



# LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

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Planning • Building

## MEMORANDUM

**TO:** Laramie County Board of Commissioners

**FROM:** Brett Walker, Planner

**DATE:** February 20, 2018

**TITLE:** Consideration of a Subdivision Permit and Plat for Donnya Enclave Estates, located in a portion of the E $\frac{1}{2}$ , NE $\frac{1}{4}$ , Sec 1, T. 14. N., R. 67 W., of the 6th P.M., Laramie County, WY

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### EXECUTIVE SUMMARY

Jones Land Surveying, Inc. on behalf of Mandana Ghodrati of 10118 Yellowstone Rd. has submitted an application for a Subdivision Permit & Plat for Donnya Enclave Estates to the Laramie County Planning and Development Office for the following location: A portion of E $\frac{1}{2}$ , NE $\frac{1}{4}$ , Sec 1, T.14N., R.67W., of the 6th P.M., Laramie County, WY, located at 10118 Yellowstone Service Rd., Cheyenne, WY 82009. The application has been submitted for the purpose of subdividing the existing 12.7-acre property into two separate tracts of 5 acres and 7.7 acres respectively.

### BACKGROUND

Pre-Application Meetings were held on November 8, 2016, and July 20, 2017. The Application was formally submitted on December 11, 2017. Notice was published and mailed to adjacent property owners as required per Section 1-2-104. As the proposed parcel is over 1-mile from the City Limits, no concurrent review with the City is required.

### **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.

**Section 4-2-100** of the Laramie County Land Use Regulations, governing the AR-Agricultural Residential zone district

## **AGENCY REVIEW (See attached.)**

## **DISCUSSION**

A Preliminary Development Plan (PDP) was not required as the proposed subdivision and plat meets the criteria for exemption outlined in 2-1-100(b) as follows:

The Planning and Development Director may waive the requirement for the preliminary development plan if:

- i. the purpose of the subsequent development is to bring a property that is in violation of statutory subdivision requirements into conformance with Wyoming statutes and there are no plans to alter existing land use and/or site conditions.
- ii. the proposed development will not require DEQ/Conservation District review.
- iii. the proposed development 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.

### **PLANCHEYENNE.**

PlanCheyenne recommends a Future Land Use Category of Rural Residential for this area. The Rural Residential category, along with the Urban Transition Residential category, provides a gradual transition from the urbanized areas of the Cheyenne Area to the rural areas on the periphery. The Rural Residential category includes a mix of rural and residential uses and is not intended to be an area for intensive future residential development. Primary Uses contemplated are single family residences on individual large lots where some farm animals and horses would be permitted.

Significantly, Principle 2.4 found in the Second Foundation of PlanCheyenne states that “future rural residential areas beyond the Urban Service Boundary will continue to provide a rural lifestyle choice” and thus the policy will be to locate rural residential development in areas designated as such on the Future Land Use Map (See Staff Aerial Map Attached).

Primary Uses contemplated are Single family residences on individual large lots; clustering is encouraged. Farm animals and horses are permitted.

Policy 1.4.A states “the community will support infill in existing neighborhoods, but ensure that infill is compatible with neighborhoods and districts through design standards (e.g., to address scale, height, and character of infill as it relates to existing development).”

### **LARAMIE COUNTY COMPREHENSIVE PLAN.**

The Laramie County Comprehensive Plan (2016) recommends a Future Land Use Category of Urban Rural Interface (URI) for this area. The Urban Rural Interface are 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. While some of these areas may include existing agricultural uses, it is anticipated they are more service-oriented and may change and develop over time. The community will encourage the incorporation of a mixture of housing types with varied price ranges and densities to attempt to meet the needs of all segments of the community.

STANDARDS. Division of land meets the purposes, intent, and all applicable standards

COMMUNITY FACILITY FEES. As outlined in Section 1-1-106(c), Community Facility Fees are calculated as follows:

Total Plat Area: 12.72 acres  
(less exempted land per Section 1-1-106(d)i-iv): 0  
(equals) Fee Subject Area: 12.72 acres

Total Community Facility Fees: 12.7 acres x \$50/acre = \$635

1-1-106(c)ii Land outside of a water and/or sewer district and land not served by any public water and/or sewer utility in Laramie County shall be assessed community facility fees at a rate of fifty dollars (\$50.00) per acre. The fee shall be prorated to the nearest one tenth (0.1) of an acre, but the minimum fee shall not be less than twenty-five dollars (\$25.00).

