Planning • Building

M EMORANDUM

TO: Laramie County Board of Commissioners

FROM: Bryan Nicholas, Associate Planner

DATE: April 16th, 2019

TITLE: Review and action on a Zone Change from A2- Agricultural to MU-Mixed Use, for Tract 8, Mesa Tracts, and postponement of the Subdivision Permit & Plat for Mesa Tracts, 3rd Filing, a replat of Tract 8, Mesa Tracts, Laramie County, WY.

EXECUTIVE SUMMARY

Steil Surveying Services, on behalf of Holly Allison(formely known as Holly Bruegman) and the City of Cheyenne, has submitted Zone Change and Subdivision Permit & Plat applications for Mesa Tracts, 3rd Filing. The applications have been submitted to request a zone change from Agricultural (A2) to Mixed Use (MU), and to re-plat Tract 8 into three tracts; one for an existing single-family residence, one for future development, either residential or commercial, and one that is to be conveyed to the Transportation Commission of Wyoming for the future expansion of US Highway 30.

Both applications have been combined into one staff report for ease of presentation and discussion, with separate motions required on the two actions.

BACKGROUND

A single-family residence with associated structures and an access from US Hwy 30 lies on the northern portion of Tract 8. The residence is currently on a private water well and septic system. A portion of Tract 8 was deeded to the City of Cheyenne in April 2018, which is being re-platted and dedicated as part of the 100-foot right-of-way for Christensen Road.

Pertinent Regulations

- Section 1-2-103(b) of the Laramie County Land Use Regulations governing the criteria for a zone map amendment.
- Section 4-2-111 of the Laramie County Land Use Regulations governing the MU Mixed Use Zone District.
- Section 2-1-101 (a-e) of the Laramie County Land Use Regulations governing the criteria for a subdivision permit and plat.

DISCUSSION

The Laramie County Comprehensive Plan identifies the area as Urban Rural Interface (URI), which 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.

PlanCheyenne categorizes this area as Mixed-Use Commercial. This category promotes primary land uses such as retail, offices, light industrial, parks, plazas, and activity centers. Residential uses, such as apartments or townhomes, are viewed as secondary uses. Areas within this category should be located near principle arterial or minor arterial streets, or transit facilities, with the intent of creating an environment that has employment and shopping opportunities.

The proposed subdivision lies within the Agricultural (A2) Zone District. Adjacent Zone Districts are primarily Agricultural in nature, ranging from AR to A2. The Saddle Ridge Subdivision, southwest of this proposed subdivision, is zoned Medium Density Residential (MR) and is located within the City's jurisdiction. A Mixed-Use (MU) Zone District lies along US 30, from Whitney Road, continuing past Sage Road. The MU Zone District allows for a mixture of residential and commercial uses; including duplexes, multi-family residential, retail sales conducted within a building, and mixed-use residential developments. If developed, the lot coverage ranges from 60 to 70 percent depending on the type of development.

Per Section 2-1-101(c) (vi), subdivisions of five (5) or fewer divisions of land are exempt from a Department of Environmental Quality Chapter 23 Review pursuant to W.S. 18-5-306.

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 conformance with the Laramie County Comprehensive Plan and PlanCheyenne with the type of development.

On March 28th the Planning Commission held a public hearing to discuss this proposed Zone Change and Subdivision Permit. During the hearing the Planning Staff provided motions to approve both applications with conditions for the Plat. Public comment was received by the Commission, in which concerns were expressed regarding the existing residential and agricultural nature of the community, and that the proposed zone change to MU would allow for commercial development that wouldn't preserve the intended residential character. An amended motion was read to approve the zone change with an additional condition of removing a note from the zone change map, but failed to pass by lack of a second. The Planning Commission stated they didn't approve of the zone change because it would create a "pocket zone", and didn't fit with the existing area. Due to this action, the Planning Commission voted to postpone their decision on the subdivision permit to the April 25th public hearing, in order to wait until this Board had voted on the zone change. On April 9th, it was determined there would not be quorum for that public hearing, requiring the subdivision be postponed to the May 9th Planning Commission public hearing.

A revised zone change map was submitted to County Planning on April 8, 2019, addressing the remaining agency comments and condition required by the Planning Commission. Public notice was provided per Section 1-2-104 of the Land Use Regulations. No public comment was received.

Staff finds the applications are 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) of the Laramie County Land Use Regulations.
- **b.** The proposed change in zone district is in conformance with the requirements of section 4-2-111 of the Laramie County Land Use Regulations.

and that the Board approve the Zone Change from A2 to MU for Tract 8, Mesa Tracts, with no conditions.

