

Planning • Building

#### MEMORANDUM

TO:	Laramie County Planning Commission
FROM:	Joseph M. Scherden, Planning Technician
DATE:	June 24, 2021
TITLE:	PUBLIC HEARING regarding a Zone Change from A1 – Agricultural & Rural Residential to AR – Agricultural Residential and a Subdivision Permit & Plat for Gleich Tracts located in a portion of SE1/4 Section 4, T.14N., R.66W., of the 6 <sup>th</sup> P.M., Laramie County, WY.

#### **EXECUTIVE SUMMARY**

Steil Surveying Services, on behalf of Lance Gleich and Mindy Grunewald of 2644 E. Riding Club Road, has submitted Zone Change and Subdivision Permit & Plat applications for Gleich Tracts. The applications have been submitted to request a zone change from A1 to AR and to subdivide one parcel into five, residential-use tracts.

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

#### BACKGROUND

The subject property is 30 acres of residential land in the A-1 zoned area of the county.

#### **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.
- 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 designates this area as Rural Residential (RR). This 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. Single family residences on individual large lots is encouraged, and farm animals and horses are permitted.

The subject property is bordered by properties zoned Agricultural and Rural Residential to the north, south and west, and by Agricultural and Agricultural Residential to the east. The surrounding land uses include residential, residential vacant, and agricultural.

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.

Agency review comments were received regarding corrections to the zone change map and general questions. Staff is currently awaiting a response from the applicant to address these comments.

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 Planning Commission 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 4-2-100 of the Laramie County Land Use Regulations.

and that the Planning Commission recommend approval of a Zone Change from A1 to AR for a portion of the SE1/4 Section 4, T.14N., R.66W., of the 6<sup>th</sup> P.M., Laramie County, WY to the Laramie County Board of Commissioners with the following condition:

1. All clerical corrections to the Zone Change Map shall be addressed prior to recordation of the Zone Change Resolution and Resolution Exhibit 'A' Zone Change Map.

## Based on evidence provided for the *subdivision permit & plat*, staff recommends the Planning Commission find that:

**a.** This application meets the criteria for a subdivision permit and plat pursuant to section 2-1-101 (a-e) of the Laramie County Land Use Regulations.

and that the Planning Commission recommend approval of the Subdivision Permit and Plat for Gleich Tracts to the Laramie County Board of Commissioners with the following condition:

1. All clerical corrections to the Plat shall be addressed prior to recordation.

### PROPOSED MOTION – ZONE CHANGE

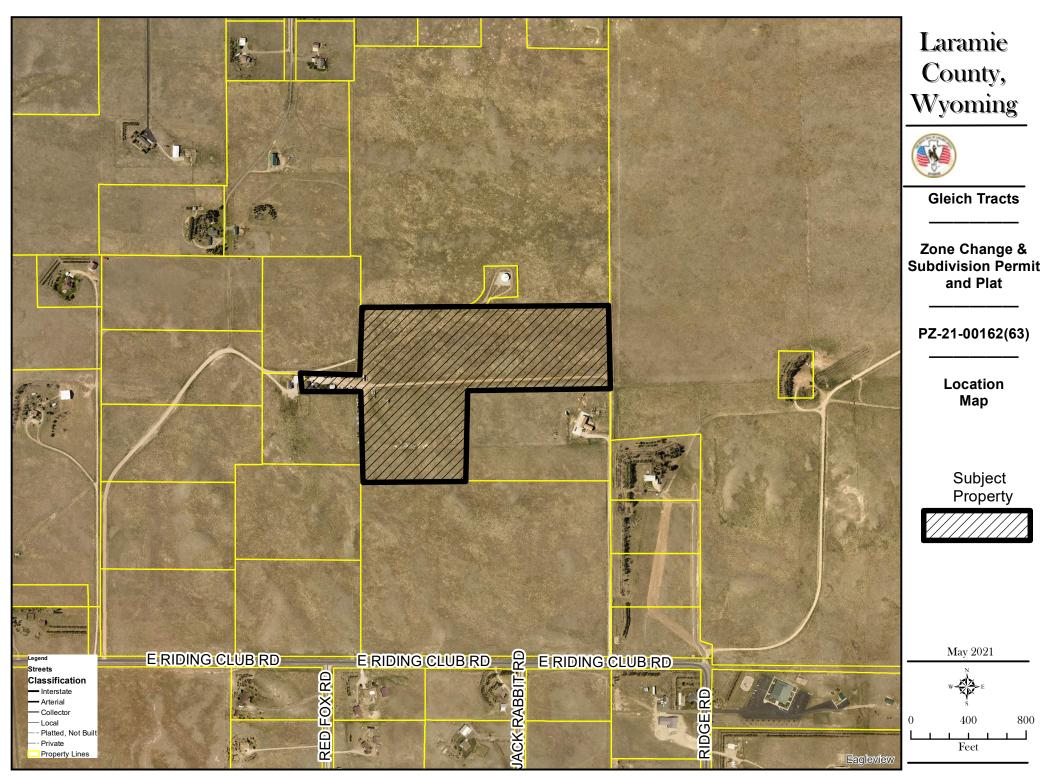
I move to recommend approval of the Zone Change from A1 to AR for a portion of the SE1/4 Section 4, T.14N., R.66W., of the 6<sup>th</sup> P.M., Laramie County, WY to the Laramie County Board of Commissioners with one condition, and adopt the findings of facts a and b for the *zone change*, as shown in the staff report.

