

## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

## Planning • Building

#### **MEMORANDUM**

TO:

**Laramie County Board of Commissioners** 

FROM:

Joe Scherden, Planner

DATE:

April 6th, 2021

TITLE:

Information regarding an appeal for an approved Site Plan for 7800 Aztec

Dr located in the S1/2 SE1/4, Section 12, T.14N., R.66W., of the 6th P.M.,

Laramie County, WY.

## **EXECUTIVE SUMMARY**

Benchmark Engineering Inc., on behalf of Brandon Kyes of Rocky Mountain Landscaping, has submitted a Site Plan application for 7800 Aztec Dr located in the S1/2 SE1/4, Section 12, T.14N., R.66W., of the 6<sup>th</sup> P.M., Laramie County, WY. The application was approved by the Laramie County Planning director on March 23, 2021. Adjacent neighbors of the subject property have filed an appeal for the approval of the Site Plan.

#### **BACKGROUND**

The subject property consists of 6.44 acres and is zoned as A-2, Agricultural. Current use is residential with a landscaping business also on the property.

#### **Pertinent Regulations**

**Section 2-2-133** of the Laramie County Land Use Regulations governing the criteria for a Site Plans

**Section 4-2-102** of the Laramie County Land Use Regulations governing the A-2, Agricultural zone district.

**Section 1-2-102** of the Laramie County Land Use Regulations governing procedure for appeals.

3966 Archer Pkwy

## **DISCUSSION**

The Laramie County Planning Director approved the Site Plan in accordance with the requirements of the Laramie County Land Use Regulations. Adjacent neighbors have submitted appeals to the approval of the Site Plan.

## **ATTACHMENTS**

**Attachment 1: Application** 

Attachment 2: Project Narrative Attachment 3: Waiver Requests

**Attachment 4: Agency Review Comments** 

Attachment 5: Certificate of Review

**Attachment 6: Approval Notice Letter** 

Attachment 7: LCLUR Section 4-2-102, A2 Zoning Attachment 8: LCLUR Section 2-2-133, Site Plans

**Attachment 9: Waiver Request Information** 

**Attachment 10: Approved Site Plan** 



# Site Plan Application

Laramie County Planning and Development Office 3966 Archer Pkwy Cheyenne, WY 82009

Phone: 307-633-4303 Fax: 307-633-4616 planning@laramiecounty.com

#### INCOMPLETE APPLICATIONS CAN NOT BE ACCEPTED

Pre-Application Meeting Date 5/16/2019 Name of Project Rocky Mountain Landscaping OWNER INFORMATION Please attach a separate sheet if there are additional property owners Brandon Kyes Phone 307-214-1866 Name Address 7800 Aztec Dr City Chevenne State WY Zip Code 82009 kyesb@rockymountainlandscaping.com Email **APPLICANT INFORMATION** Name BenchMark Engineers Phone 307-634-9064 1920 Thomes Ave #200 WY Zip Code 82001 Address City Cheyenne State Email scottl@benchmarkengineers.com LOCATION INFORMATION Legal Description A parcel in the S1/2 SE1/4 SEC 12. See Site Plan for complete legal description. 7800 Aztec Dr Site Address Site Area 6.65 289,628 Sq Ft Acres Site Area Site Location Description (If Address is Unavailable) **Current Zoning** A-2 (Agricultural) Current Land Use Residential & landscaping business **DEVELOPMENT INFORMATION** Description of Proposed Use(s) (If more than one, give square footage for each) Single family residential (217,128 SF) & landscaping business (72,500 SF) Required Documents **GESC Permit** Sign Details Drainage Study Site Plan Drawing Traffic Study Landscape Drawing FAA Approval I hereby certify that I am the owner/applicant named herein and that I have familiarized myself with the rules and regulations with respect to the filing of this application and that the foregoing statements and answers contained on the application and in required documents are true and accurate to the best of my knowledge. I understand that the Site Plan approved by the Laramie County Planning and Development Office represents a commitment by me to carry out the construction of the project as represented. Any and all modification to the "Approved Site Plan" must be coordinated through the Laramie County Planning and Development Office, at which time a determination will be made as to the need for an amended Site Plan and/or additional Administrative or Board review. I also understand that the site will be examined

ORIGINAL SIGNATURE OF BOTH THE OWNER AND THE APPLICANT ARE REQUIRED FOR SUBMISSION OF THIS APPLICATION

Signature of Owner

Date //29/2/

Printed Name

Date //29/2/

Printed Name

Date //29/2/

Date //29/2/

during the final inspection for compliance with the "Approved Site Plan" of record. NOTE: unapproved modifications to the site may be cause for non-issuance of a "Certificate of Compliance". The undersigned do hereby agree to pay all fees associated with this application.