ACCESS. No new Right-of-Way is being proposed with this application. Access to the existing house on the proposed Tract 1 will continue to be via the established private access easement. Exact access to the proposed Tract 2 will be determined at the time of building permit but will likely come from De Castro Drive or the Yellowstone Frontage Road due to restrictions outlined within the easement. Should the easement go away, the existing house on Tract 1 would have access off of Buck Brush Road

STUDIES. Requests for a waiver of the Traffic Study and Drainage Study were granted as the subdivision and anticipated uses are very unlikely to impact either the traffic or drainage in the area.

ZONING. All proposed lots would be buildable lots according to the existing AR zoning district standards and will result in development patterns that meet the Intent and Applicability statements of the AR zoning district.

SURROUNDING DEVELOPMENT. The application will not create any undue influence on existing or potential development for adjacent property considering the existing zoning and PlanCheyenne policies for this property. The application reflects sound planning and urban design principles with respect to existing and potential future development in the vicinity. Staff finds the proposal to be in general conformance with the plans and policies of Laramie County.

The attached resolution shall serve as the Subdivision Permit upon approval by the Board.

The Laramie County Planning Commission held a public hearing of this application on January 25, 2018. Sandra Dennis, of 10114 Yellowstone Road, came forward to discuss the shared driveway and an easement agreement between the two property owners. Mr. Ajdari stated access was from the east and west property lines. Ms. Dennis expressed her desire that the easement agreement be enforced, and that no future access would be allowed for additional residences. No further public comment was received. The Planning Commission voted (5 – 0) to recommend approval of the Subdivision Permit and Plat to the Board with no conditions.

### **RECOMMENDATION and FINDINGS**

**Based on evidence provided, staff recommends the Board 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.
- c. This application is in conformance with Section 4-2-100 governing the AR – Agricultural Residential Zone District.

**and that the Board approve the Subdivision Permit and Plat for Donnya Enclave Estates, Laramie County, Wyoming, with no conditions.**

### **PROPOSED MOTION**

**I move to approve the Subdivision Permit and Plat for Donnya Enclave Estates with no conditions, and adopt the findings of facts a, b, and c of the staff report.**

