



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Planning Commission

FROM: Marissa Pomerleau, Associate Planner

DATE: September 9th, 2021

TITLE: PUBLIC HEARING regarding a Zone Change from AR – Agricultural Residential to LR – Low Density Residential for Tract 6, Tract 5 less a portion, Park Estates and a portion of the NW1/4 SE1/4 Section 22, T.14N., R.66W., and a Subdivision Permit & Plat for Park Estates, 4th Filing, Laramie County, WY.

EXECUTIVE SUMMARY

AVI PC, on behalf of TL Provision, LLC, has submitted Zone Change and Subdivision Permit & Plat applications for Park Estates, 4th Filing, consisting of two tracts located directly southwest of the intersection of Parkhill Rd, Braehill Rd and Panorama Dr. The applications have been submitted to request a zone change from AR to LR for the two tracts, and to replat the tracts to reconfigure the shared property line between the two.

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 properties are assessed as Residential and Residential Vacant Land. The existing Tract 5 has a single-family residence on it that is to remain. The City of Cheyenne borders the properties on both the east and south. The owner has indicated that proposed Tract 1 is to be annexed into the City once the subdivision is approved.

Pertinent Regulations

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

Section 4-2-103 of the Laramie County Land Use Regulations governing the LR – Low Density 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). The URI designation 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 UR – Urban Residential. The UR designation emphasizes a large variety of residential typed with secondary uses including schools, open space and recreation, and places of worship.

The subject property is bordered by AR – Agricultural Residential zone district on the north and west, and MR – Medium Density Residential on the east and south. Uses in the surrounding area are entirely residential.

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 clerical corrections to the zone change and plat maps and existing water and sewer services. A revised Plat and Zone Change Map were submitted on August 24th, 2021. The revised Zone Change map addressed all comments and the applicant is currently working on addressing all remaining comments for the plat.

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 4-2-103 of the Laramie County Land Use Regulations.

and that the Planning Commission recommend approval of a Zone Change from AR to LR for Tract 6, Tract 5 less a portion, Park Estates and a portion of the NW1/4 SE1/4 Section 22, T.14N., R.66W., of the 6th P.M., Laramie County, WY to the Laramie County Board of Commissioners with no conditions.

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 Park Estates, 4th Filing to the Laramie County Board of Commissioners with the following condition:

- 1. All clerical errors on the Plat shall be addressed prior to the October 5th, 2021 BOCC Public Hearing.

PROPOSED MOTION – ZONE CHANGE

I move to recommend approval of the Zone Change from AR to LR for Tract 6, Tract 5 less a portion, Park Estates and a portion of the NW1/4 SE1/4 Section 22, T.14N., R.66W. to the Laramie County Board of Commissioners, 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 Park Estates, 4th Filing 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: 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**
- Attachment 9: Draft Resolution – Zone Change**
- Attachment 10: Resolution Exhibit ‘A’ - Zone Change Map Revised August 24th, 2021**
- Attachment 11: Draft Resolution – Subdivision Permit & Plat**
- Attachment 12: Plat – Revised August 24th, 2021**