#### PROPOSED MOTION – SUBDIVISION PERMIT & PLAT

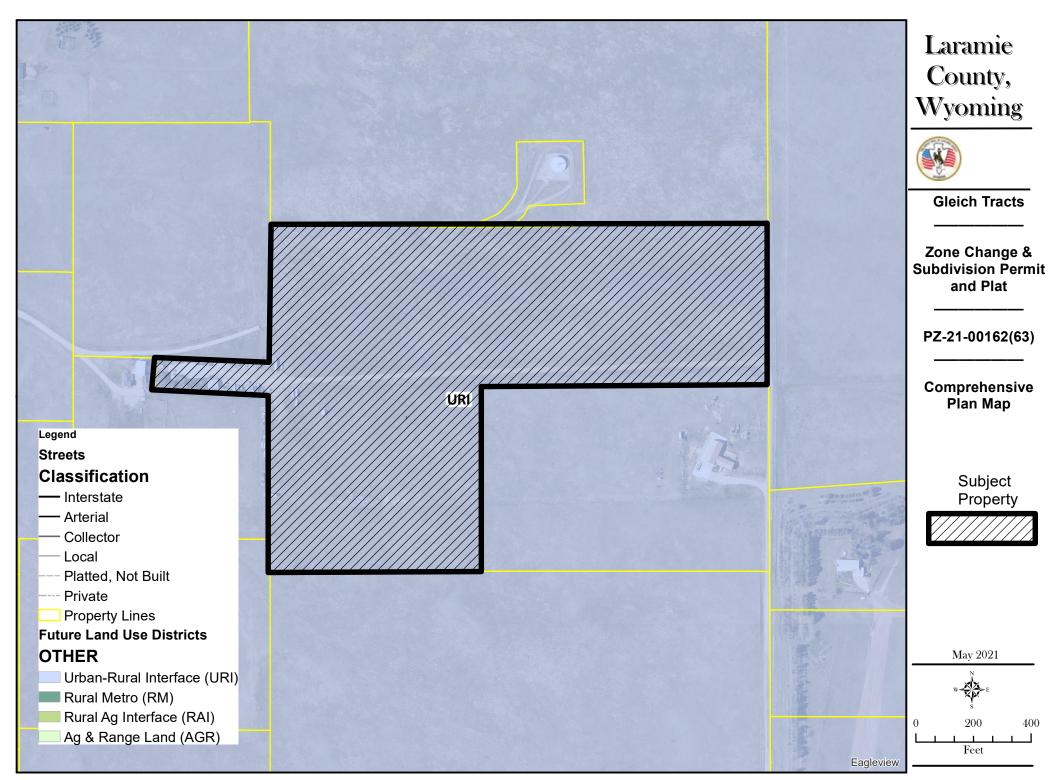
I move to recommend approval of the Subdivision Permit and Plat for Gleich Tracts to the Laramie County Board of Commissioners with one condition, and adopt the findings of fact a for the *subdivision permit & plat*, as shown in the staff report.

