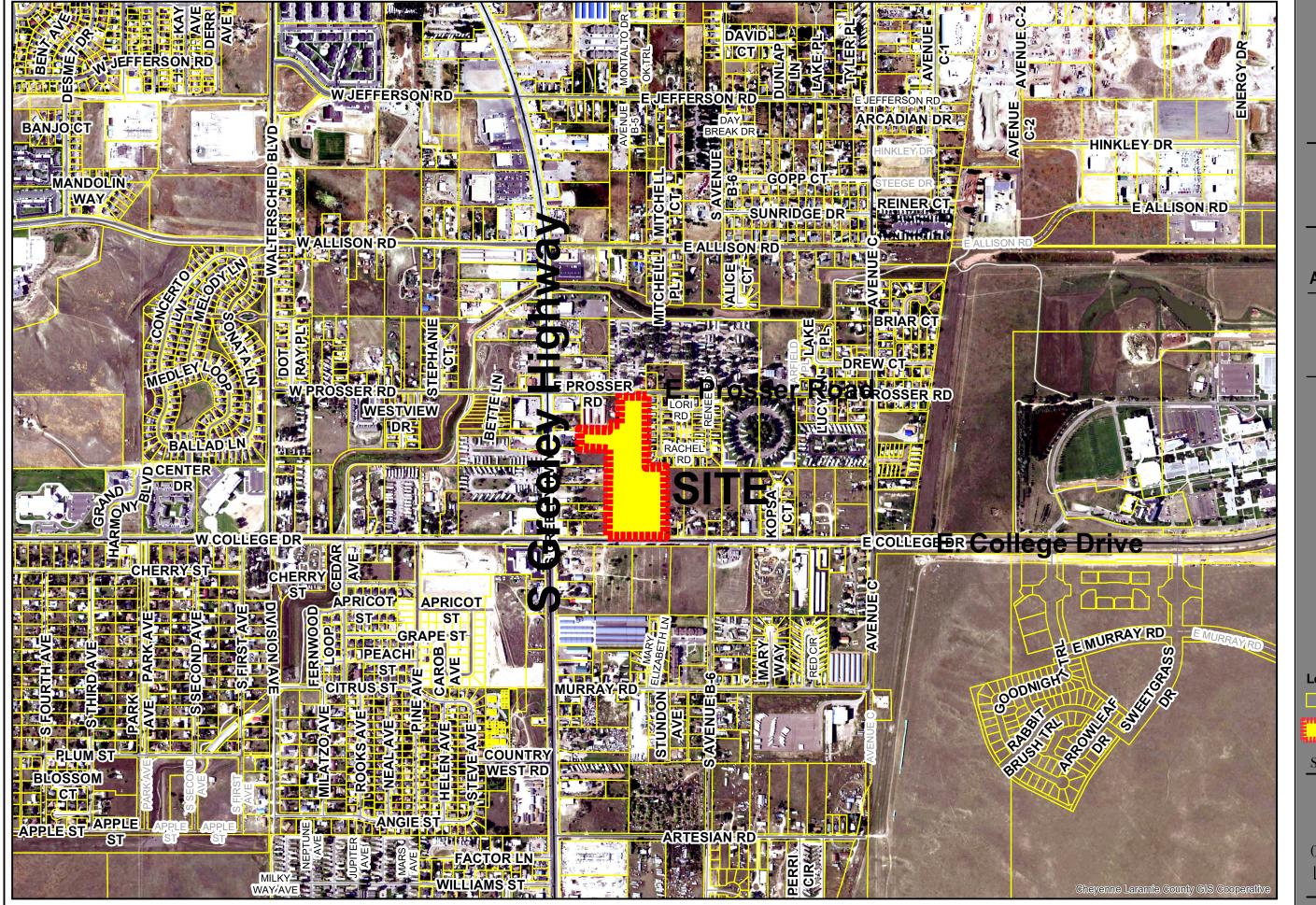
Attachment 3: Comprehensive Plan Map

Attachment 4: PlanCheyenne Map Attachment 5: Current Zoning Map

Attachment 6: Combined Agency