PROPOSED MOTION – ZONE CHANGE

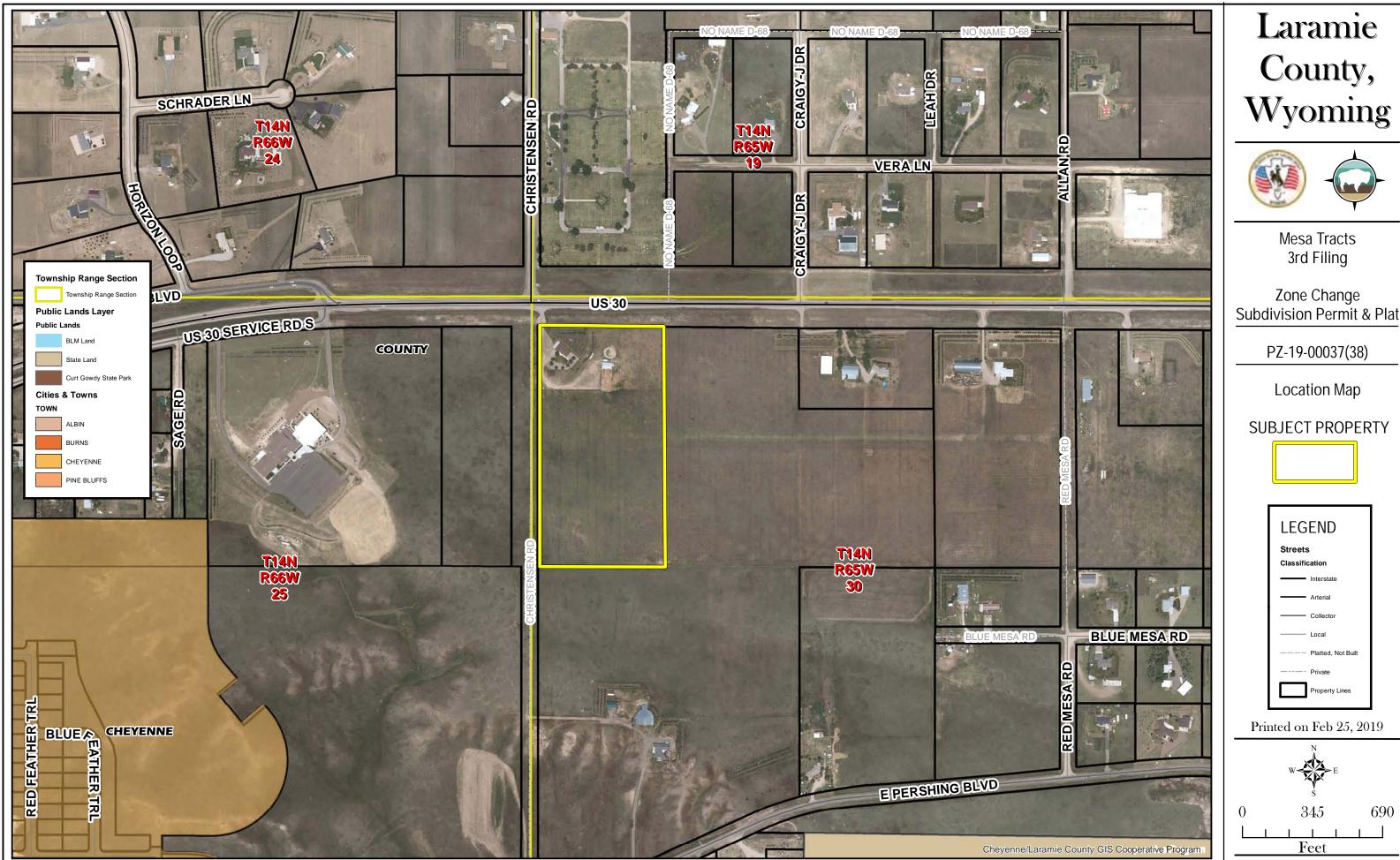
I move to approve the Zone Change from A2 to MU for Tract 8, Mesa Tracts, with no conditions, and adopt the findings of facts a and b for the *zone change*, as shown in the staff report.