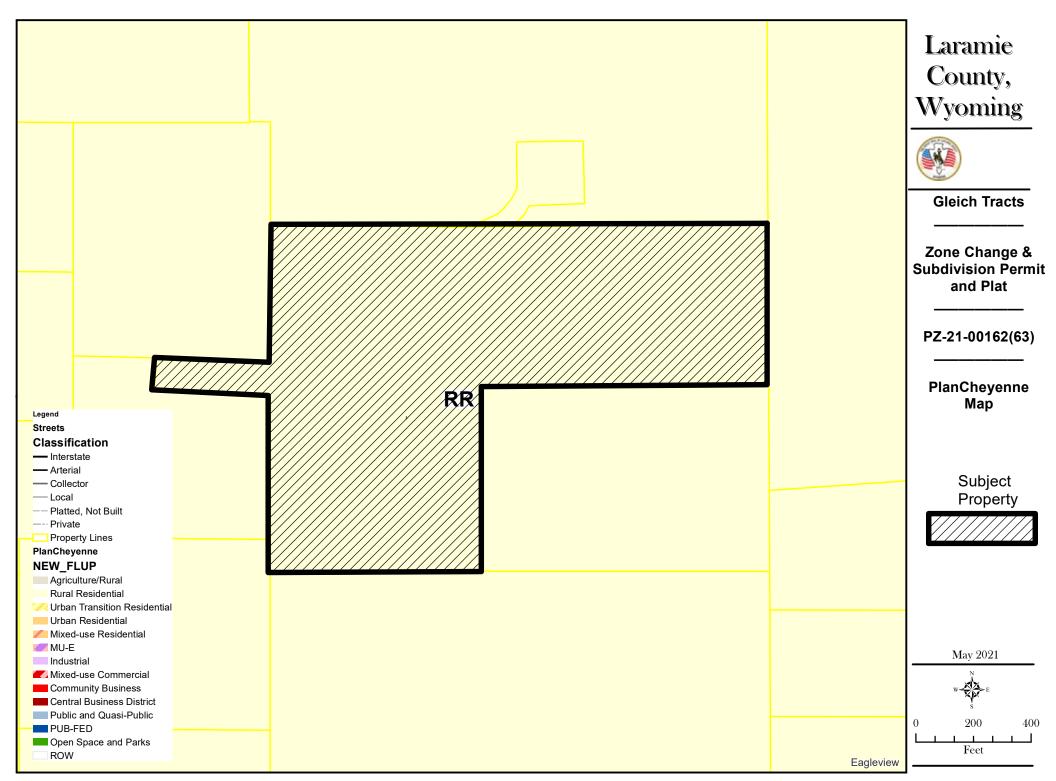
### **ATTACHMENTS**

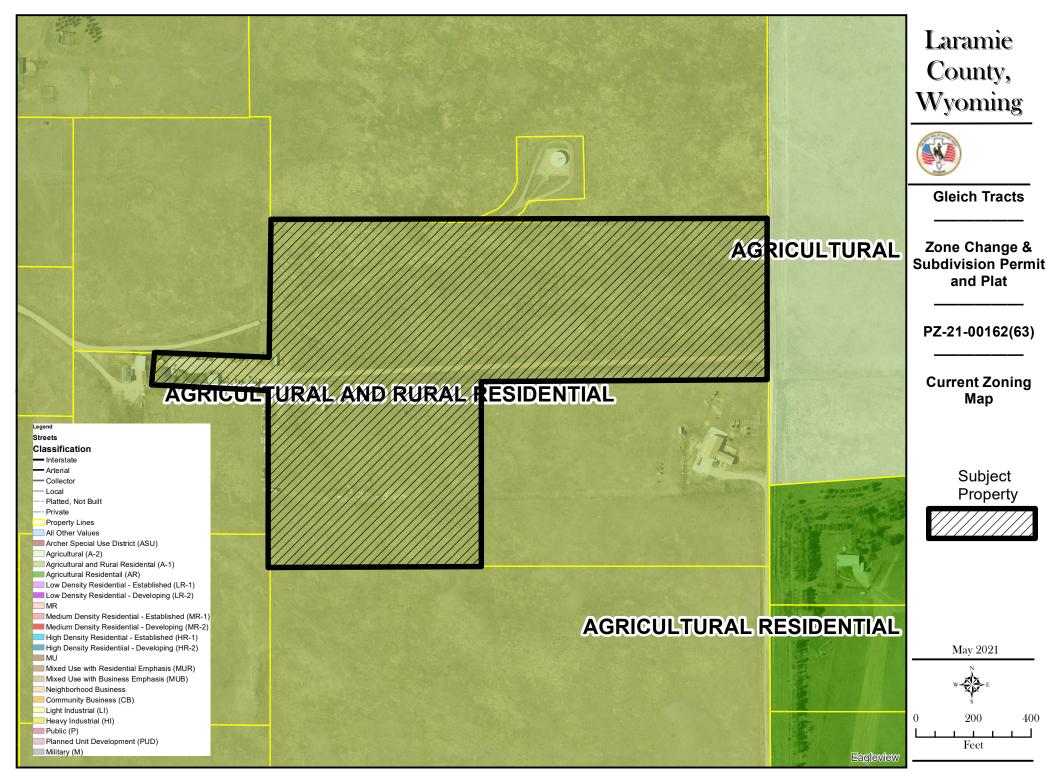
Attachment 1: Attachment 2: Attachment 3: Attachment 4: Attachment 5: Attachment 5: Attachment 6: Attachment 7: Attachment 8: Attachment 9: Attachment 10:	Location Map Aerial Map Comprehensive Plan Map PlanCheyenne Map Current Zoning Map Combined Agency Comments Reports Existing Conditions Map Draft Resolution – Zone Change Resolution Exhibit 'A' - Zone Change Map Draft Resolution – Subdivision Permit & Plat
Attachment 10: Attachment 11:	Plat Plat











Fire District No 2: Fire District No. 2, Cooper McCullar Comments Attached 05/26/2021

LCFD2 will need access to these units as well as a turnaround at the end of the subdivision that is able to accommodate our largest apparatus.

**Intraoffice:** Planners, Cambia McCollom Comments Attached 06/01/2021 Is access to the nearest public road the shared easement with 3110 Riding Club RD? Or is there another access location?

Are the easements and deed restrictions that affect a majority of this property going away?

**Planners:** Planners, Joe Scherden Comments Attached 06/02/2021 The section of land immediately south of subject property shows owner as "Tibbits, Georgia L LIV TR" on the zone change map. Parcel viewer shows owner as "Tibbits, Maria J TR."