### **ATTACHMENTS**

**Attachment 1: Staff Aerial Map**

**Attachment 2: Agency Comment Report**

**Attachment 3: Neighbor Letter of Concern**

**Attachment 4: Planning Commission Meeting Minutes – January 25, 2018**

**Attachment 5: Plat Map**

**Attachment 6: Resolution**

# PZ-17-00266 - Donnya Subdivision and Plat

1 inch = 400 feet

**Laramie  
County,  
Wyoming**

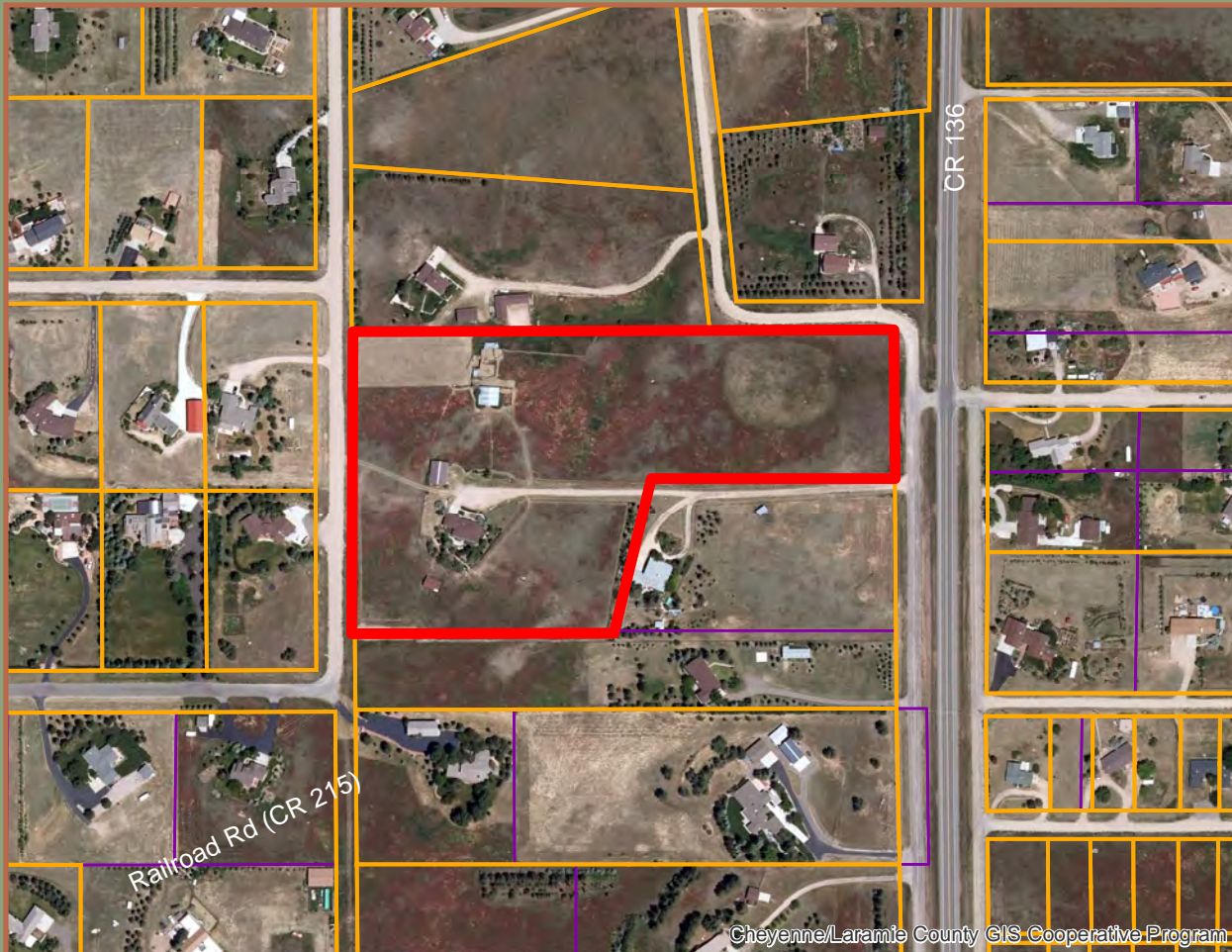


Date: 1/19/2018

**Partial Plat  
Vacation  
Request**

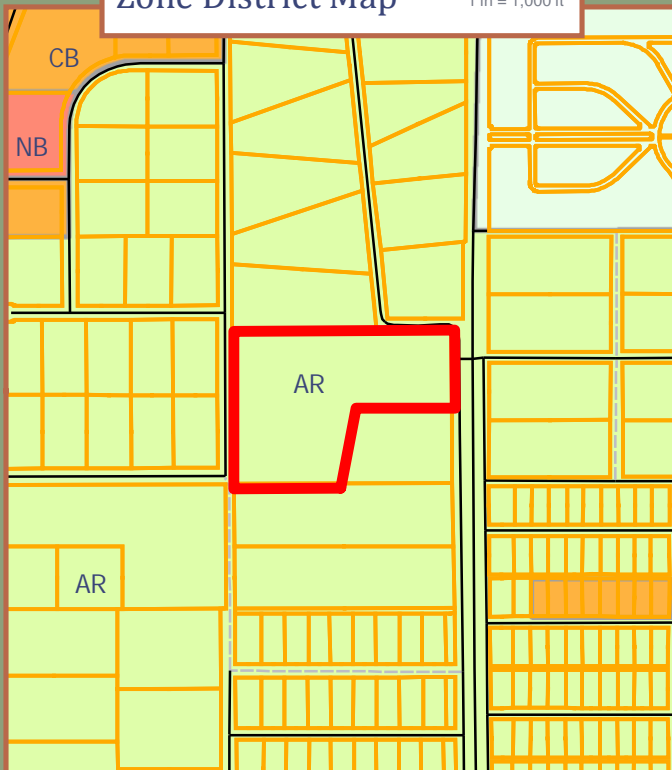
This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS)