PROPOSED MOTION – SUBDIVISION PERMIT & PLAT

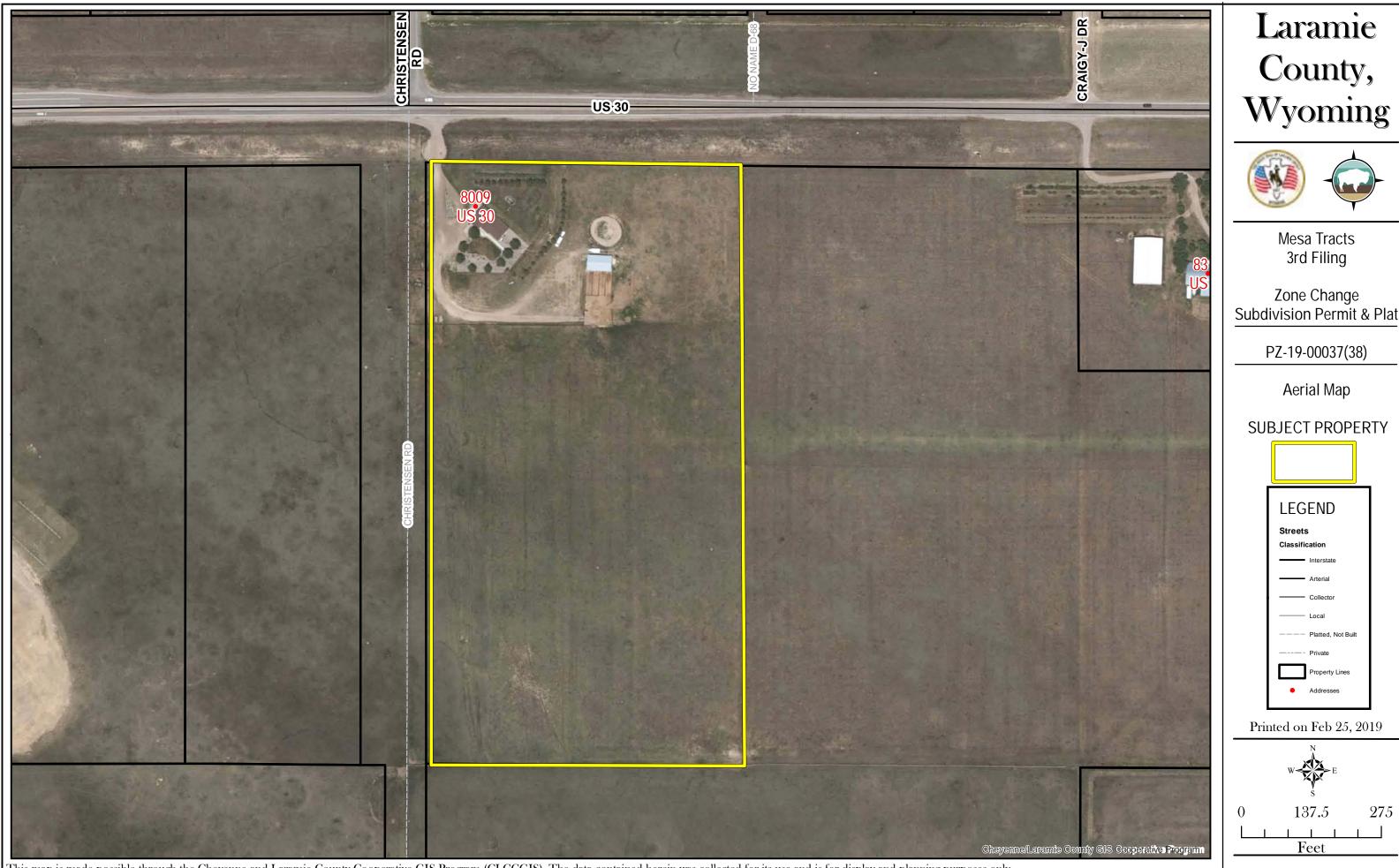
I move to postpone the public hearing regarding the Subdivision Permit and Plat for Mesa Tracts, 3rd Filing to the May 21, 2019 Board of County Commissioners public hearing.

ATTACHMENTS

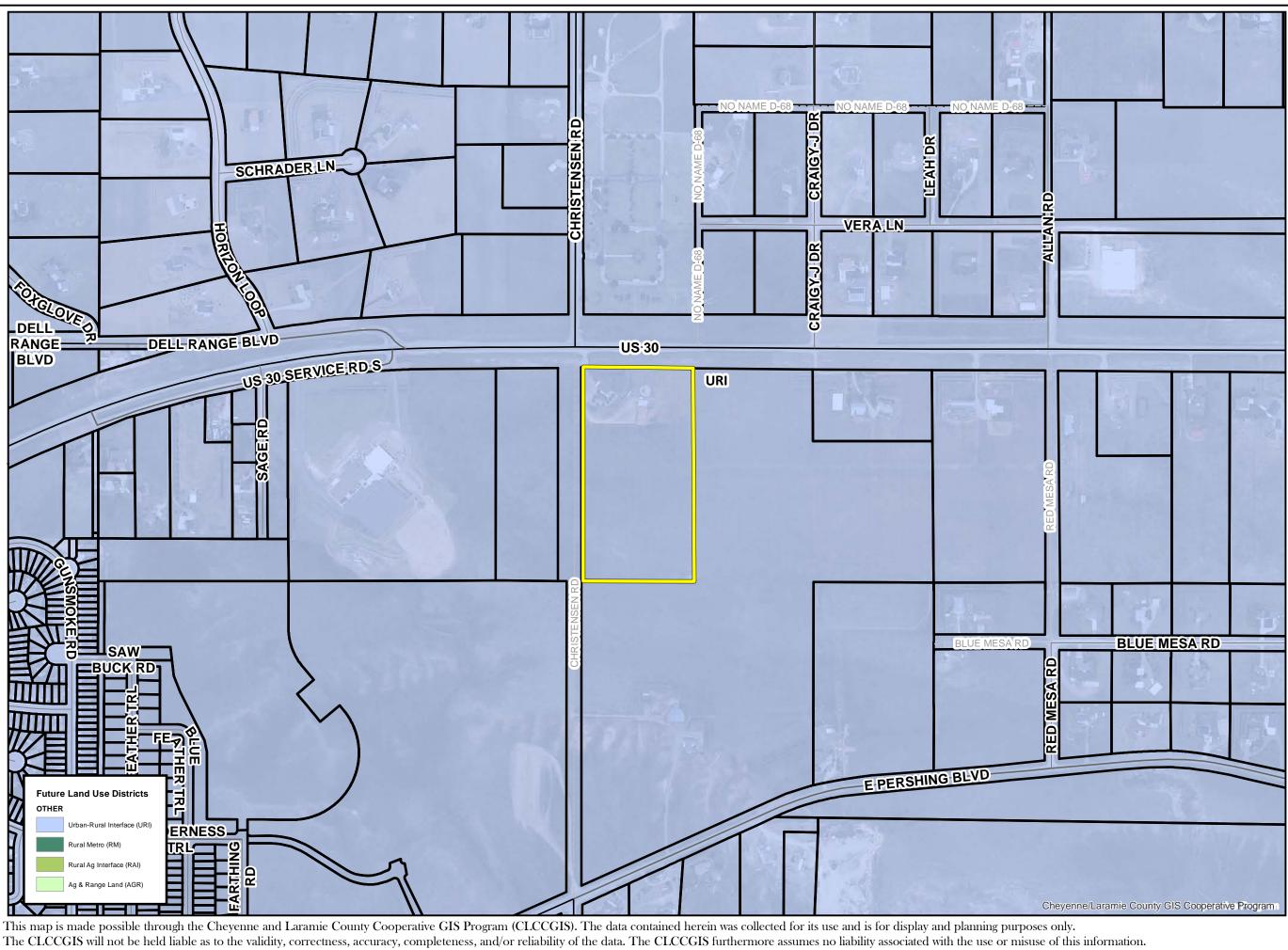
- Attachment 1: Location Map
- Attachment 2: Aerial Map
- Attachment 3: Comprehensive Plan Map
- Attachment 4: PlanCheyenne Map
- Attachment 5: Current Zoning Map
- Attachment 6: Combined Agency Comments Report Revised 3.28.19
- Attachment 7: Applicant Traffic and Drainage Waiver Request Letter Revised 3.19.19
- **Attachment 8: Existing Conditions Map**
- Attachment 9: Resolution Zone Change
- Attachment 10: Resolution 'Exhibit A' Zone Change Map Revised 4.8.19