The section of land immediately east of subject property shows zoning as "A-1" on the zone change map. Parcel viewer shows zoning as "A-2."

#### Agencies with No Comments:

Cheyenne MPO Combined Communications Center County Assessor County Attorney WYDOT

#### Agencies with No Response:

County Public Works County Treasurer Emergency Management Sheriff's Office **County Attorney:** County Attorney, Joe Chenchar Comments Attached 06/03/2021 Correct me if I'm wrong - it appears the restrictive easement very nearly renders Tract 2 unusable and limits the use of Tract 3 (taking the 80' ROW for the access easement into account).

<u>County Engineer:</u> County Engineer, Scott Larson Comments Attached 06/03/2021 Engineer Review

1. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study since the proposed action will have a negligible impact on both.

2. Near the top center of the plat drawing, there is a label "Ground Elev Outside of VORTEC Facility" and it should be "...VORTAC..." and not VORTEC.

3. The label on the plat drawing for the "80' Mutual Ingress/Egress, Utility, & Drainage Easement" is followed with "(See Notes 6 & 7)", however there is no Note 7 on the plat.
4. In the last paragraph of the Dedication, "Gliech" should be "Gleich".

#### Surveyor Review

1. There are 2 separate legal descriptions included in the DEDICATION. It appears that the 2nd one describes the area shown as "EXCEPTION B2447 P756". It seems like the "EXCEPTION" should be clearly identified in the DEDICATION.

2. In the ACKNOWLEDGEMENTS "Lance Gleich" probably should be "Lance E. Gleich" as it is in the 1st paragraph of the DEDICATION.

3. Some of the text in the references to the Registrar's records is very small and difficult to read, for example the 8's & B's look exactly the same.

**County Real Estate Office:** County Real Estate Office, Laura Pate Comments

Attached 06/02/2021

Add Lance's middle initial to the notary statement.

Environmental Health: Environmental Health Department, Roy Kroeger Comments

Attached 06/02/2021

Regulations:

LARAMIE COUNTY SMALL WASTEWATER SYSTEMS REGULATIONS

Comments:

Wastewater permits are required for each lot. All small wastewater systems must have a 50' setback from all property lines and intermittent bodies of water i.e. drainages and floodplains. Wastewater systems cannot be located in access or utility easements. A signed final plat prior to application for any permits.

Fire District No 2: Fire District No. 2, Cooper McCullar Comments Attached 05/26/2021

LCFD2 will need access to these units as well as a turnaround at the end of the subdivision that is able to accommodate our largest apparatus.

**Intraoffice:** Planners, Cambia McCollom Comments Attached 06/01/2021 Is access to the nearest public road the shared easement with 3110 Riding Club RD? Or is there another access location?

Are the easements and deed restrictions that affect a majority of this property going away?

**<u>Planners</u>**: Planners, Joe Scherden Comments Attached 06/03/2021 Comments in the easements shown on the map refer to notes "6 & 7." I do not see any note 7 on the document.

**Building Dept.:** Building Dept., Antony Pomerleau Comments Attached 05/26/2021 Advise provided site plan indicates a dead road which is not compliant with 2018 IFC section 503. Provide information or corrected plan indicating how roads are in compliance with 2018 IFC chapter 5 and appendix D for fire apparatus access.