January 29, 2021

Laramie County Planning and Development Office 3966 Archer Parkway Cheyenne, Wyoming 82009

RE: Rocky Mountain Landscaping Storage Project Narrative

To Whom It May Concern:

On behalf of the project owner, we are submitting an application for the Site Plan. Our client intends to use the southeast portion his property to store materials and equipment for his landscaping business and use it as a staging area. At this time, no retail sales are to take place at the property and no office building will be constructed.

Please refer to our letter dated January 29, 2021 for waiver requests and respective justifications for these waivers. If you have any questions regarding this application or our request for waivers, please do not hesitate to contact our office.

Sincerely,

Scott D. Larson, PE

President

cc: Project File 2101.07



January 29, 2021

Laramie County Planning and Development Office 3966 Archer Parkway Cheyenne, Wyoming 82009

RE: Rocky Mountain Landscaping Storage Waiver Requests - GESC, Drainage Study, Traffic Study, Landscape Plan

To Whom It May Concern:

On behalf of the project owner, we are requesting a waiver for the GESC permit, drainage study, traffic study, and landscape plan associated with the Site Plan for Rocky Mountain Landscaping for the following reasons:

- No grading will occur so no grades will be changed.
- No runoff drainage paths will be changed, and the site's impervious area will not change. Therefore, there will not be any increase in runoff.
- It is anticipated that there will be no significant increase to the nature, timing, or volume of traffic
  with the completion of this project to offsite roadways. Based on the number of employees and
  company vehicles, etc., it is estimated that there will be an average daily traffic volume of
  approximately 40 VPD utilizing the access off Four Mile Road.
- There are approximately 125 trees (with drip lines) currently on site and the owner plans to ultimately have a total of approximately 200 trees, which exceeds the landscaping requirements. There is also an existing 1200 SY lawn area on the property.

If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Scott D. Larson, PE

President

cc: Project File 2101.07

Chevenne MPO: Chevenne MPO, Christopher Yaney Comments Attached 02/11/2021

- 1. Will the public be accessing this site for purchasing trees, shrubs and other landscaping material? A traffic study may be needed.
- 2. Does the Four Mile Rd access have a culvert to allow for water to shed along the ditch?
- 3. This access should be paved with in right-of-way to property line to improve ingress/egress movement and to prevent material tracking onto roadway.
- 4. Would like to see permanent landscaping along Four Mile Rd in front of parking/equipment/vehicle stagging.
- 5. Will the landscape stagging along the east side of the site be covered so not to have material blown onto neighboring property?

County Engineer: County Engineer, TREY RINNE Comments Attached 02/19/2021

- 1. It is unclear from the site plan if any additional gravel surfacing will be brought onto the site. If so, a drainage study will be required to address the increase in impervious area.
- 2. Is there an existing culvert beneath the Four Mile Rd access? If not, a culvert will need to be installed to convey the minor storm event.
- 3. I concur with the request for a traffic study waiver.

<u>County Public Works Department:</u> County Public Works Department, David Bumann Comments Attached 02/09/2021

Legal access has been established off of Fourmile road via previously submitted access permit.

<u>Environmental Health:</u> Environmental Health Department, Roy Kroeger Comments Attached 02/18/2021

The small wastewater system in the house is not permitted for use by employees of the business. If employees of the business need to use the house bathrooms an engineer review of the system will be required. If a new commercial wastewater system is added for employees it shall be designed by a Wyoming Professional Engineeer and permit through Environmental Health.

Intraoffice: Planners. Joe Scherden Comments Attached 02/23/2021

- 1. Planning director has approved waiving landscaping requirements.
- 2. Based on criteria required by the Laramie County Land Use Regulation, please revise the site plan to include the following information:
- 2-2-133(d)(vi)(L): Add height of existing buildings.
- 2-2-133(d)(vi)(O): Specify detailed measures taken to ensure trash is contained.
- 2-2-133(d)(vi)(Q): Site plan says 16 parking spaces; please show where they will be, how they will be marked, and dimensions.

