



# LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

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## Planning • Building

### MEMORANDUM

**TO:** Laramie County Board of Commissioners

**FROM:** Brad Emmons, Laramie County Planning Director

**DATE:** May 1st, 2018

**TITLE:** Review and action on a Zone Change from A1 (Agricultural and Rural Residential) to AR (Agricultural Residential) for Tract 3, Sullivan Subdivision, Laramie County, WY.

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### EXECUTIVE SUMMARY

Pat and Deanna Sullivan have submitted an application for Zone Change for Tract 3, Sullivan Subdivision. The requested zone change from A1 to AR will allow for the future subdivision of the lot. AR lots require a density of one tract per 5 acres whereas A1 lots require a density of 10 acres per tract.

### BACKGROUND

The subject property is approximately 17.38 acres located east of Westedt Road between Steward Road and Glencoe Drive and was platted in November 2010. Should the zone change be approved, the applicant could split the property further in the future.

### **Pertinent Regulations**

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

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

### DISCUSSION

The Laramie County Comprehensive Plan designates this area as RM (Rural Metro), located generally outside the Urban Interface of Cheyenne, and including the areas within the

Metropolitan Planning Organization (MPO) boundaries. The areas outside this boundary may be a mix of residential and neighborhood oriented services, where buffering of dissimilar uses is essential. Average residential developments may be 2.5 – 5 acres depending on availability of services.

PlanCheyenne contemplates Rural Residential uses for this property. This 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. The primary use in this category is single family residences on individual large lots, where farm animals and horses are permitted, and clustering is encouraged.

Current zoning for this property is A1 (Agricultural and Rural Residential), which requires a minimum lot size of 10 acres for any use. A zone change to the AR (Agricultural Residential) district is being requested to allow the tracts in the proposed subdivision to meet the minimum lot size requirements of 5 acres. Surrounding properties are zoned AR, A1 and A2, range in size from approximately 5 to 147 acres, and are either single-family residential or agricultural in use.

Public notice was published, and neighbor notice letters were mailed. Staff received no comments from adjacent landowners.

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

Criteria i. is met by the conformance with the Laramie County Comprehensive Plan and PlanCheyenne with type of development.

At the April 12<sup>th</sup> Laramie County Planning Commission public hearing, public comment was received regarding water usage, utilities, traffic conditions, pedestrian safety, and the impacts to existing residents from future development. The Planning Commission found the application met criteria i of Section 1-2-103(b) and recommended approval of the zone change request by a vote of 4-0 with no conditions.

## **RECOMMENDATION and FINDINGS**

**Based on evidence provided, 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 4-2-100 of the Laramie County Land Use Regulations.

**and that the Board approve the Zone Change from A1 (Agricultural and Rural Residential) to AR (Agricultural Residential) for Tract 3, Sullivan Subdivision, Laramie County, WY.**

## **PROPOSED MOTION**

**I move to approve the Zone Change from A1 (Agricultural and Rural Residential) to AR (Agricultural Residential) for Tract 3, Sullivan Subdivision, Laramie County, WY, and adopt the findings of facts a and b of the staff report.**