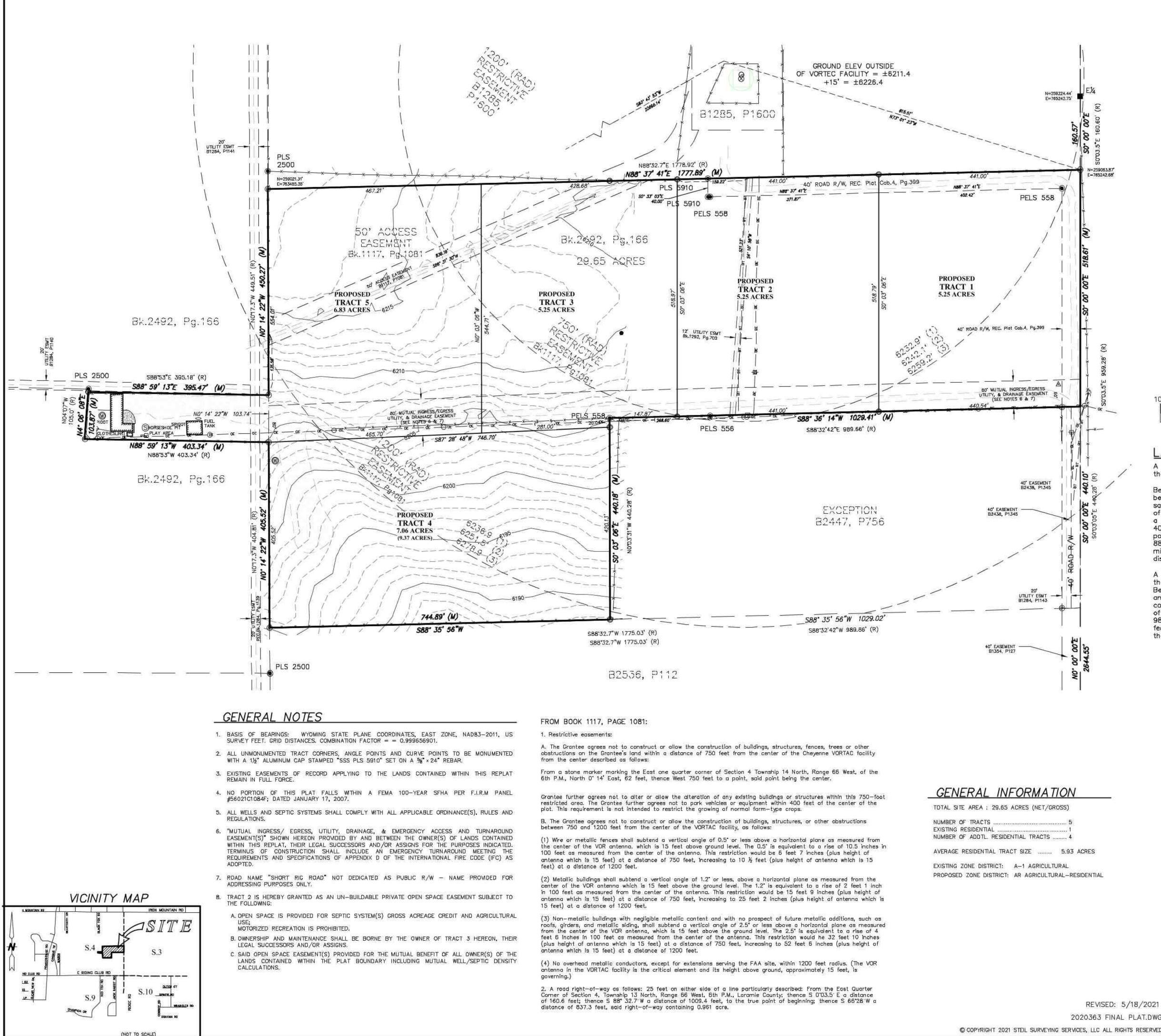
Laramie County has adopted the 2018 I-codes and the 2020 NEC.

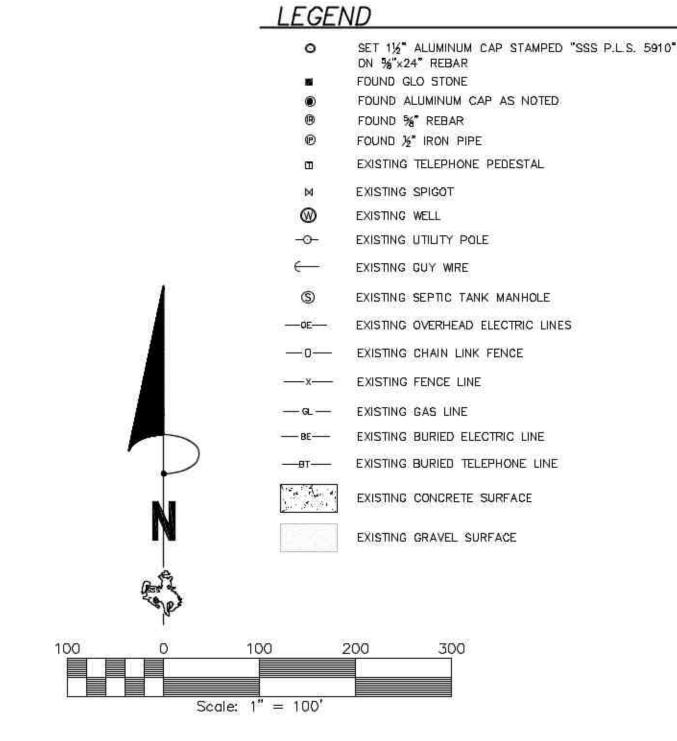
#### Agencies with No Comments:

Cheyenne MPO, Combined Communications Center, County Assessor, WYDOT

#### Agencies with No Response:

CenturyLink, County Conservation District, County Public Works Department, County Treasurer, Emergency Management, High West Energy, Laramie County Weed & Pest, Sheriff's Office





### LAND DESCRIPTION

A tract of land in the Southeast quarter (SE1/4) of Section 4. Township 14 North, Range 66 West of the 6th Principal Meridian, Laramie County, Wyoming, described as follows:

Beginning at a point on the East line of said Southeast quarter (SE1/4) of Section 4, which point bears South 00 degrees 03.5 minutes East, a distance of 160.60 feet from the East Quarter corner of said Section 4, and thence proceeding South 00 degrees 03.5 minutes East, along East boundary line of said Section 4, a distance of 959.28 feet to a point; thence South 88 degrees 32.7 minutes West, a distance of 1,775.03 feet to a point, thence North 00 degrees 17.3 minutes West, a distance of 404.81 feet to a point; thence North 88 degrees 53 minutes West, a distance of 403.34 feet to a point; thence North 04 degrees 07 minutes East, a distance of 105.00 feet to a point, thence South 88 degrees 53 minutes East a distance of 395.19 feet to a point; thence North 00 degrees 17.3 minutes West, a distance of 449.51 feet to a point; thence North 88 degrees 32.7 minutes East, a distance of 1,778.92 feet to point of beginning.