Comments Report w/Applicants written response

Attachment 7: Draft Resolution – Zone Change

Attachment 8: Resolution 'Exhibit A' - Zone Change Map Revised 10.15.2020



Laramie County, Wyoming





CHEYENNE PROSSER APTS Admin. Replat & Site Plan

> PZ-20-00261(262) Location Map



Property Lines



Sept 2020



1,250

0 625

Feet



CHEYENNE

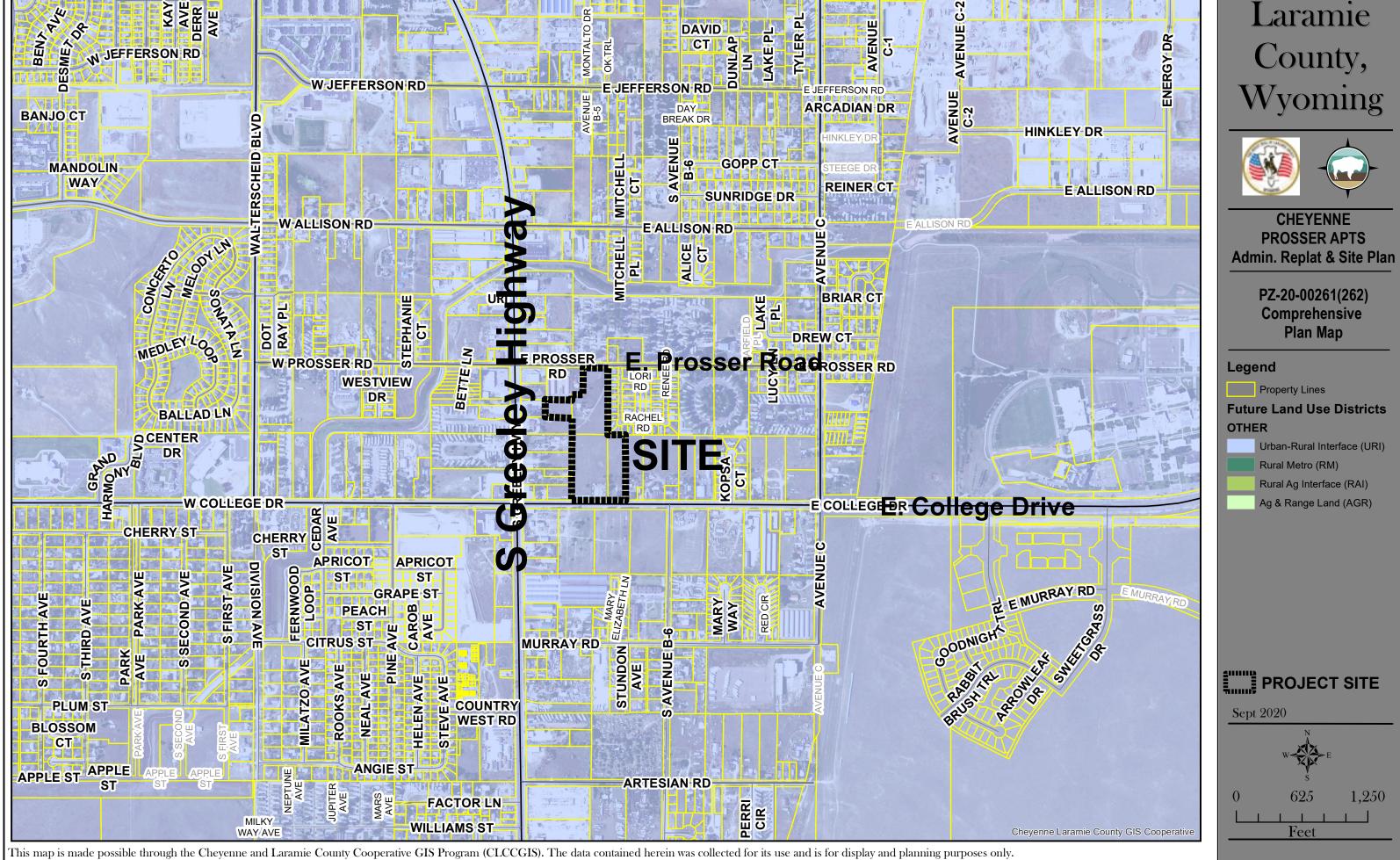
Aerial Map

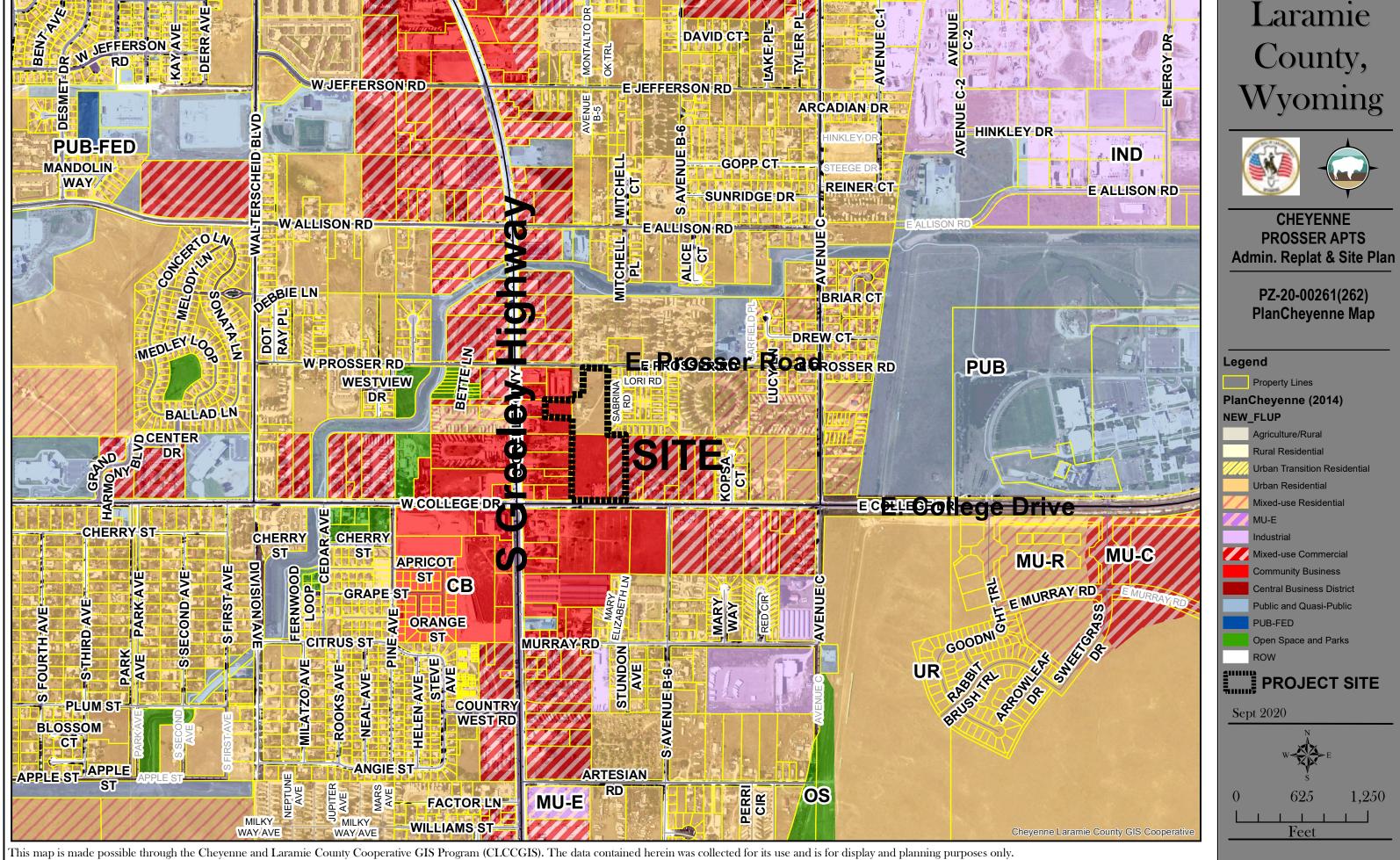
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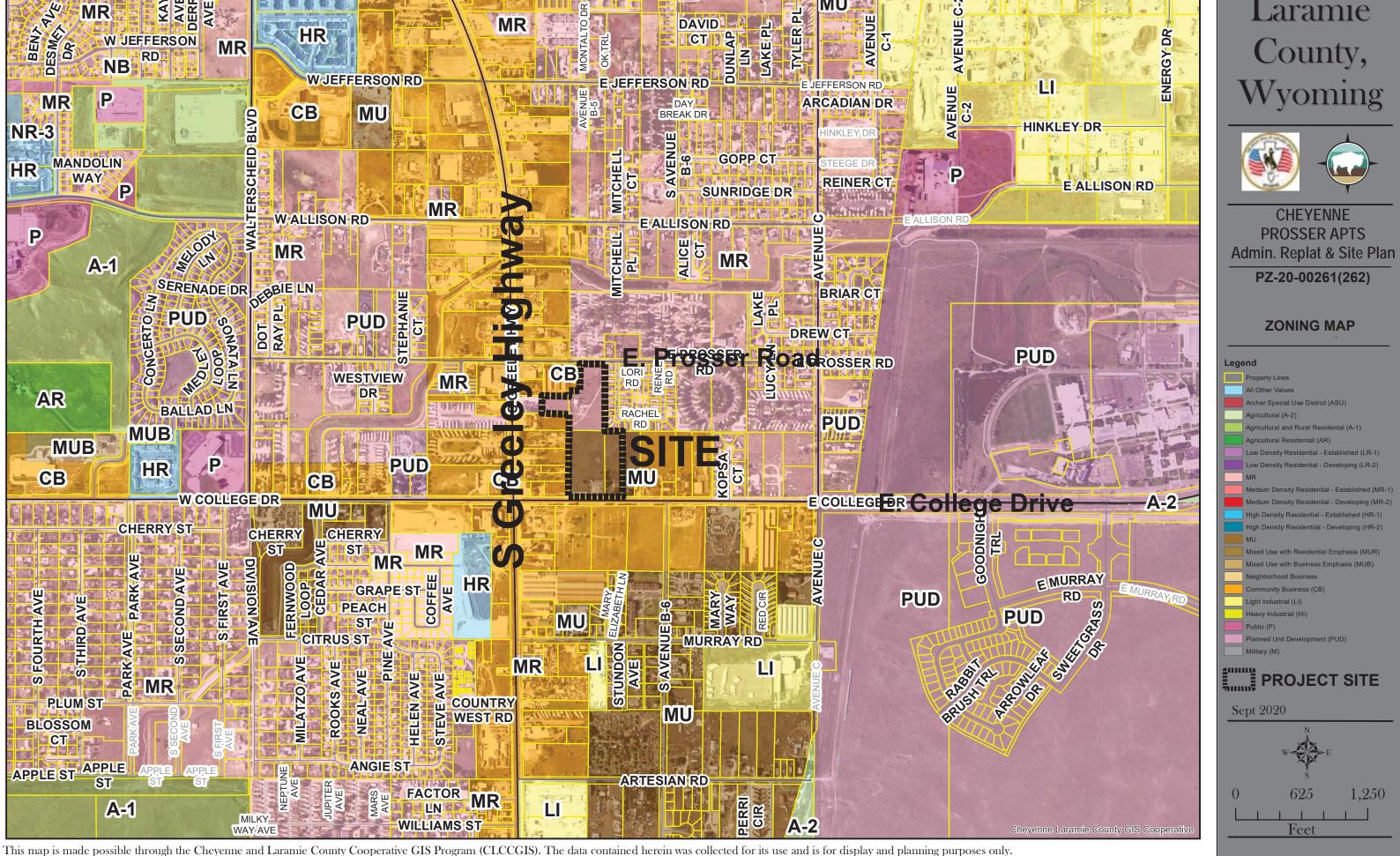
Feet