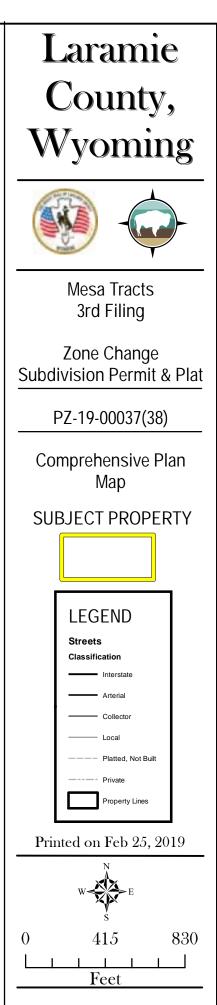


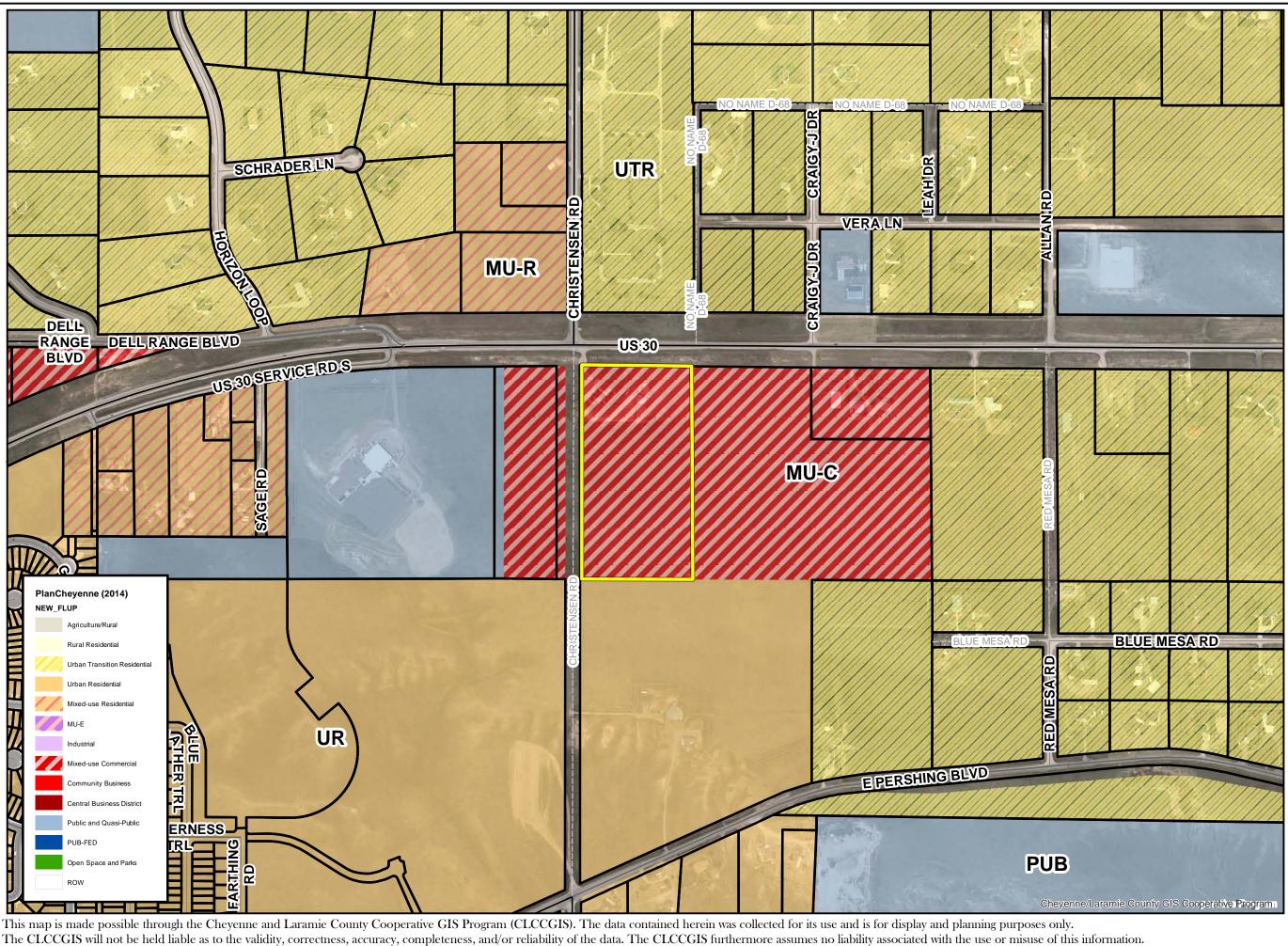
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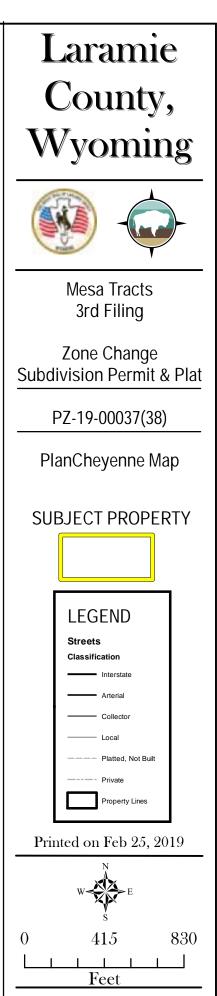