A tract of land in the Southeast quarter (SE1/4) of Section 4, Township 14 North, Range 66 West of the 6th Principal Meridian, Laramie County, Wyoming, described as follows: Beginning at a point located South 00 degrees 03 minutes 30 seconds East, a distance of 679.60 feet and South 88 degrees 32 minutes 42 seconds West, a distance of 40.01 feet, from East quarter corner of said Section 4; thence proceeding South 00 degrees 03 minutes 30 seconds East, a distance of 440.28 feet to a point; thence South 88 degrees 32 minutes 42 seconds West, a distance of 989.66 feet to a point; thence North 00 degrees 03 minutes 31 seconds West, a distance of 440.28 feet to a point; thence North 88 degrees 32 minutes 42 seconds East, a distance of 989.66 feet to the point of beginning.

### CERTIFICATE OF SURVEYOR

I, Jeffrey B. Jones, A Professional Land Surveyor in the State of Wyoming, for and on behalf of Steil Surveying Services, LLC, hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes taken during an actual survey made by me or under my direct supervision; and that this map correctly shows the results of said survey and that the monuments found or set are as shown.

EXISTING **CONDITIONS MAP** for

# GLEICH TRACTS

SITUATED IN THE SE¼, SECTION 4, TOWNSHIP 14 NORTH, RANGE 66 WEST, OF THE 6TH P.M., LARAMIE COUNTY, WYOMING PREPARED FEBRUARY, 2021



STEIL SURVEYING SERVICES, LLC PROFESSIONAL LAND SURVEYORS PLANNING & DEVELOPMENT SPECIALISTS 1102 WEST 19th ST. CHEYENNE, WY. 82001 • (307) 634 -7273 756 GILCHRIST ST. WHEATLAND, WY. 82201 o (307) 322 .9789 www.SteilSurvey.com o info@SteilSurvey.com

V=259063.87

-765242.68

REVISED: 5/18/2021

RESOLUTION NO.

#### A RESOLUTION TO APPROVE A CHANGE IN ZONE DISTRICT FROM A1 - AGRICULTURAL AND RURAL RESIDENTIAL TO AR – AGRICULTURAL RESIDENTIAL FOR A PORTION OF SE1/4 SECTION 4, T.14N., R.66W., OF THE 6<sup>TH</sup> 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 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 4-2-100 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 4-2-100 of the Laramie County Land Use Regulations.

And the Board approves a Zone Change from A1 – Agricultural and Rural Residential to AR – Agricultural Residential with one condition for a portion of SE1/4 Section 4, T.14N., R.66W., of the 6<sup>th</sup> P.M., Laramie County, WY, as shown on the attached Exhibit 'A' – Zone Change Map.

1. All clerical corrections to the Zone Change Map shall be addressed prior to recordation of the Zone Change Resolution and Resolution Exhibit 'A' Zone Change Map.

PRESENTED, READ AND ADOPTED THIS \_\_\_\_\_ DAY OF

\_, 2021.