Laramie County, Wyoming



**Park Estates,
4th Filing**

**Zone Change
and
Subdivision
Permit & Plat**

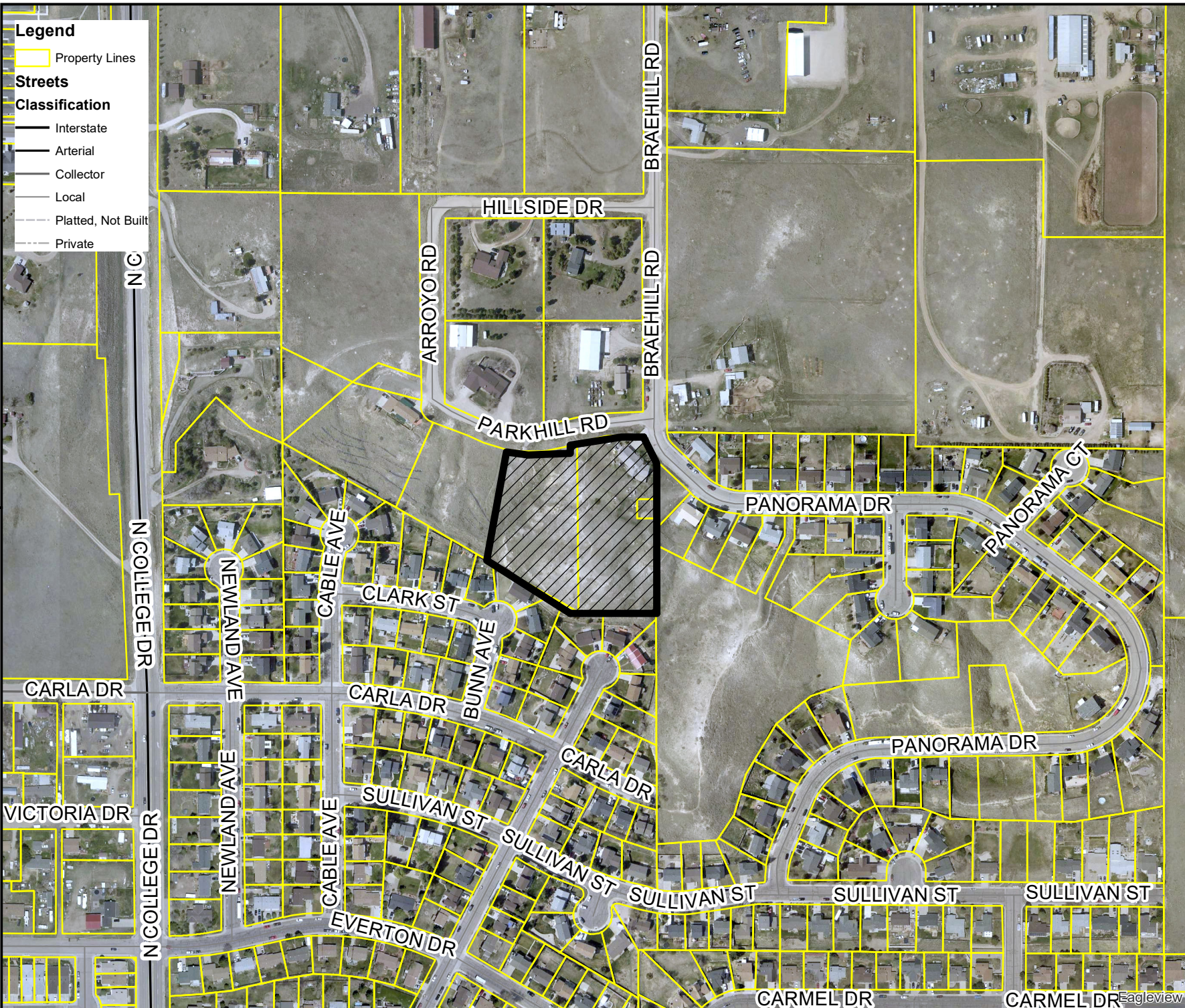
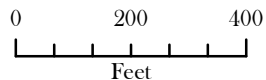
PZ-21-00237(238)

Location Map

**Subject
Properties**



August 2021



Laramie County, Wyoming



Park Estates,
4th Filing

Zone
Change and
Subdivision
Permit & Plat

PZ-21-00237(238)