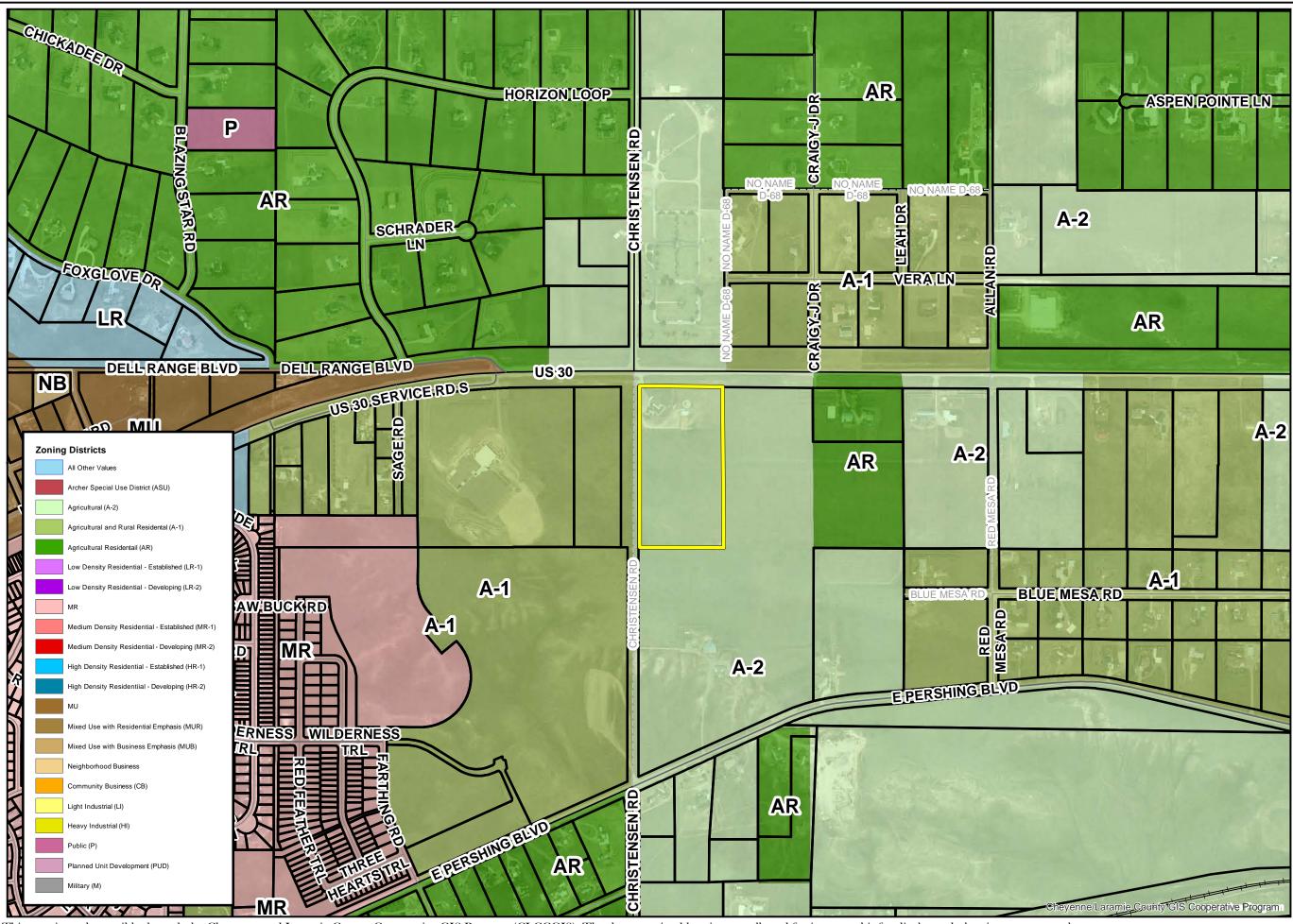
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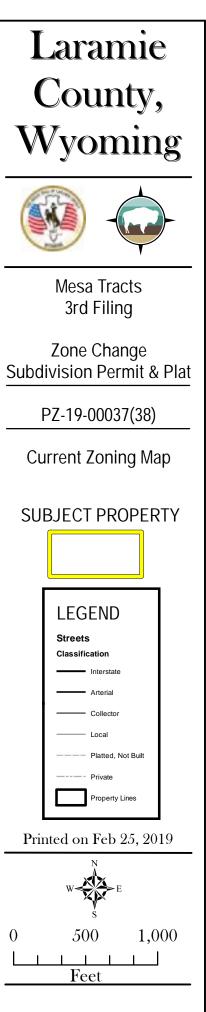