LARAMIE COUNTY BOARD OF COMMISSIONERS

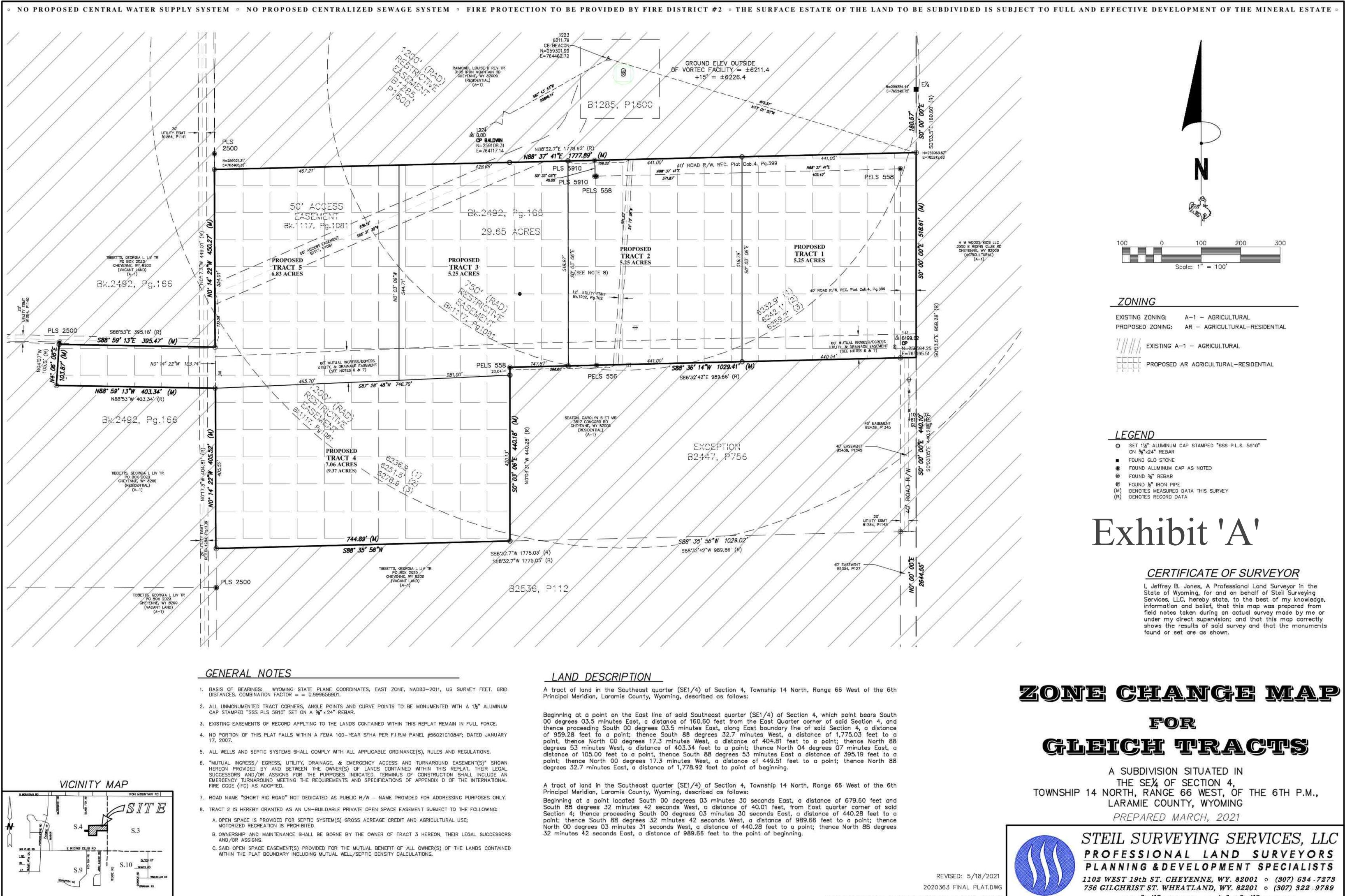
Gunnar Malm, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney's Office



NOT TO SCAL

www.SteilSurvey.com o info@SteilSurvey.com

#### A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR A PORTION OF THE SE1/4 SECTION 4, T.14N., R.66W., OF THE 6<sup>TH</sup> P.M., LARAMIE COUNTY, WY. TO BE PLATTED AND KNOWN AS "GLEICH TRACTS."

**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 subdivision and plat is in accordance with section 2-1-101 (a-e) of the Laramie County Land Use Regulations; and

WHEREAS, this resolution is the subdivision permit for Gleich Tracts.

#### **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-e) of the Laramie County Land Use Regulations.

## And the Board approves the Subdivision Permit and Plat for Gleich Tracts with one condition:

1. All clerical corrections to the Plat shall be addressed prior recordation.

### PRESENTED, READ AND ADOPTED THIS DAY OF

, 2021.