Aerial Map

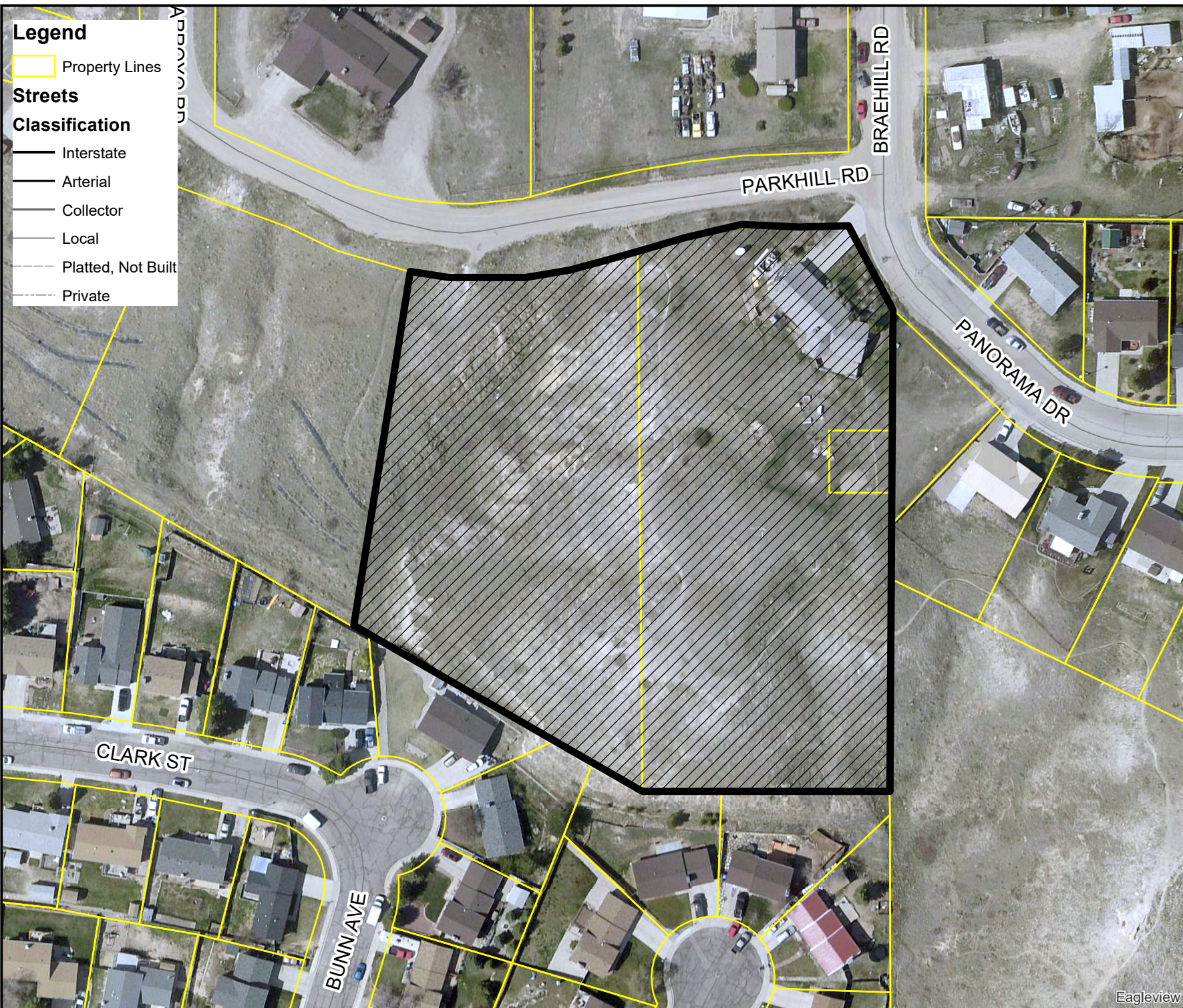
Subject
Properties



August 2021



0 62.5 125
Feet



Laramie County, Wyoming



**Park Estates,
4th Filing**

**Zone
Change and
Subdivision
Permit & Plat**

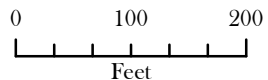
PZ-21-00237(238)

**Comprehensive
Plan Map**

**Subject
Properties**



August 2021



Legend

Property Lines

Future Land Use Districts

OTHER

Urban-Rural Interface (URI)

Rural Metro (RM)

Rural Ag Interface (RAI)

Ag & Range Land (AGR)