275

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.







<u>Cheyenne MPO:</u> Cheyenne MPO, Christopher Yaney Comments Attached 09/24/2020

- 1. There are no street names.
- 2. There needs to be some type of turnaround at the west end of the east-west street (cul-de-sac or hammerhead) or gain an access easement through the property to the west
- 3. It appears that the street access is aligned with the private road on the north side of Prosser Rd. Please show accesses on the north side of Prosser Rd to help prevent possible offsets.

<u>Laramie Co School Dist No 1:</u> Laramie Co School Dist. No. 1, Chris Hout Comments Attached 09/17/2020

General:

The development is in the south triad. Students home schools would be South High School, Johnson Junior High School, and Arp Elementary School.

School Enrollment and Boundaries:

Student enrollment is as follows:

South High School has available capacity

Johnson Junior High School has available capacity

Arp Elementary School is near or at capacity most grades. Limited space may be available at some grades.

<u>WYDOT:</u> WYDOT, Randy Griesbach Comments Attached 09/30/2020 No comments specific to the zone change. Comments have been made under PZ-20-00261 ADMINISTRATIVE REPLAT for the proposed development.

<u>Fire District No 1:</u> Fire District No. 1, Darrick Mittlestadt Comments Attached 09/16/2020

Not enough information to provide a comment from LCFD 1.

<u>Chevenne Planning:</u> Cheyenne Development Services, Seth Lloyd Comments Attached 09/30/2020

From City reviewers:

Future land use map indicates non-residential development on a portion of the property - consider amending the future land use map in conjunction with zone change.

<u>South Cheyenne Water & Sewer:</u> South Cheyenne Water & Sewer, Scott Sprakties Comments Attached 09/21/2020

Water and Sewer available will need to be modeled by District engineer once pipe sizes and services are determined. Fees and permits required, please contact office with completed site plan for review.

<u>Planners:</u> Planners, Paul Whalen Comments Attached 09/25/2020 PLANNER COMMENTS:

- 1. Please expand on the project narrative to provide the supporting information from the Laramie County Comp Plan, and the PlanCheyenne that supports this upzone from MU/MR to HR, (otherwise this could be considered spot zoning).
- 2. Please, per Section 1-2-103-b provide in the project narrative the finding(s) i, ii or iii (or a combination thereof) that justify this zone change request.

<u>County Assessor:</u> County Assessor, Kaycee Eisele Comments Attached 09/17/2020 No comment on zone change. Look forward to the preliminary re-plat for apartments.

NO COMMENTS:

Cheyenne Development Services, Seth Lloyd 09/30/2020;
County Real Estate Office, Laura Pate, 09/18/2020;
County Public Works Department, David Bumann, 09/21/2020;
GIS Planners, Cambia McCollom, 09/16/2020;
Combined Communications Center, Chuck Trimble, 09/21/2020;
Sheriff's Office, Rae Morgan; 09/16/2020;
Environmental Health Department, Roy Kroeger, 09/17/2020;

NO RESPONSE:

County Engineer, Scott Larson;
Black Hills Energy, Eric Underhill;
County Attorney, Mark Voss;
County Conservation District, Shaun Kirkwood;
Laramie County Weed & Pest, Brett Nelson;
Emergency Management, Matt Butler;
Black Hills Energy, Eric Underhill;
CenturyLink, Darrin Klawon;



Planning and Development Department

2101 O'Neil Avenue, Suite 202, Cheyenne WY 82001 (Phone) 307-637-6282 (Fax) 307-637-6366

A COMMUNITY OF CHOICE

September 30, 2020

Board of County Commissioners 310 W 19th St #320 Cheyenne, WY 82001

RE: Cheyenne Prosser City Comments

Board of County Commissioners,

In compliance with W.S. 34-12-103 (b) the City hereby submits the following comments regarding the Cheyenne Prosser Preliminary Development Plan and Plat:

1. Future annexation of the property will prompt review by the City. Concurrent with annexation by petition, public improvements to streets may be required; driveway accesses will be reviewed for conformance with City standards and may require modification; and Community Facility Fees will be required to be paid to the City. The City defers timing of design and construction of public improvements to the County.

I do not believe that there are any items of disagreement that warrant a response by the Board of County Commissioners pursuant to W.S. 34-12-103-(b).