# **AGENCIES WITH NO COMMENTS:**

County Assessor
County Real Estate Office
WYDOT
Combined Communications Center
High West Energy
Planners, Cambia McCollom
Building Dept.
Fire District No. 2

## **AGENCIES WITH NO RESPONSE:**

County Attorney
County Treasure
County Conservation District
Emergency Management
Sheriff's Office
CenturyLink
Laramie County Weed & Pest



## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

## Planning . Building

## CERTIFICATE OF REVIEW

This certificate is issued pursuant to Laramie County Land Use Regulation, section 2-2-135. The owner/agent herein named has received approval based on the Site Plan dated March 19, 2021 for the below-described real property. This Certificate entitles the owner/agent to make application for all relative permits subject to requirements stated below. <u>A COPY OF THIS CERTIFICATE AND THE APPROVED SITE PLAN MUST BE PRESENTED AT THE TIME OF APPLICATION FOR PERMITS.</u>

APPLICANT:

Benchmark Engineers

OWNER:

Brandon Kyes

c/o Scott Larson

7800 Aztec Dr

1920 Thomes Ave #200

Chevenne, WY 82009

Cheyenne, WY 82001

LEGAL:

Portion in the S1/2, SE1/4, Sec. 12, T.14N., R.66W., Laramie County, WY

**ZONING:** 

A2 - Agricultural

**ADDRESS:** 

7800 Aztec Dr, Cheyenne, WY 82009

USE:

Storage and staging of materials and equipment for landscaping business

**CASE NO.:** 

PZ-21-00028

The following requirements are limited to agencies who have responded to this matter at this time. The owner/agent is advised that they must be aware of and comply with all requirements imposed by law or regulation whether noted herein or not.

- 1. All applicable Building and GESC/Grading, Erosion & Sediment Control Permits must be obtained through the Laramie County Planning and Development Office, and permits shall be issued once approval of the Site Plan is confirmed through issuance of the Certificate of Review.
- 2. Copies of all Compaction Test results (meeting the criteria in the Public Works Standard Specifications) for any and all fill areas in County right-of-way shall be submitted prior to issuance of COC (Certificate of Compliance).
- 3. Final Drainage Certification shall be submitted prior to issuance of COC (Certificate of Compliance) or CO (Certificate of Occupancy).
- 4. A Certificate of Compliance must be issued from this office prior to opening for operation. Contact the Planning and Development office at (307) 633-4303 to schedule a site visit once improvements are completed.

No approval of, acceptance or issuance of any documentation, permission, form or permit associated with the development process by any governmental entity should be construed as either a waiver of any requirement or evidence of complete compliance with applicable law or regulation. Individuals seeking to develop property are bound by all legal and regulatory requirements whether specifically addressed by the governmental or regulatory entities involved in the process or not.

ISSUED BY: DATE: \_\_\_\_March 23, 2021\_\_\_\_\_

Joseph M. Scherden, Planning Technician

# BYOMING

## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

## Planning . Building

March 23, 2021

Dear Adjacent Landowner,

This letter is to inform you the application for a site plan submitted by Benchmark Engineering, on behalf of Rocky Mountain Landscaping, Inc., has been approved on March 23, 2021 for operating a landscaping business at the following location:

A portion of the S1/2, SE1/4, Sec. 12, T.14N., R.66W., of the 6<sup>th</sup> P.M., Laramie County, WY *Located at*: 7800 Aztec Drive, Cheyenne, WY

As the Laramie County Planning Director, approval is based on the requirements of the Laramie County Land Use Regulation, sections 2-2-133 and 4-2-102(a)(v). The Laramie County Land Use Regulations do offer an appeal procedure for Administrative Approvals. If you would like to appeal this approval decision, you must complete the appeal process in accordance with section 1-2-102 of the Laramie County Land Use Regulations. Appeals must be submitted to the Office of the County Clerk within 7 calendar days of the Planning Director's decision and are then reviewed by the Board of County Commissioners. Attached is the appeal form and specific procedural details.

More information regarding the above mentioned project is also available online. All projects currently under review by the Laramie County Planning Department are accessible to the public through the Department's online Citizen Access database. You can navigate to Citizen Access via the "Citizen Access – Project or Permit Information" Quick Link on the Planning Department website at <a href="www.laramiecountyplanning.com">www.laramiecountyplanning.com</a>. The project number for this project is <a href="PZ-21-00028">PZ-21-00028</a>. A search tutorial is provided or you can call the Planning Department for assistance.