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PZ-19-00037

County Engineer: Scott Larson COMMENTS ATTACHED 03/08/2019 Under General Information on the Zone Change map, it indicates there are 2 lots, but the Zone Change map only shows one Tract and not two. This was more than likely

WYDOT: Randy Griesbach COMMENTS ATTACHED 03/07/2019

copied from the plat map, but isn't applicable for the Zone Change Map.

In order to protect the Transportation Commission interest in the highway, and to anticipate any future changes to the highway, the preferred interest is fee ownership by the Transportation Commission to handle the right of way in the best manner and avoid any possible legal or access issues in the future. The most appropriate and desirable course for this development would be to transfer the 1.55 acres, shown as dedicated to the public on the plat, to the Transportation Commission by Warranty Deed or Quit Claim deed. That area would then be removed from the plat boundary, and would not require Transportation Commission approval.

Planners: Bryan Nicholas COMMENTS ATTACHED 03/08/2019

1. For the purposes of a Zone Change Map, existing conditions should be removed from the map.

2. Information, land use, and current zoning of adjacent properties need to be shown on the map.

3. Legal description should be for the existing property, and not reflect the new legal for the proposed subdivision.

<u>Cheyenne Development Services:</u> Seth Lloyd COMMENTS ATTACHED 03/08/2019 Please see the plat for official comments from the City to the Board of County Commissioners on the platting action.

PlanCheyenne identifies this area as Mixed-use Commercial and within the Urban Service Boundary. The future uses anticipated on this property would include a mix of commercial and residential uses at an urban density with full connection to urban services. The proposed zoning appears in line with the future land use designation of the property, though the actual development of the subject property with an urban-level mix of uses would likely require annexation.

AGENCIES WITH NO COMMENTS:

County Assessor County Public Works Department Environmental Health Department Sheriff's Office Planners

AGENCIES WITH NO RESPONSE:

Cheyenne MPO Cheyenne Development Services County Attorney County Real Estate Office County Treasurer County Conservation District Wyoming State Engineer's Office US Post Office Combined Communications Center Emergency Management Fire District No. 2 High West Energy CenturyLink Cheyenne Engineering Services Laramie County Weed & Pest



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

March 8, 2019

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

RE: Mesa Tracts, 3rd Filing City Comments

Board of County Commissioners,

In compliance with W.S. 34-12-103 (b) the City hereby submits the following comments regarding the Mesa Tracts, 3rd Filing 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.

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



February 4, 2019

Laramie County Planning & Development Office 3966 Archer Parkway Cheyenne, WY 82007 (307) 633-4303

InRe: Request for waiver of the Traffic Study, Drainage Report & GESC requirements for a Final Plat, to be known as MESA TRACTS, 3rd FILING, a subdivision of Tract 8, Mesa Tract, Laramie County, WY (±19.91 acres)

Steil Surveying Services, agent for the owners, intends to plat the above-noted property into two tracts; one for the existing residential use and another for potential commercial or residential use. The plat is accompanied by a Zone Change to MU - Mixed-Use to allow the existing residential use to remain while allowing for potential commercial use of the remaining ±12 acres. Following the pre-application meeting, this letter is submitted, on behalf of the owner, requesting a waiver from the requirements for a Traffic Study, Drainage Report, and GESC Permit pursuant to Sections 2-1-100.b, 3-1-105, 3-5-105, and 3-2-102 of the Laramie County Land Use Regulations.