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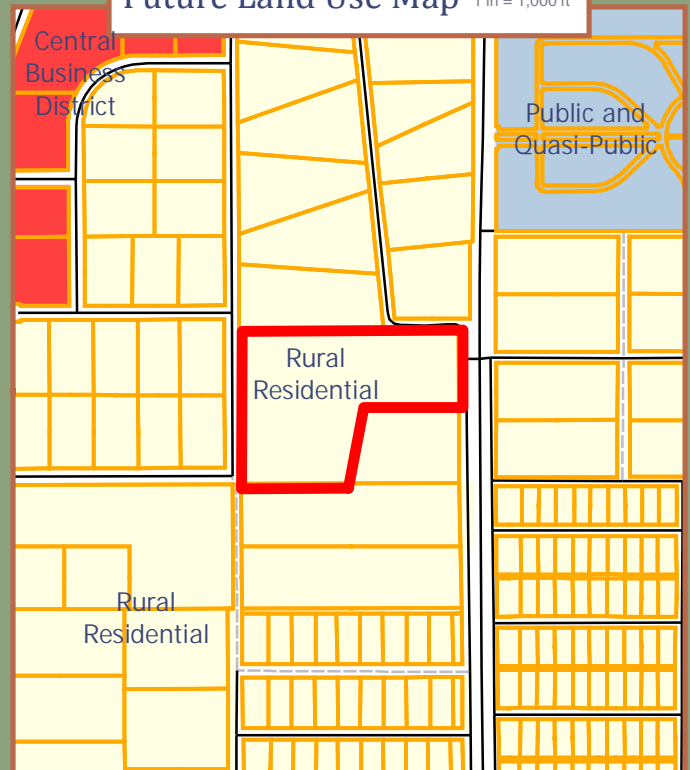
## Zone District Map

1 in = 1,000 ft



## Future Land Use Map

1 in = 1,000 ft



**County Engineer:** Scott Larson COMMENTS ATTACHED 01/02/2018

*Engineer Review*

1. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study as this development will not have any significant impact on either.

*Surveyor Review*

1. For subdivisions in the County, survey tie(s) by bearing/azimuth and the distance to the nearest public land survey system monument shall be accurately described on the plat. In addition, for the purposes of enhancing the City and County GIS Program framework, all public land survey corners on or within the subdivision boundary shall have field observation coordinates provided on the plat. These coordinates shall reference Wyoming State Plane Coordinate System, East Zone, U.S. Survey foot, NAD 1983(CORS96). The coordinates shall be observed and verified at the time of the plat survey. There are no survey ties to the public land survey system monuments shown on the plat. There are no Wyoming State Plane Coordinate System field observation coordinates provided on the plat.

2. As a final note, I did not see any mention of irrigation water rights of record mentioned on the subdivision so I assume there aren't any water rights relevant to the subdivision.

**Planner:** Brett Walker COMMENTS ATTACHED 01/05/2018

Will be addressed in staff report

**Building Dept.:** Karen Moon COMMENTS ATTACHED 12/22/2017

No comment at this time.

**Agencies responding with No Comment:** Cheyenne MPO, Cheyenne Urban Planning Office, Cheyenne Development Services, County Assessor, County Real Estate Office, County Public Works Dept., Combined Communications Center, Emergency Management, Sheriff's Office.

**Agencies not responding:** County Treasurer, Wyoming Game & Fish, US Post Office, Fire District No. 2.

December 31, 2017

Laramie County Planning & Development Dept.  
3966 Archer Pkwy  
Cheyenne, WY 82009

Attn: Bryan Nicholas

Re: project PZ-17-00266

This memo is a follow-up to our conversation on Tuesday, Dec. 12<sup>th</sup>, 2017.  
I have three (3) concerns in regards to the subdivision filing PZ-17-00266:

- 1- That the easement pertaining to the shared driveway which begins on my property at 10114 Yellowstone Service Rd. be adhered to. The written easement, recorded on 2/23/2016 at 3:43 PM, BK#2487 PG#958, Clerk of Laramie County, was created at the insistence of Mr. Shawn Adjari despite our verbal assurance to him that we would honor the oral gentleman's agreement between the original owners of the two houses, his house at 10118 Yellowstone Rd., and mine at 10114 Yellowstone Rd.