Sincerely,

**Brad Emmons** 

Director, Laramie County Planning & Development

Enclosure: Revised Site Plan, Appeals Form

## b. Uses Requiring Board Approval

- i. The following uses may be permitted by the Board:
- ii. Commercial sales of agricultural related products, not including fuel or petroleum products
- iii. Work camps
- iv. Any other similar use
- v. Commercial stables, arenas, kennels, bird farms and show barns

#### c. Density

- i. The minimum lot size for any use in this district is ten (10) acres. For single family uses, the density may be averaged within the subdivision/ development, provided that no lot or tract shall be less than six (6) acres gross.
- ii. The following exceptions are permissible:
- iii. Lots or tracts platted and recorded with the County Clerk prior to November 2, 1999, shall be a minimum of 5 acres.
- iv. Lots or tracts platted and recorded with the County Clerk prior to May 5, 1987, may be a minimum of 2.5 acres.
- v. Lots or tracts platted and recorded with the County Clerk prior to June 5, 1979, may be used as building sites if adequate provisions can be made for water and sewer/septic.

#### d. Setbacks

Accessory structure setbacks shall conform to Section 2-2-118 of this regulation. All other setbacks – refer to table in Section 4-1-104.

e. Commercial Use Site Plan Requirements

A County-approved site and landscape plan shall be required in accordance with Sections 2-2-133 and 2-2-134 of these regulations.

#### 4-2-102 DISTRICT A2 - AGRICULTURAL

Areas in a natural state or in which the growing of crops, flowers, trees, or pasture, or the production of livestock, or other farming or ranching activity is practiced, are considered agricultural.

#### a. Uses by Right

- i. Agriculture and uses incidental to an agricultural operation
- ii. Animal hospitals or clinics
- Bed and breakfasts
- iv. Cemeteries
- v. Commercial nurseries or landscaping businesses
- vi. Family child care home
- vii. Family child care centers
- viii. Home occupations

- ix. Single-family residential
- x. Small Wind Energy Systems (Small Wind Energy Systems setbacks shall be equal to the largest district setbacks or the total height of the system, whichever is greater.)
- xi. Churches, temples or other places of worship
- xii. Duplexes
- xiii. Child care centers minor
- xiv. Primary and secondary schools.
- xv. Commercial stables, arenas, kennels, bird farms and show barns
- xvi. Farm stands
- xvii. Accessory living quarters
- b. Uses Requiring Board Approval

The following uses may be permitted by the Board:

- i. Agricultural equipment or product sales
- ii. Commercial animal processing plants
- iii. Commercial feed lots
- iv. Golf courses
- v. Race tracks
- vi. Work camps
- vii. Any other similar use
- c. Density

The minimum lot size for any use in this district is twenty (20) acres.

d. Setbacks

Accessory structure setbacks shall conform to Section 2-2-118 of this regulation. All other setbacks – refer to table in Section 4-1-104.

e. Commercial Use Site Plan Requirements

A County-approved site and landscape plan shall be required in accordance with Sections 2-2-133 and 2-2-134 of these regulations.

#### 4-2-103 DISTRICT LR - LOW DENSITY RESIDENTIAL

Areas which are primarily used for low density, detached residential uses.

- a. Uses by Right
  - i. Family child care home
  - ii. Family child care center
  - iii. Home occupations
  - iv. Single-family residential

Table 2 Accessible Parking

Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total spaces provided
1,001 and greater	20 plus one for each 100, or fraction thereof, over 1,000

#### 2-2-132 TRANSPORTATION REQUIREMENTS

## a. Traffic and Transportation Studies

For certain projects a traffic or transportation study may be required based on standards established by the County and approved by the Laramie County Board of Commissioners. The responsibility for the accomplishment of the study will rest with the applicant.

#### 2-2-133 Site Plans

#### a. Purpose

The purpose of this regulation is to protect the health, safety and welfare of Laramie County residents through appropriate design of commercial, public and multi-family residential developments. Laramie County recognizes that flexibility and the use of best practices in site design will support the community vision described in the Laramie County Comprehensive Plan by preserving environmental quality and promoting economic vitality.

This regulation applies to all commercial, industrial, public, open space and multi-family residential developments within Laramie County.

#### b. Exemptions

Property with the following land uses are exempt from site plan requirements:

i. Single-family residential

- ii. Duplex residences where no more than one (1) structure is proposed per development.
- iii. Agricultural property as defined in this regulation.
- c. Site Plans for Governmental Entities

Public land uses, including parks, public facilities and government buildings, shall conform to the standards in this regulation.