Laramie County, Wyoming



**Park Estates,
4th Filing**

**Zone
Change and
Subdivision
Permit & Plat**

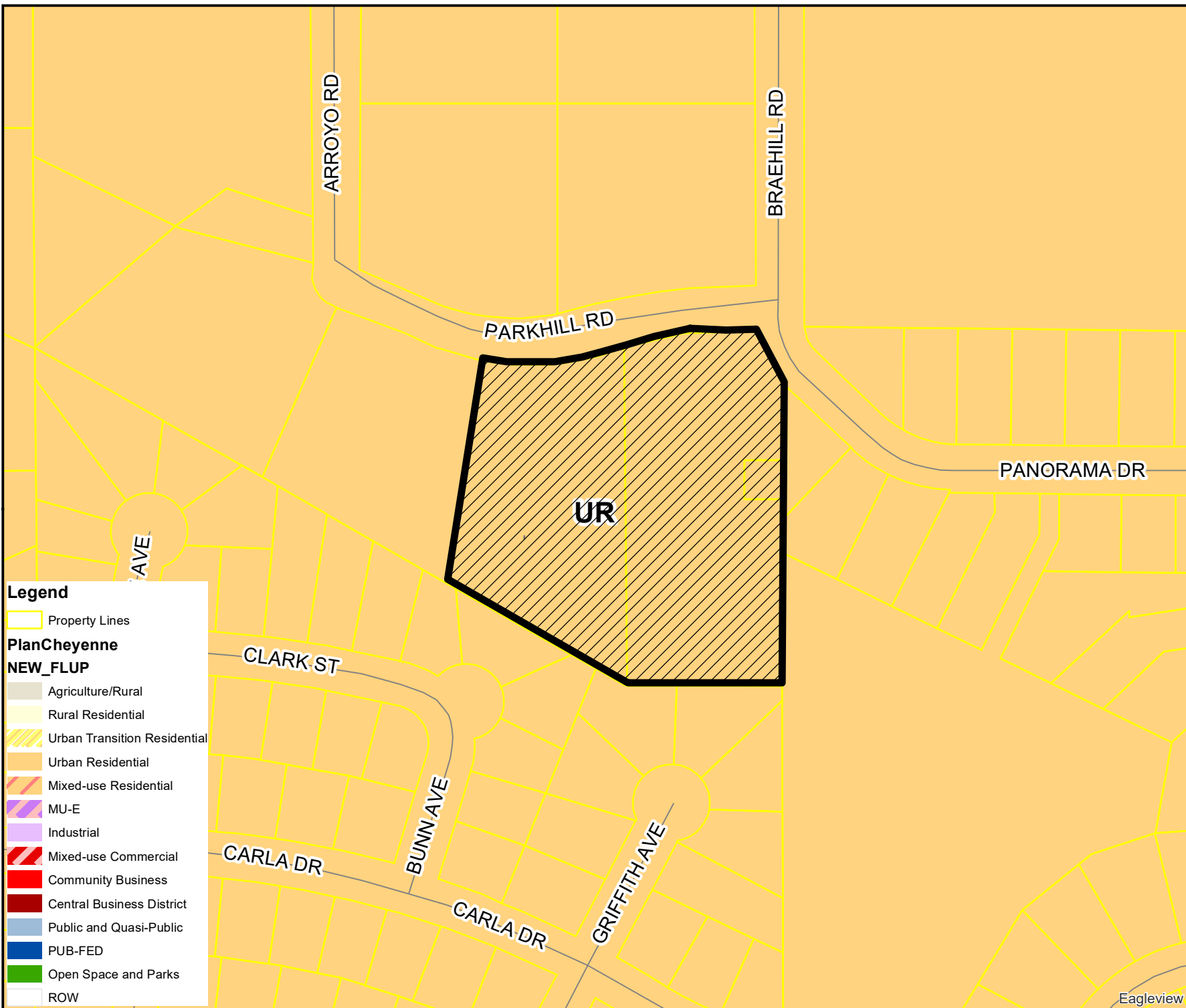
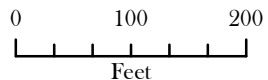
PZ-21-00237(238)