LARAMIE COUNTY BOARD OF COMMISSIONERS

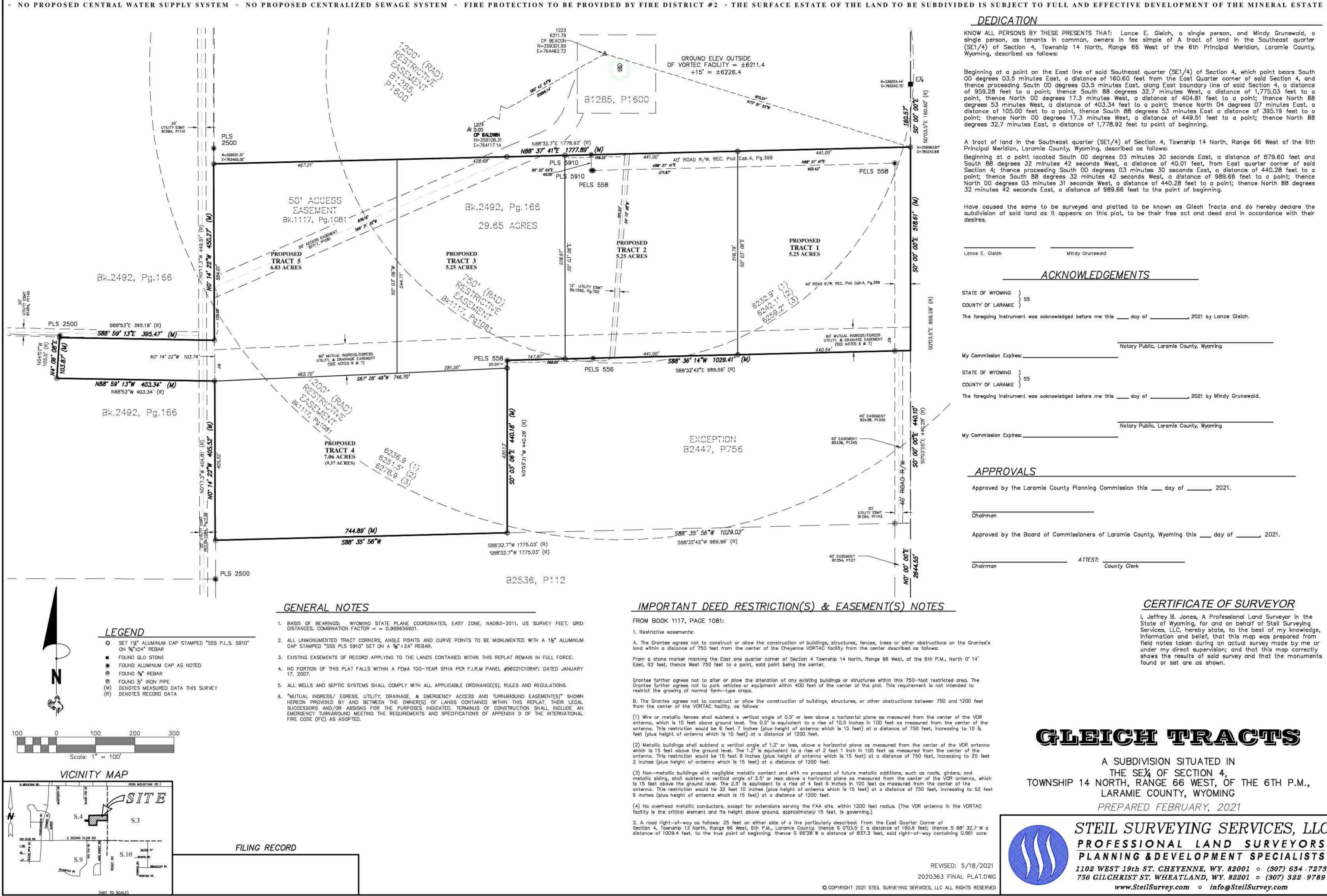
Gunnar Malm, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney's Office



## **DEDICATION**

KNOW ALL PERSONS BY THESE PRESENTS THAT: Lance E. Gleich, a single person, and Mindy Grunewald, a single person, as tenants in common, owners in fee simple of A tract of land in the Southeast quarter (SE1/4) of Section 4. Township 14 North, Range 66 West of the 6th Principal Meridian, Laramie County. Wyoming, described as follows:

Beginning at a point on the East line of said Southeast quarter (SE1/4) of Section 4, which point bears South 00 degrees 03.5 minutes East, a distance of 160.60 feet from the East Quarter corner of said Section 4, and thence proceeding South 00 degrees 03.5 minutes East, along East boundary line of said Section 4, a distance of 959.28 feet to a paint; thence South 88 degrees 32.7 minutes West, a distance of 1,775.03 feet to a point, thence North 00 degrees 17.3 minutes West, a distance of 404.81 feet to a point; thence North 88 degrees 53 minutes West, a distance of 403.34 feet to a point; thence North 04 degrees 07 minutes East, a distance of 105.00 feet to a point, thence South 88 degrees 53 minutes East a distance of 395.19 feet to a point; thence North 00 degrees 17.3 minutes West, a distance of 449.51 feet to a point; thence North 88 degrees 32.7 minutes East, a distance of 1.778.92 feet to point of beginning.

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Have caused the same to be surveyed and platted to be known as Gliech Tracts and do hereby declare the subdivision of said land as it appears on this plat, to be their free act and deed and in accordance with their desires.

	Lance E. Gleich	Mindy Grunewald
		ACKNOWLEDGEMENTS
	STATE OF WYO COUNTY DF LAP The foregoing i	(ING ) ) 55
	Ny Commission	Notary Public, Laramie County, Wyoming
	STATE OF WYO	
1	COUNTY OF LAP	) SS
	My Commission	Notary Public, Laramie County, Wyoming
	My Commission	Expires:
	APPR	OVALS
	Approved	by the Laramie County Planning Commission this day of, 2021.
	Chairman	
	Approved	by the Board of Commissioners of Laramie County, Wyoming this day of, 2021.
	Chairman	ATTEST: Gounty Clerk
S		CERTIFICATE OF SURVEYOR
	the Grantee's	I, Jeffrey B. Jones, A Professional Land Surveyor in the State of Wyaming, for and on behalf of Steil Surveying Services, LLC, hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes taken during an actual survey made by me or
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ontaining EVISED:	88'32.7'W a 0.961 acre. 5/18/2021 AL PLAT.DWG	STEIL SURVEYING SERVICES, LLC PROFESSIONAL LAND SURVEYORS PLANNING & DEVELOPMENT SPECIALISTS 1102 WEST 19th ST. CHEYENNE, WY. 82001 • (307) 634-7273 TES CUCUPUST ST. WHEATLAND WY. 82901 • (307) 634-7273
50 F HV	ALC: CENTED AND	756 GILCHRIST ST. WHEATLAND, WY. 82201 • (307) 322 9789

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