Thank you,

Charles W. Bloom, AICP

Planning and Development Director



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699 wgfd.wyo.gov

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September 22, 2020

WER 4502.179
Laramie County Planning and Development Office
PZ-20-00261
Administrative Replat to Consolidate Three Parcels into One for a
Multi-family Development
Laramie County

Paul Whalen Senior Planner Laramie County Planning and Development Office 3966 Archer Parkway Cheyenne, WY 82009 pwhalen@laramiecounty.com

Dear Mr. Whalen,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed zone change and administrative plat for the Cheyenne Prosser Apartments located in Laramie County. We offer the following comments for your consideration.

The proposed zoning change will consolidate four parcels into one multi-family development project consisting of one-story apartment complexes. Other multi-family, single family, and commercial development surround the project area. The Department has no wildlife concerns with the proposed zoning change.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Linda Cope, Habitat Protection Biologist, at 307-777-2533.

Sincerely,

Amanda Losch

Habitat Protection Supervisor

Smandelosth

Paul Whalen September 22, 2020 Page 2 of 2 - WER 4502.179

AL/lc/ct

cc: U.S. Fish and Wildlife Service
Bobby Compton, Wyoming Game and Fish Department
Martin Hicks, Wyoming Game and Fish Department
Embere Hall, Wyoming Game and Fish Department
Chris Wichmann, Wyoming Department of Agriculture

PZ-20-00262 CHEYENNE PROSSER ZONE CHANGE October 14, 2020

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2-4226.20



Paul Whalen Senior Planner, Laramie County Public Works 3966 Archer Pkwy Cheyenne, WY 82009 October 14, 2020 2-4226.20

RE: REVIEW COMMENTS – PZ-20-00262 CHEYENNE PROSSER ZONE CHANGE

Dear Mr. Whalen,

Attached for your review is a resubmittal of the Zone Change for the above referenced project. This letter is in response to the County's comments (dated 10/01/2020) on the original zone change submittal. The County's review comments are listed below with AVI's response or solution in *red*.

Cheyenne MPO: Cheyenne MPO, Christopher Yaney

- 1. There are no street names. These are private roads with access and utility easements. Addressing will be off of Prosser Road or College Drive.
- 2. There needs to be some type of turnaround at the west end of the east-west street (cul-de-sac or hammerhead) or gain an access easement through the property to the west. There is an existing access and utility easement that extends from this property across the adjacent property to South Greeley Highway. This will be utilized in case of emergency. Easement is shown on revised zone change map.
- 3. It appears that the street access is aligned with the private road on the north side of Prosser Rd. Please show accesses on the north side of Prosser Rd to help prevent possible offsets. *The existing accesses are shown on the revised zone change map.*

Laramie Co School Dist No 1: Chris Hout

General: The development is in the south triad. Students home schools would be South High School, Johnson Junior High School, and Arp Elementary School.

School Enrollment and Boundaries: Student enrollment is as follows; South High School has available capacity, Johnson Junior High School has available capacity, Arp Elementary School is near or at capacity most grades. Limited space may be available at some grades.

WYDOT: Randy Griesbach

No comments specific to the zone change. Comments have been made under PZ-20-00261 ADMINISTRATIVE REPLAT for the proposed development.

PZ-20-00262 CHEYENNE PROSSER ZONE CHANGE October 14, 2020

Page 2 of 2

2-4226.20



Fire District No 1: Darrick Mittlestadt

Not enough information to provide a comment from LCFD 1. Additional information will be provided with the site plan submittal.

Cheyenne Planning: Seth Lloyd

From City reviewers: Future land use map indicates non-residential development on a portion of the property - consider amending the future land use map in conjunction with zone change. *Noted*.

South Cheyenne Water & Sewer: Scott Sprakties

Water and Sewer available will need to be modeled by District engineer once pipe sizes and services are determined. Fees and permits required, please contact office with completed site plan for review. *Noted*.

Planners: Paul Whalen

Please expand on the project narrative to provide the supporting information from the Laramie County Comp Plan, and the PlanCheyenne that supports this upzone from MU/MR to HR, (otherwise this could be considered spot zoning). The HR zone is being used due to the fact that this project is multi-family residential and the use is similar to the MR zone but wanted to ensure it was understood that it was going to be used for apartments.

Please, per Section 1-2-103-b provide in the project narrative the finding(s) i, ii or iii (or a combination thereof) that justify this zone change request. *These map amendments are* consistent with the current zoning on the lot and HR was selected to combine all the parcels with the same zone for ease of review by agencies instead of having multiple zones across the same parcel.