**Plan Cheyenne
Map**

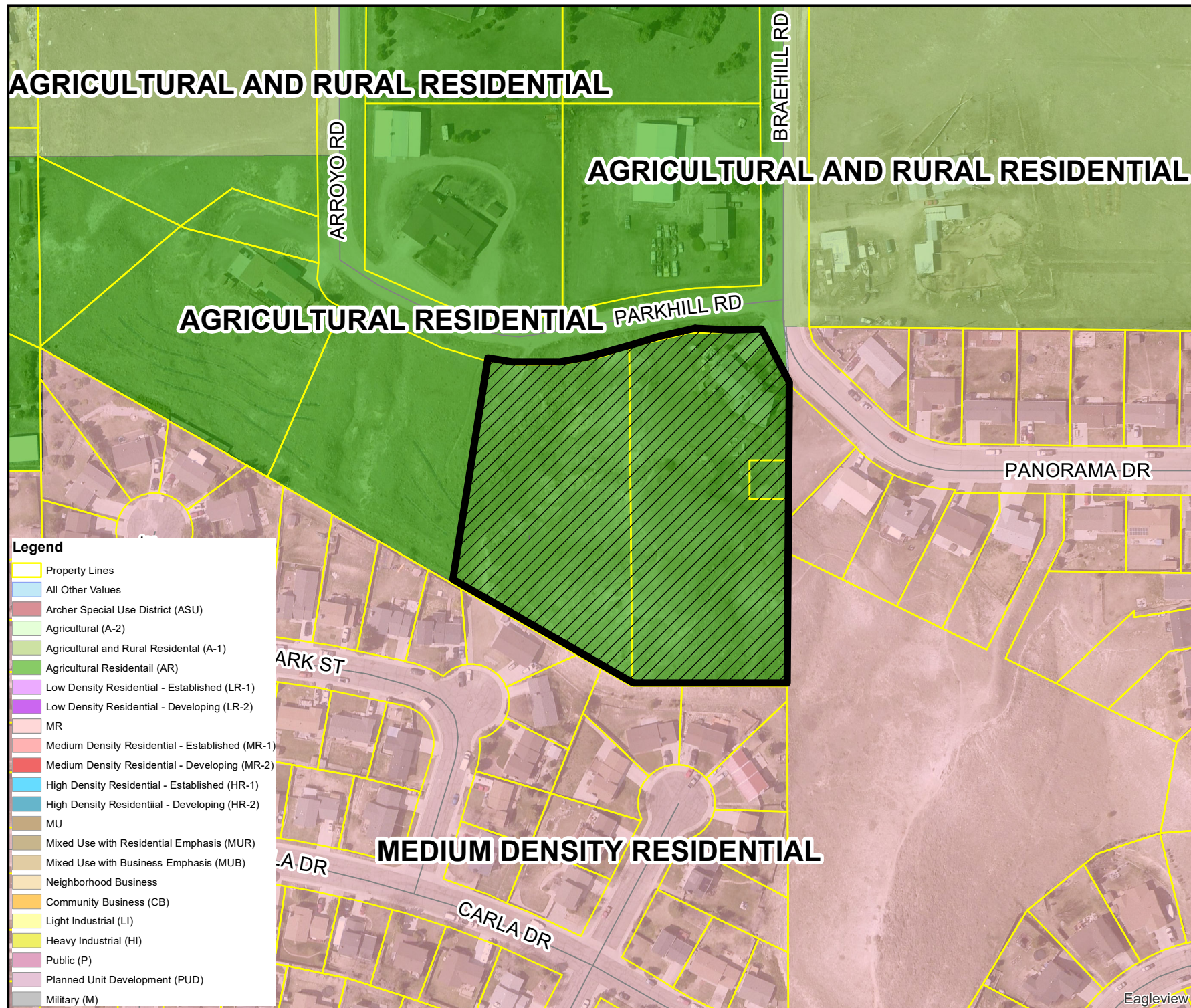
**Subject
Properties**



August 2021



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.