This easement specifies use of the driveway is limited to owner's, guests & visitors of the occupants of the two houses, but there would be not be any easement granted to "any persons or entities that reside or conduct business in any other structure built on said Grantee's property."

A copy of this easement was left with you during our conversation on Tuesday, Dec. 12<sup>th</sup>.

- 2- That the outline of the boundary lines on the aerial map attached to the filing PZ-17-00266 does not reflect the boundary change recorded December 1, 1997, 214442, Book 1466, Laramie County Clerk, Cheyenne, WY, that establishes the property line on the 3-rail wooden fence at the west edge of 10114 Yellowstone Rd, not at an angle to the fence as shown on the aerial illustration. This boundary change specifically removed the two narrow angles of land on opposite sides of the fence and established the property line on the path of the fence between the west side of 10114 Yellowstone Rd. and the southeast side of 10118 Yellowstone Rd.
- 3- That the Laramie County zoning requirement of 5 acres per house, well and sceptic tank/field be in effect for any subdivision planned of the property at 10118 Yellowstone Rd. .

Thank you for considering these items as you review the proposed filing PZ-17-00266, or any other filing involving the property at 10118 Yellowstone Rd., Laramie County, Cheyenne, WY.

Sandra Dennis  
10114 Yellowstone Rd.  
Cheyenne, WY 82009

DEC 12 2017

PLANNING & DEVELOPMENT  
OFFICE



EASEMENT

Easement made this 2<sup>ND</sup> day of DECEMBER 20 15, by William F. Dennis, Jr. and Sandra B. Dennis, Trustees, or their successors in trust, under the William F. Dennis, Jr. Living Trust dated April 12, 1997, and Sandra B. Dennis and William F. Dennis, Jr., Trustees, or their successors in trust, under the Sandra B. Dennis Living Trust dated April 12, 1997 hereinafter referred to as Grantors:

WHEREAS, the Grantor is the owner in fee simple of the following described property:

All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$  Section 1, T.14N., R.67W., 6<sup>th</sup> P.M., Laramie County, Wyoming, being more particularly described as follows:

Beginning at a point on the west R/W line of Yellowstone Road S.89°39'W, a distance of 155 feet from a point on the east boundary of said Section 1, which point is 144.13 feet North of the E $\frac{1}{4}$  corner of said Section 1; thence S.89°39'W, parallel to the East-West center line of said Section 1, a distance 567.07 feet to a point; thence N0 08'W, a distance of 327.57 feet to point; thence N89 39'E parallel to the East-West center line of said Section 1, a distance of 567.40 feet to a point on the west R/W line of Yellowstone Road; thence S0 04'E, along said R/W line, a distance of 327.57 feet to the point of beginning.

Plus:

All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$  Section 1, T.14N., R.67W., 6<sup>th</sup> P.M., Laramie County, Wyoming, being more particularly described as follows:

Commencing at a point on the west R/W line of Yellowstone Road S.89°39'W, a distance of 155 feet from a point on the east boundary of said Section 1, which point is 144.13 feet North of the E $\frac{1}{4}$  corner of said Section 1; thence S.89°39'W, parallel to the East-West center line of said Section 1, a distance 567.07 feet to a found  $\frac{1}{2}$ " iron pipe being the southwest corner of that certain parcel recorded in Warranty Deed at Book 1452, page 1100 of Laramie County Records also being the point of beginning of the parcel to be described; thence continuing S.89°39'00"W, a distance of 36.63 feet; thence N.01°13'16"E, a distance of 23.38 feet; thence N.10°24'03"E, a distance of 196.54 feet to the west line of said certain parcel; thence S. 00°10'21"E, along said west line, a distance of 216.46 feet to the point of beginning. Containing 4,331 square feet more or less.