County Assessor: Kaycee Eisele

No comment on zone change. Look forward to the preliminary re-plat for apartments.

Should you need any additional information of have any questions please contact us.

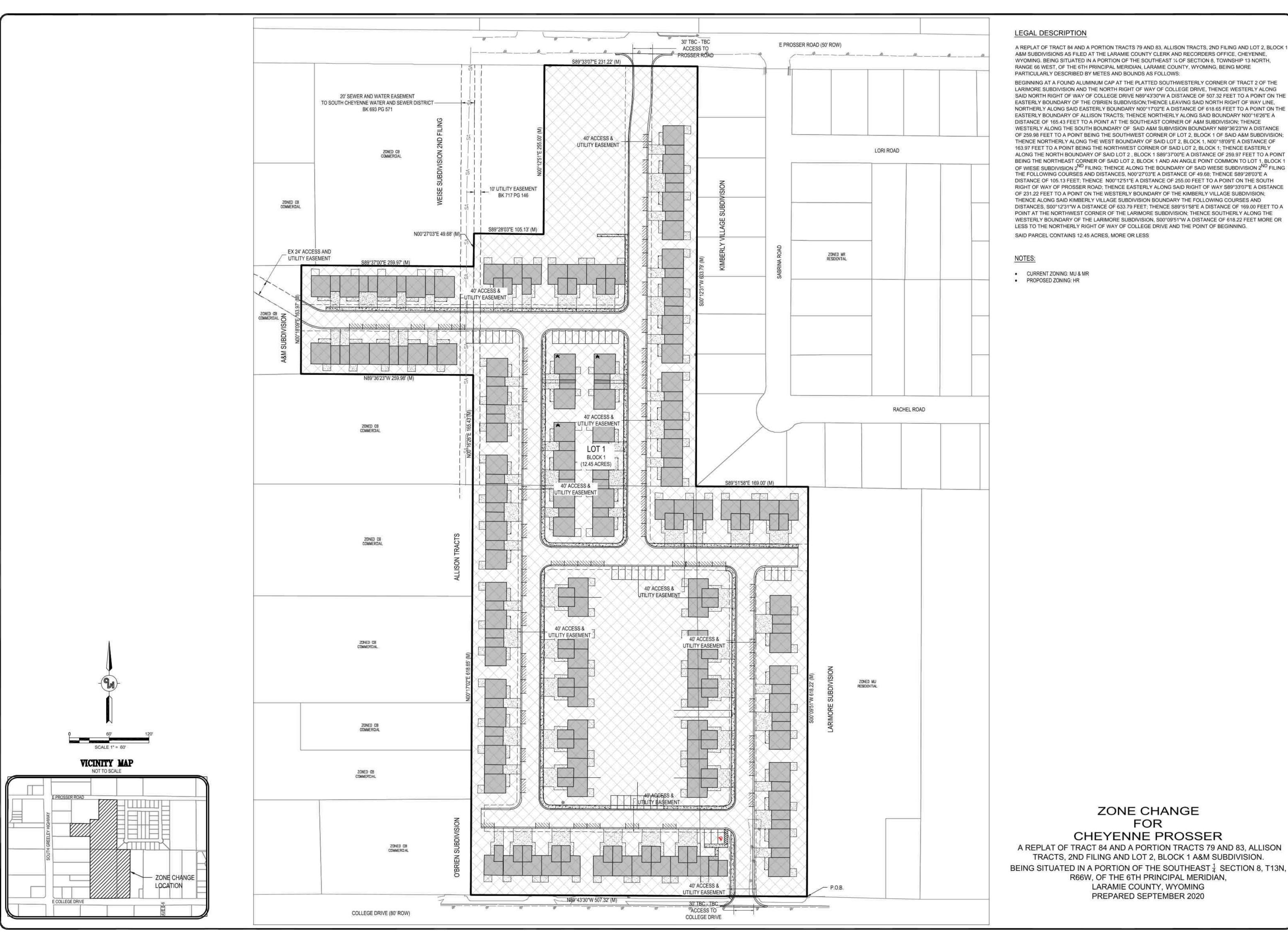
Respectfully Submitted

AVI PROFESSIONAL CORPORATION

CROWS Christine Johnson, PE

Cc: Cal Kunkel

\avisrvvdcfp\projects2\4426_cheyenne prosser, llc\planning\corres\4426 county comments 10-1-20.docx