Laramie County, Wyoming



Park Estates,
4th Filing

Zone
Change and
Subdivision
Permit & Plat

PZ-21-00237(238)

Current Zoning
Map

Subject
Properties



August 2021



0 100 200
Feet

Cheyenne Planning: Cheyenne Development Services, Seth Lloyd Comments
Attached 08/06/2021

Proposed zoning appears compatible with the future land use plan and surrounding zoning. Property may need to connect to City services for development.

Intraoffice: Planners, Marissa Pomerleau Comments Attached 08/17/2021

1. The proposed tracts and other features must be removed from map. The properties must be rezoned before a subdivision can be approved, therefore the tracts will not exist as proposed when a zone change is approved. Please show all properties as they exist now.
2. In addition to #1, the legal description (Park Estates, 4th Filing) in the title should be changed to the current legal description because Park Estates, 4th Filing will not exist when/if the Zone Change is approved. This legal description will need to be updated throughout the map.
3. Under Zoning the current zoning language should be changed to "THE CURRENT ZONING IS AR".
4. Just a note, but under Notes the trip generator is not needed on this map.
5. The adjacent property bordering the east property line is incorrect. There are two parcels here, the western property is owned by TL Provision, LLC and the eastern property is owned by Randall C. Girmus.

AGENCIES WITH NO COMMENT:

Cheyenne MPO
Combined Communications Center
County Assessor
County Attorney
County Public Works Department
County Real Estate Office
Fire District No 2
Intraoffice

AGENCIES WITH NO RESPONSE:

Cheyenne Development Services
Cheyenne Engineering Services
Cheyenne Urban Planning Office
County Clerk
County Treasurer
Emergency Management
Sheriff's Office

Building Dept.: Building Dept., Daniel Peters Comments Attached 08/16/2021
Premises identification shall be in accordance with 2018 IFC section 505 and 2018 IRC section 319.

Fire apparatus access roads required per IFC 2018 Section 503.

Building permits shall be required for all new building construction.

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

Cheyenne Planning: Cheyenne Development Services, Seth Lloyd Comments Attached 08/16/2021

1. Official City Comment Letter attached.
2. Tract 1 is proposed to be annexed into City limits (See City Project UDC-21-00129). This is required prior to BOPU servicing this parcel. Please note that Community Facility Fees will be due upon annexation (UDC 4.2.5.b).

County Attorney: County Attorney, Joe Chenchar Comments Attached 08/17/2021

1. If this is going up for Board approval, the signature blocks need to be changed. This is currently formatted as an admin plat.

County Engineer: County Engineer, Scott Larson Comments Attached 08/18/2021
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. Note 3 should indicate that both Tracts will be served by LCFD #2. If and when Tract 1 gets annexed, it will automatically no longer be within LCFD #2 boundary, but until then, it is.
3. Note 4 indicates water and sewer service to be provided for Tract 1 by the City of Cheyenne Board of Public Utilities. However, in order for that to happen, there either needs to be an outside agreement or Tract 1 has to be annexed. Neither of these items have been done and if an outside agreement is not allowed by the City or the City does not allow it to be annexed, then the recorded plat will be legally incorrect.
4. The plat does not indicate the source of water and sewer for Tract 2 as required. Tract 2 is not large enough to allow for well and septic so how will this be addressed/handled?

Surveyor Review

1. It would be a good to add the note: "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE

MINERAL ESTATE.”

County Public Works Department: County Public Works Department, Jeremy Fulks
Comments Attached 08/18/2021
Plat needs to be signed and recorded before subdivision permit is approved.

County Real Estate Office: County Real Estate Office, Laura Pate Comments
Attached 08/06/2021
Is this an Administrative Plat? Otherwise Commissioners and County clerk need to sign to approve the plat

Environmental Health: Environmental Health Department, Roy Kroeger Comments
Attached 08/13/2021
Regulations:

LARAMIE COUNTY SMALL WASTEWATER SYSTEMS REGULATIONS

Comments:

Development on Tract 2 will require connection to city sewer.