Less:

All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$  Section 1, T.14N, R.67W, 6<sup>th</sup> P.M., Laramie

**LARAMIE  
COUNTY**

**DEC 12 2017**

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County, Wyoming, being more particularly described as follows:

Commencing at a point on the west R/W line of Yellowstone Road S.89°39'W, a distance of 155 feet from a point on the east boundary of said Section 1, which point is 144.13 feet North of the E¼ corner of said Section 1; thence S.89°39'W, parallel to the East-West center line of said Section 1, a distance 567.07 feet to a found ½" iron pipe being the southwest corner of that certain parcel recorded in Warranty Deed at Book 1452, page 1100 of Laramie County Records; thence N00 10'21"W, along said west line, a distance of 216.46 feet to the point of beginning of the parcel to be described; thence continuing N00 10'21"W, along said west line, a distance of 110.86 feet to a found ½ iron pipe being the northwest corner of said certain parcel; thence N89 37'31"E, along the north line of said certain parcel, a distance of 20.71 feet; thence S10 24'03"W, a distance of 112.85 feet to the point of beginning. Containing 1,148 square feet more or less.

and

WHEREAS Mandana Ghodrat, hereinafter referred to as Grantee, is the owner in fee simple of an adjoining parcel of land, described as:

14-67: POR of E1/2 NE1/4 SEC 1, DESC AS: BEG AT A PNT ON WEST R/W LINE OF YELLOWSTONE RD, S 89 DEG 39' W, 155' FROM A PNT ON THE EAST BNDRY OF SEC 1, WHICH PNT IS 144.13' NORTH FROM THE EAST 1/4 COR OF SD SEC 1; TH S 89 DEG 39' W, PARALLEL TO THE EAST WEST C/L OF SD SEC, 603.70' TO THE SOUTHWEST COR OF BK 1466 PG 999, ALSO BEING THE POB; TH CONT S 89 DEG 39'W, PARALLEL TO THE EAST WEST C/L, 530.44' TO A PNT ON THE EAST LINE OF BUCKBRUSH RD; TH N 0 DEG 12' W, ALONG SD EAST LINE, 655.15' TO THE SOUTH LINE OF PROJECT "N"; TH N 89 DEG 39' E, ALONG SD SOUTH LINE 1135.48' TO A PNT ON THE WEST R/W LINE OF YELLOWSTONE RD, S 0 DEG 04' E, ALONG SD WEST R/W LINE, 327.58' TO THE NORTHEAST COR OF BK 1452 PG 1100; TH S 89 DEG 39' W, ALONG THE NORTH LINE OF BK 1452 PG 1110, PARALLEL TO THE EAST WEST C/L OF SD SEC, 546.64' TO THE NORTHEAST COR OF BK 1466 PG 497; THE S 10 DEG 26'32"



**LARAMIE  
COUNTY**

**DEC 12 2017**

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W, ALONG THE EASTERLY LINE OF BK 1466 PG 997 & BK 1466  
PG 999, 309.68'; TH S 01 DEG 13'16" W, 23.38' TO THE POB.

and

WHEREAS, Grantee desires to have access to its property by using the existing dirt driveway which connects Yellowstone Service Road to their property through Grantors' property, said dirt driveway being delineated in green on Exhibit A attached hereto and made a part hereof by this reference, and

WHEREAS the Grantors have, in consideration of TEN DOLLARS in hand paid, and other good and valuable consideration, the receipt whereof is hereby acknowledged, agree to grant to the Grantee an easement for the above purposes,

Now, therefore, Grantors hereby grant unto the Grantee, her heirs and assigns, full and free right and authority to do the following:

1. Said dirt driveway will be used for the purpose of the Grantee to have and enjoy the same for the purpose of access and egress to and from Grantee's property, and by Grantee's guests and visitors and by other persons having a legitimate reason for visitation at Grantee's property, so long as said dirt driveway is used only for such purposes. In no event is said access and egress to be used by any persons or entities that reside or conduct business in any other structure built on said Grantee's property.
2. Said easement is created for perpetual duration.
3. Grantors are not responsible for or have a legal obligation or any other type of obligation to maintain said dirt driveway, and any maintenance or upkeep of said dirt road can only be conducted with the permission of Grantors.