A REPLAT OF TRACT 84 AND A PORTION TRACTS 79 AND 83, ALLISON TRACTS, 2ND FILING AND LOT 2, BLOCK 1 A&M SUBDIVISIONS AS FILED AT THE LARAMIE COUNTY CLERK AND RECORDERS OFFICE, CHEYENNE, WYOMING. BEING SITUATED IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 13 NORTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, LARAMIE COUNTY, WYOMING, BEING MORE

BEGINNING AT A FOUND ALUMINUM CAP AT THE PLATTED SOUTHWESTERLY CORNER OF TRACT 2 OF THE LARIMORE SUBDIVISION AND THE NORTH RIGHT OF WAY OF COLLEGE DRIVE, THENCE WESTERLY ALONG SAID NORTH RIGHT OF WAY OF COLLEGE DRIVE N89°43'30"W A DISTANCE OF 507.32 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE O'BRIEN SUBDIVISION; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, NORTHERLY ALONG SAID EASTERLY BOUNDARY N00°17'02"E A DISTANCE OF 618.65 FEET TO A POINT ON THE EASTERLY BOUNDARY OF ALLISON TRACTS; THENCE NORTHERLY ALONG SAID BOUNDARY N00° 16'26"E A DISTANCE OF 165.43 FEET TO A POINT AT THE SOUTHEAST CORNER OF A&M SUBDIVISION; THENCE WESTERLY ALONG THE SOUTH BOUNDARY OF SAID A&M SUBIVISION BOUNDARY N89°36'23"W A DISTANCE OF 259.98 FEET TO A POINT BEING THE SOUTHWEST CORNER OF LOT 2, BLOCK 1 OF SAID A&M SUBDIVISION; THENCE NORTHERLY ALONG THE WEST BOUNDARY OF SAID LOT 2, BLOCK 1, N00°18'09"E A DISTANCE OF 163.97 FEET TO A POINT BEING THE NORTHWEST CORNER OF SAID LOT 2, BLOCK 1; THENCE EASTERLY ALONG THE NORTH BOUNDARY OF SAID LOT 2 , BLOCK 1 S89°37'00"E A DISTANCE OF 259.97 FEET TO A POINT BEING THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 1 AND AN ANGLE POINT COMMON TO LOT 1, BLOCK 1 OF WIESE SUBDIVISION 2ND FILING; THENCE ALONG THE BOUNDARY OF SAID WIESE SUBDIVISION 2ND FILING THE FOLLOWING COURSES AND DISTANCES, N00°27'03"E A DISTANCE OF 49.68; THENCE S89°28'03"E A DISTANCE OF 105.13 FEET; THENCE N00"12'51"E A DISTANCE OF 255.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF PROSSER ROAD; THENCE EASTERLY ALONG SAID RIGHT OF WAY \$89°33'07"E A DISTANCE OF 231.22 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THE KIMBERLY VILLAGE SUBDIVISION; THENCE ALONG SAID KIMBERLY VILLAGE SUBDIVISION BOUNDARY THE FOLLOWING COURSES AND DISTANCES, S00°12'31"W A DISTANCE OF 633.79 FEET; THENCE S89°51'58"E A DISTANCE OF 169.00 FEET TO A POINT AT THE NORTHWEST CORNER OF THE LARIMORE SUBDIVISION: THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY OF THE LARIMORE SUBDIVISION, S00°09'51"W A DISTANCE OF 618.22 FEET MORE OR LESS TO THE NORTHERLY RIGHT OF WAY OF COLLEGE DRIVE AND THE POINT OF BEGINNING.

EAGLE 59106

KUNKEL 8 GOLDEN I

307.637.6017 1103 OLD TOWN LANE, SUITE 101

CHEYENNE, WY 82009 AVI@AVIPC.COM

DRAWN BY:

DESIGNED BY: CHECKED BY:

DRAWING NO.