Intraoffice: Planners, Marissa Pomerleau Comments Attached 08/17/2021
1. Approval signature must be updated as this plat will be approved by the planning commission and BOCC.
2. Note 3 must be update to state what fire district will serve BOTH properties and remove all annexation language as they are within the County, not the city.
3. Note 4 should be updated to state water and sewer services for BOTH properties and remove all annexation language as they are within the County, not the city.

Intraoffice: Planners, Cambia McCollom Comments Attached 08/18/2021
Remove references to “Admin Plat” from document.

AGENCIES WITH NO COMMENT:
Cheyenne MPO
Combined Communications Center
County Assessor
Fire District No 2

AGENCIES WITH NO RESPONSE:

Black Hills Energy

CenturyLink

Cheyenne Development Services

Cheyenne Engineering Services

Cheyenne Urban Planning Office

County Clerk

County Conservation District

County Treasurer

Emergency Management

Sheriff's Office

WYDOT

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A CHANGE IN ZONE DISTRICT
FROM AR - AGRICULTURAL RESIDENTIAL TO LR – LOW DENSITY
RESIDENTIAL FOR TRACT 6, TRACT 5 LESS A PORTION,
PARK ESTATES AND A PORTION OF THE
NW1/4 SE1/4 SECTION 22, T.14N., R.66W., 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 2019 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 2019 Laramie County Land Use Regulations; and

WHEREAS, the proposed zone change is in conformance with the requirements of section 4-2-103 of the 2019 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 2011 Laramie County Land Use Regulations.
- b. The proposed change in zone district is in conformance with the requirements of section 4-2-103 of the 2011 Laramie County Land Use Regulations.

And the Board approves a Zone Change from AR – Agricultural Residential to LR – Low Density Residential for Tract 6, Tract 5 less a portion, Park Estates and a portion of the NW1/4 SE1/4 Section 22, T.14N., R.66W., of the 6th P.M. Laramie County, WY, as shown on the attached Exhibit ‘A’ – Zone Change Map.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF _____, 2021.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Gunnar Malm, Chairman

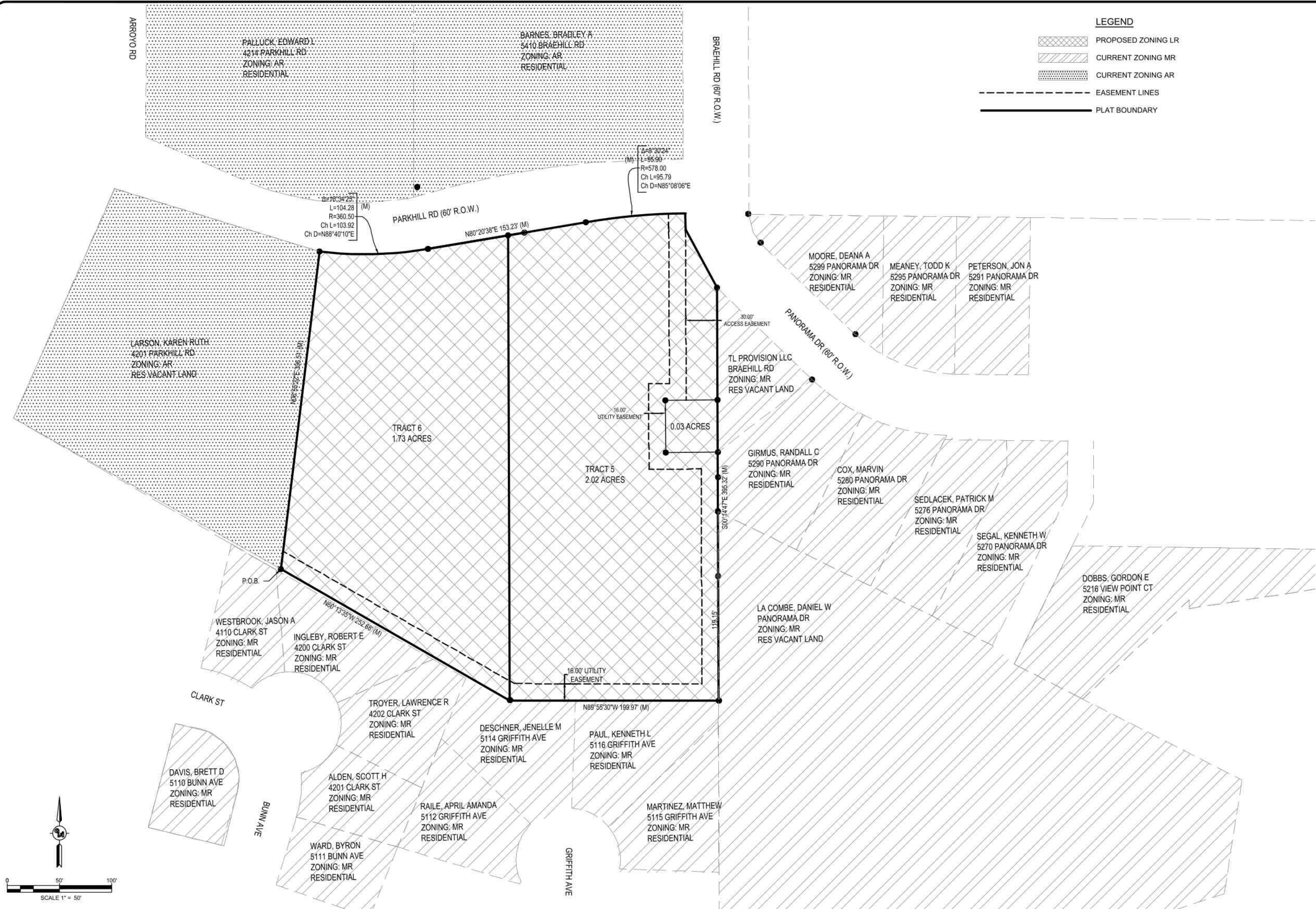
ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney’s Office