Likewise, Grantors are not responsible for or have a legal obligation or any other type of obligation to remove snow from said dirt driveway, and any snow removal of said dirt road can only be conducted with the permission of the Grantors.

Grantee assumes the risk of using said dirt driveway.



BY:

[Signature]  
GRANTOR

[Signature]  
GRANTOR

STATE OF WYOMING     )  
                                      )SS:  
COUNTY OF LARAMIE    )

The foregoing was subscribed and sworn to before me by  
William F. Deems + Sandra B. Deems this 2nd day of December, 2015.

Witness my hand and official seal.



[Signature]  
Notary Public

My Commission Expires: Jun. 17, 2017

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COUNTY  
DEC 12 2017  
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Map of Easement  
Prepared for  
Bill and Sandra  
Dennis

Easement

YELLOWSTONE SERVICE ROAD

YELLOWSTONE

LARAMIE  
COUNTY

DEC 12 2017

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Legend

Easement

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Cheyenne Laramie County GIS Cooperative Program

REC# #: 679304  
RECORDED 2/23/2016 AT 3:43 PM BK# 2487 PG# 969  
Debra K. Lathrop, CLERK OF LARAMIE COUNTY, WY PAGE 5 OF 5

**Minutes of the Proceedings**  
**DONNYA ENCLAVE ESTATES SUBDIVISION PERMIT & PLAT**

**Laramie County Planning Commission**  
**Prepared by the Laramie County Planning & Development Office**  
**Laramie County Wyoming**

Thursday, January 25, 2018

**180125 00** The Laramie County Planning Commission met in regular session on Thursday, January 25th, 2018, at 3:30 p.m.

The members in attendance were: Commissioner Jody Clark, Chairwoman; Commissioners Bert Macy, Jason Caughey, Joe Patterson, and Pat Moffett; Dave Bumann, Assistant Director; Brad Emmons, Planning Director; Nancy Trimble, Associate Planner; Bryan Nicholas, Planner.

The meeting register was signed by: Zach Allen, P.O. Box 453, Cheyenne, WY 82003; Steve Kelly, 1660 S. Albion St, Suite 317, Denver, CO 80222; Sandra Dennis, 10114 Yellowstone Road, Cheyenne, WY 82009, Bill Tunnicliff, 818 Sterling Drive, Cheyenne, WY 82009; Shawn Ajdari, 10118 Yellowstone Service Road, Cheyenne, WY 82009

**03** Review and action of a Subdivision Permit and Plat for Donnya Enclave Estates, located in a portion of the E½, NE¼, Sec 1, T. 14. N., R. 67 W., of the 6th P.M., Laramie County, WY.

Bryan introduced the application and the applicant/owner Shawn Ajdari. Mr. Ajdari stated he is deeding/giving the proposed property to his daughter.

Bryan gave staff report and criteria.

Commissioner Clark opened the hearing to public comment: Sandra Dennis of 10114 Yellowstone Road discussed the shared driveway and an easement agreement between the two property owners. Mr. Ajdari stated access is used from the east and west property lines. Ms. Dennis expressed her desire that the easement agreement be enforced, and that no future access would be used for additional housing.

Commissioner Clark closed public opinion.

Commissioner Moffett moved to approve, Commissioner Caughey seconded.

Subdivision approved (5-0).



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR  
DONNYA ENCLAVE ESTATES, LOCATED IN A PORTION OF THE E½, NE¼,  
SECTION 1, T. 14 N., R. 67 W., OF THE 6TH P.M., 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**, the proposed plat is in conformity with section 4-2-100 of the Laramie County Land Use Regulations; and

**WHEREAS**, this resolution is the subdivision permit for Donnya Enclave Estates.

**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.
- c. This application is in conformance with section 4-2-100 of the Laramie County Land Use Regulations.

**And the Board approves the Subdivision Permit and Plat for Donnya Enclave Estates.**

**PRESENTED, READ AND ADOPTED THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2018.**

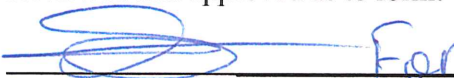
LARAMIE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
K.N. "Buck" Holmes, Chairman

ATTEST:

\_\_\_\_\_  
Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

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