## **ATTACHMENTS**

**Attachment 1: Staff Aerial Map**

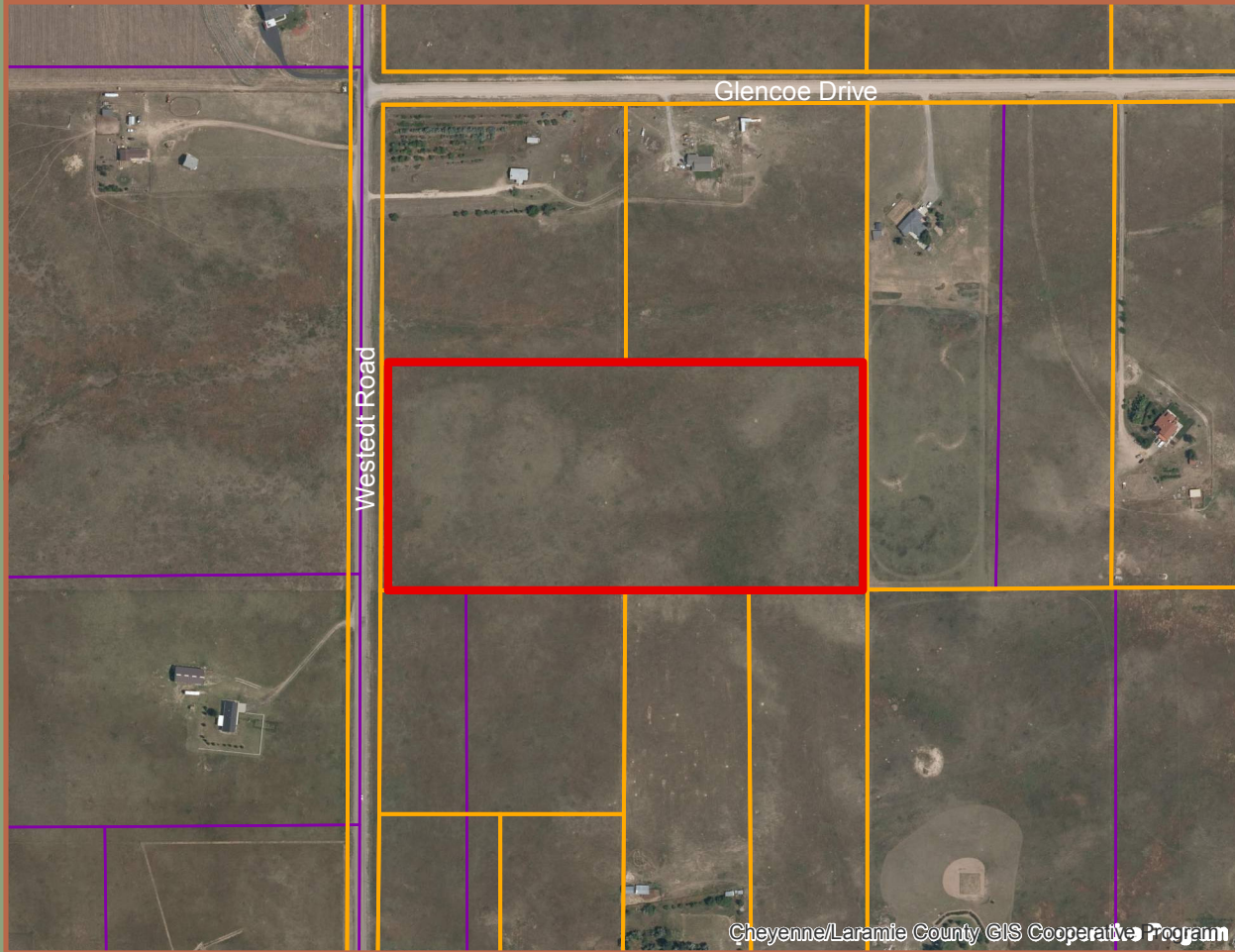
**Attachment 2: Planning Commission Meeting Minutes – April 12, 2018**

**Attachment 3: Resolution**

**Attachment 4: Resolution Exhibit ‘A’ - Zone Change Map**

# PZ-18-00038 Sullivan Zone Change

1 inch = 500 feet



Laramie  
County,  
Wyoming



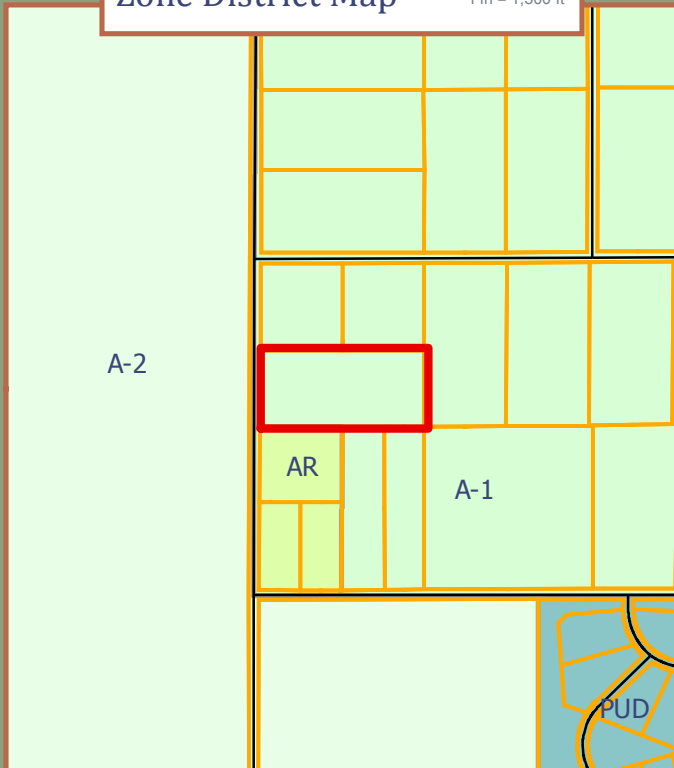
Date: 4/2/2018

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.