No portion of the proposed subdivision falls within a FEMA 100-year Special Flood Hazard Area per F.I.R.M PANEL No. 56021C1114F; dated January 17, and given the lack of existing drainage/flood problems in the area and the minimal scope of proposed development, we are requesting a waiver from any detailed drainage study.

The proposed final plat proposes a "40'x80' Joint access easement at the current driveway access at Christensen Road. Preliminary traffic generation numbers are provided on the Existing Conditions Map as follows:

INGLE-FAMILY RUF	RAL RESIDENTIAL			
VERAGE DAILY TRI	2S			
Existing use	1 Unit x 6 ADT	=	6	
Proposed additional		=	6	
TOTAL			12 AV	VERAGE DAILY TRIPS (ADT)
.M./P.M. PEAK-HOUR	TRIPS			
Existing platted lots	1 Units x 1.6/Unit	=	1.6	
Proposed additional	1 Units x 1.6/Unit	=	1.6	
TOTAL			3.2	PEAK HOUR TRIPS

Given these preliminary plans and analyses, prior reviews and approvals, limited surface runoff increases, and/or potential of significant traffic generation, or alternative transportation network connections, we respectfully submit this waiver request on behalf of the owner.

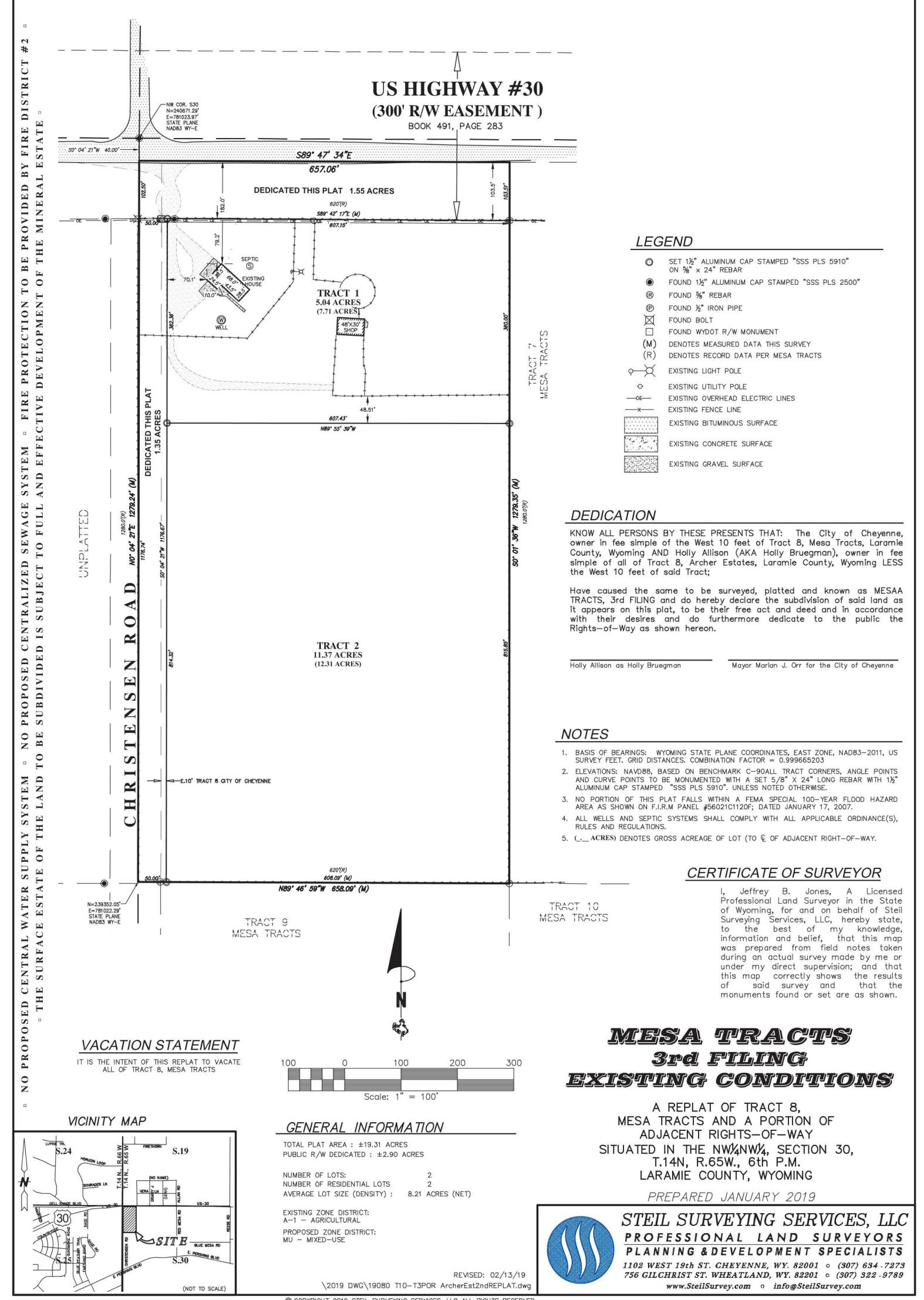
Please contact us with any questions or concerns.