- d. General Site Plan Requirements
  - i. A site plan is required for all new commercial, industrial, public, and multi- family residential land uses. The Planning and Development Director may waive any submittal requirements for a site plan based on impacts determined at the required pre-application meeting.
  - ii. All applications for site plan approval shall be submitted on a formprovided by the Planning and Development Office.
  - iii. Site plans in the regulatory area of the County shall require that notice be mailed to adjacent property owners via certified mail.
  - iv. Site plans will be reviewed and approved or disapproved by the Director. Site plans in the regulatory area of the County may require public hearing before the Board of County Commissioners if the Planning and Development Director determines that the impacts of the proposed use will significantly impact surrounding properties.

v. To mitigate impacts of adjacent incompatible uses, buffering is required as shown in the table below:

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- vi. The site plan shall depict the following elements:
  - (A) Title Block (stating Site Plan), address, scale used, north arrow and date of preparation.
  - (B) Legal description and site address.
  - (C) Current Zoning of the site.
  - (D) Surrounding and adjacent land uses and zoning.
  - (E) Properties across a right-of-way of 120 feet or less and 300 feet or less in the case of an Interstate Highway.
  - (F) Names of property owners who share a common lot line with the site.
  - (G) Names of all adjacent streets and any streets included within the site plan area. Right-of-way widths, pavement widths from curb to curb, or shoulder to shoulder and any easements pertinent to the site shall be shown.
  - (H) Locations and dimensions of proposed and existing access points. Indicate existing access to be closed.
  - (I) Overall site dimensions.

- (J) Location and dimensions of existing or proposed outdoor storage/ display areas, including all items and equipment for immediate sale or lease including, but not limited to, vehicle sales, garden and seasonal items, farm supplies, lumber, etc.
- (K) Location and width of existing and proposed sidewalks. Note which existing sidewalks are to remain.
- (L) Dimension, height and setbacks of existing building(s) if they are to remain on site.
- (M) Dimension, height and setbacks of proposed building(s).
- (N) Location of nearest fire hydrant(s), if applicable.
- (O) Location and type of trash containment proposed.
- (P) Types of existing and proposed ground surfacing/covering.
- (Q) Number of parking spaces, parking layout with dimensions, and method of marking parking spaces.
- (R) Existing or proposed drainage arrows and contour lines.
- (S) Depictions of where drainage enters and leaves the site.
- (T) Proposed screening by type and height, if applicable.
- (U) Depictions of driveway approaches, speed change lanes, utility poles, signs, sidewalks, and/or other structures or features within the right-of-way for a distance of 100 feet from either side of the site's boundaries.
- (V) Physical barriers between properties which would prevent joint access, cross access, or joint parking between properties.
- (W) The site plan must depict driveways on the opposite side of all rows.
- (X) Building Floor Elevations.
- (Y) Computation table to include the following:
  - (I) Total Site Area
  - (II) Building Area
  - (III) Parking Provisions
  - (IV) Landscape Area
  - (V) Impervious Area
- (Z) A landscape plan in conformance with Section 2-2-134 of this regulation.

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## **Traffic Study Waiver Request Criteria**

#### 3-5-105a. Requirements

A traffic study may be required for any site plan, subdivision permit, or access request for any development and shall be required for any project or development that will generate 100 or more trips during any hour or over 200 trips per day. Traffic studies shall be prepared by a qualified civil engineer licensed by the Wyoming State Board of Registration for Professional Engineers and Professional Land Surveyors

to practice engineering in Wyoming. The applicant and the engineer shall meet with the County prior to preparation of the traffic study to discuss specific issues or concerns. The Director of Planning and Development may waive a traffic study based on estimated ADT, and peak hour trips, or existing road or site conditions, including adequate pedestrian access.

## **Drainage Study Waiver Request Criteria**

#### 3-1-105 Drainage Report Waiver

Requests for waivers for drainage impact studies shall be made in writing to the Laramie County Public Works Department. The County shall review the request and approve the grant for a waiver or identify the level of study required for the proposed development action. Laramie County Public Works may waive the requirement for drainage study based on the following:

- **a.** Information is provided to substantiate there are no potential drainage problems at the site or downstream of the site (including impacts to downstream floodplains).
- **b.** The development or redevelopment will not result in an increase in the historic impervious area.
- **c.** The development or redevelopment of an area is immediately adjacent to a major drainageway that is capable of conveying the fully developed basin 100-year flood without impact to the base flood elevation.
- d. The development or redevelopment is unlikely to create drainage problems.