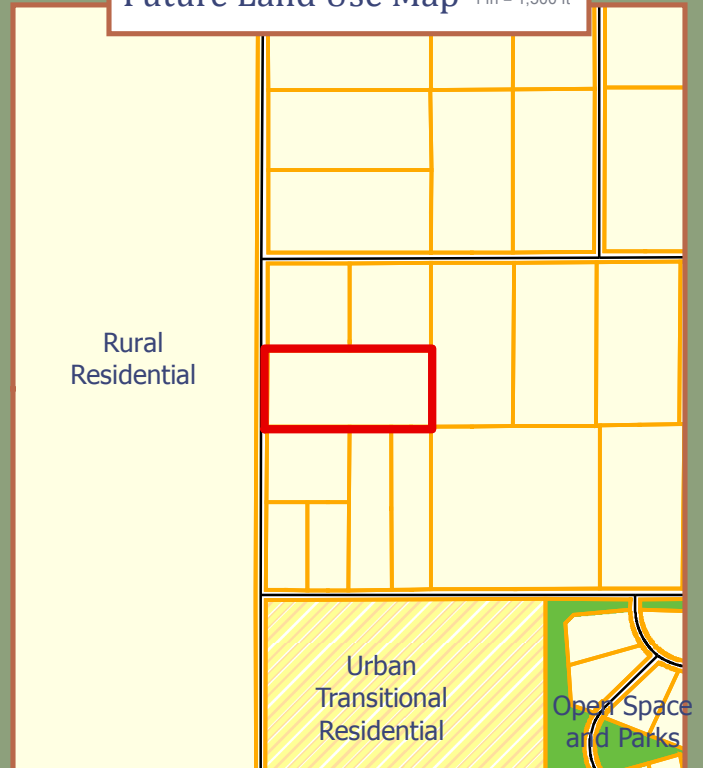
## Zone District Map

1 in = 1,500 ft



## Future Land Use Map

1 in = 1,500 ft



**Minutes of the Proceedings**  
**SULLIVAN ZONE CHANGE**  
**Laramie County Planning Commission**  
**Prepared by the Laramie County Planning & Development Office**

**Laramie County Wyoming**

Thursday, April 12, 2018

- 180412 00** The Laramie County Planning Commission met in regular session on Thursday, April 12th, 2018, at 3:30 p.m.

The members in attendance were Commissioner Jody Clark, Chairwoman; Commissioners Pat Moffett, Bert Macy, Jason Caughey; Brad Emmons, Planning Director; Nancy Trimble, Associate Planner.

The meeting registrar was signed by: Raven Novak, 7103 Archer Road, Cheyenne, WY 82009; Kelly Badger, 11507 Glencoe Drive, Cheyenne, WY 82009; Denise Osborn, 2527 Summit Dr., Cheyenne, WY 82009; Pat & Deanne Sullivan, 11413 Glencoe Dr., Cheyenne, WY 82009; Jean Shiverdecker, 275 Road 102, Granite Canon, WY.

- 01** Review and action on a Zone Change from A1 (Agricultural and Rural Residential) to AR (Agricultural Residential) for Tract 3, Sullivan Subdivision, Laramie County, WY.

Commissioner opened the hearing and described procedures for proceeding.

Brad Emmons provided overview of the application and pertinent regulations, and introduced Denise Osborn, agent for the Applicant. The applicants listed the land for sale, and reviewed adjacent properties with five acre lot density. The applicants wanted to increase the value of the land, and contacted the Planning Department to see what procedures they would need to do in order to create a subdivision with 5 acre lots.

Brad Emmons provided staff report and recommended findings.

Commissioner Moffett asked staff if Tract 1 and 2 if the zone district will still remain Agricultural and Rural Residential A-1, Emmons responded that was correct and the zone change only applies to Tract 3. Commissioner Moffett discussed how access would be provided when the land is subdivided. Emmons responded accesses would have to be shown on a Plat through the Platting process.