Sincerely,

Casey L. Paima, AICP Steil Surveying Services, LLC <u>CPalma@SteilSurvey.com</u>

COUNTY

FEB 1 5 2019 PLANNING & DEVELOPMENT OFFICE



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RESOLUTION NO.

A RESOLUTION TO APPROVE A CHANGE IN ZONE DISTRICT FROM A2 – AGRICULTURAL TO MU – MIXED USE FOR TRACT 8, MESA TRACTS, 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 previously adopted 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

WHEREAS, the proposed zone change is in conformance with the requirements of section 4-2-111 of the Laramie County Land Use Regulations.

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 4-2-111 of the Laramie County Land Use Regulations.

And the Board approves a Zone Change from A2 – Agricultural to MU – Mixed Use for Tract 8, Mesa Tracts, Laramie County, WY, as shown on the attached 'Exhibit A' – Zone Change Map.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF

_____, 2019.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Linda Heath, Chairman

ATTEST:

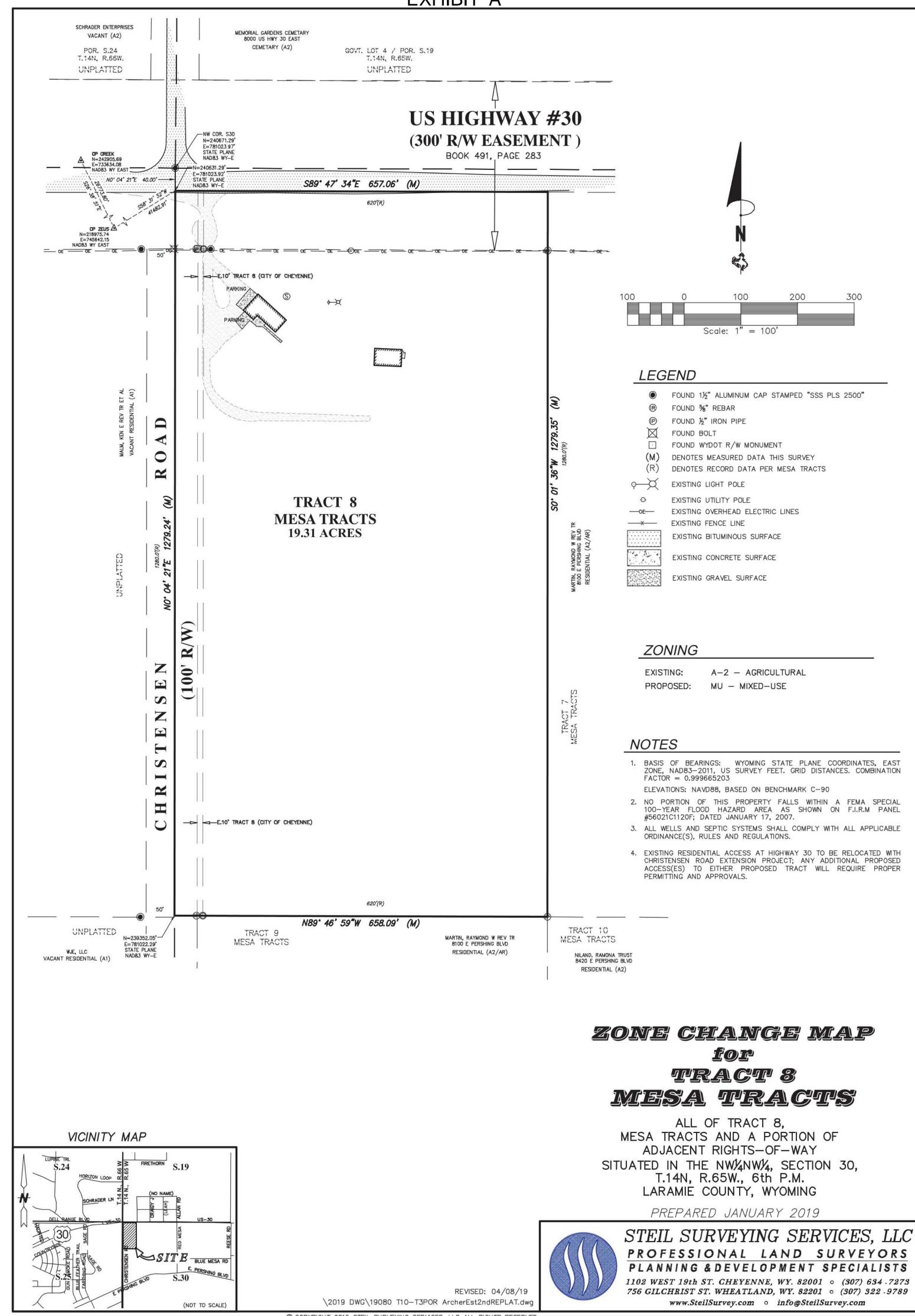
Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

FOR

Mark T. Voss, Laramie County Attorney

EXHIBIT 'A'



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