Commissioner Clark opened the hearing to public comment: Raven Novak of 7103 Archer Road, asked if the proposed land is subdivided, what would be the impact of the groundwater, and who is responsible for re-drilling her well if necessary, and if there would be electric and propane

utilities installed for the subdivision. Emmons responded due to the fact the applicant would not be able to create more than 5 lots, Wyoming DEQ would not require a study, and that wells on private property would fall on the responsibility of the owner. Ms. Novak expressed concerns of water pressure, impacts on the aquifer, oil, and if there would be restrictions for the amount of horses allowed on the property. Commissioner Moffett stated that Black Hills Energy is already out in that area on Westedt Rd. and most likely natural gas would be available. Denise Osborn stated the applicants were encouraged to contact the SEO office to assess proposed wells for the future subdivision, and are still awaiting a report from the SEO office. Osborn stated that the regulations for horses would not be impacted, and existing covenants would still govern.

Kelly Badger of 11507 Glencoe Drive expressed what precedents would the subdivision have on the surrounding areas, and if it would continue to occur.

Commissioner Clark responded that they were unable to foresee what development would occur in the future. Mr. Badger further asked if the Planning Commission would approve similar subdivisions if they occurred. Emmons clarified that the Laramie County Comprehensive Plan promotes subdivision of lands 2.5 to 5 acre in size. The Board of County Commissioners would have to approve any subdivision. Mr. Badger asked if the area can handle 5 acre lots, Mr. Emmons responded stating the SEO has not provided any information not allowing such subdivisions.

Commissioner Macy clarified that the Planning Commission does not oversee water wells and usage, and that the SEO holds governance on such matters.

Ms. Osborn states they cannot control the amount of vehicles each property owns.

Ms. Novak expressed concerns of traffic, pedestrian traffic, horses, and careless drivers creating hazardous conditions.

Ms. Osborn assured that the applicants do care about the area, are locals of the area, and are invested in what happens in the subdivision.

Jean Shiverdecker of 275 Road 102, Granite Canon expressed she was not a land owner near the proposed subdivision, but was currently in a similar process regarding zoning. Ms. Shiverdecker discussed on the existing conditions of property, and owner's desire to preserve said conditions. Ms. Shiverdecker stated that the Planning Department should be aware of such actions, and to help preserve existing conditions of properties.

Commissioner Clark states that as Laramie County grows and changes, unless you own the surrounding properties you can't guarantee what occurs, or control what happens if it is not in a legal document.

Commissioner Caughey discussed that the challenge of Planning along with the Comprehensive Plan attempted to outline area of growth, and density

changes highlighted to the public could plan accordingly. The point of planning is to be smart and control what happens through all county agencies. And when referring to water, the SEO dictates the density requirements for subdividing the land. When land is regulated, the Planning Commission must make decisions based on the legislation and current law.

Commissioner Moffett expressed the fact that he is also sensitive to the issue of development, with the fact that subdivisions are occurring adjacent to his own property.

Commissioner Clark closed public comment and asked for a motion.  
Commissioner Moffett moved to approve.  
Commissioner Macy seconded.  
Zone Change approved 4-0)

Meeting adjourned at 3:55.

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

**A RESOLUTION TO APPROVE A CHANGE IN ZONE DISTRICT FROM  
A1 (AGRICULTURAL AND RURAL RESIDENTIAL) TO AR (AGRICULTURAL  
RESIDENTIAL) FOR TRACT 3, SULLIVAN SUBDIVISION,  
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 zone change is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations; and

**WHEREAS**, the proposed zone change is in conformance with the requirements of section 1-2-103(b) of the Laramie County Land Use Regulations; and

**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 meets the criteria for a zone map amendment pursuant to section 1-2-103 (b) of the Laramie County Land Use Regulations.
- b. The proposed change in zone district is in conformance with the requirements of section 4-2-100 of the Laramie County Land Use Regulations.

**and that the Board approves a Zone Change from A1 (Agricultural and Rural Residential) to AR (Agricultural Residential) for Tract 3, Sullivan Subdivision, Laramie County, WY, as shown on the attached Exhibit 'A' – Zone Change Map.**

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


LARAMIE COUNTY BOARD OF COMMISSIONERS

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

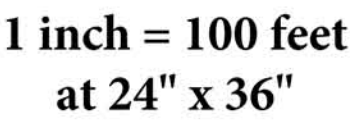
ATTEST:

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

Reviewed and approved as to form:

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





## Prepared February 27, 2018