\\s:\4425_melchior\Townsmap\PLANNING\ZONE CHANGE\COUNTY zone change.dwg Aug 24, 2021 1:13pm dktch



LEGAL DESCRIPTION
5318 BRAEHILL RD

A ZONE CHANGE OF TRACTS 5 AND 6 OF PARK ESTATES BEING SITUATED IN THE EAST ONE-HALF OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LARAMIE COUNTY, WYOMING, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 6, THENCE ALONG WEST PROPERTY LINE OF SAID TRACT 6 N06°55'22"E A DISTANCE OF 306.51 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF PARKHILL ROAD AND THE BEGINNING OF A NONTANGENT CURVE TO THE LEFT; SAID CURVE HAVING A RADIUS OF 360.50, A CHORD BEARING OF N88°40'10"E, A CHORD DISTANCE OF 103.92 FEET AND A CENTRAL ANGLE OF 16°34'25", THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 104.28 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: N80°20'38"E AT A DISTANCE OF 153.23 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; SAID CURVE HAVING A RADIUS OF 578.00, A CHORD BEARING OF N85°08'06"E, A CHORD DISTANCE OF 95.79 FEET AND A CENTRAL ANGLE OF 9°30'24", THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 95.90 FEET TO A POINT OF NON-TANGENCY AND A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF PANORAMA DRIVE; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: S00°10'54"E A DISTANCE OF 15.00 FEET TO A POINT; THENCE S28°22'24"E A DISTANCE OF 63.57 FEET TO A POINT ON THE EAST PROPERTY LINE OF TRACT 5; THENCE ALONG SAID EAST PROPERTY LINE OF TRACT 5 S00°14'47"E A DISTANCE OF 395.32 FEET TO A POINT ON THE SOUTHERLY PROPERTY LINE OF TRACT 5; THENCE ALONG SAID SOUTHERLY PROPERTY LINE OF TRACT 5 N89°55'30"W A DISTANCE OF 199.97 FEET TO A POINT ON THE SOUTHERLY PROPERTY LINE OF TRACT 6; THENCE ALONG SAID SOUTHERLY PROPERTY LINE OF TRACT 6 N60°13'35"W AT A DISTANCE OF 252.68 FEET MORE OR LESS TO THE POINT OF BEGINNING.

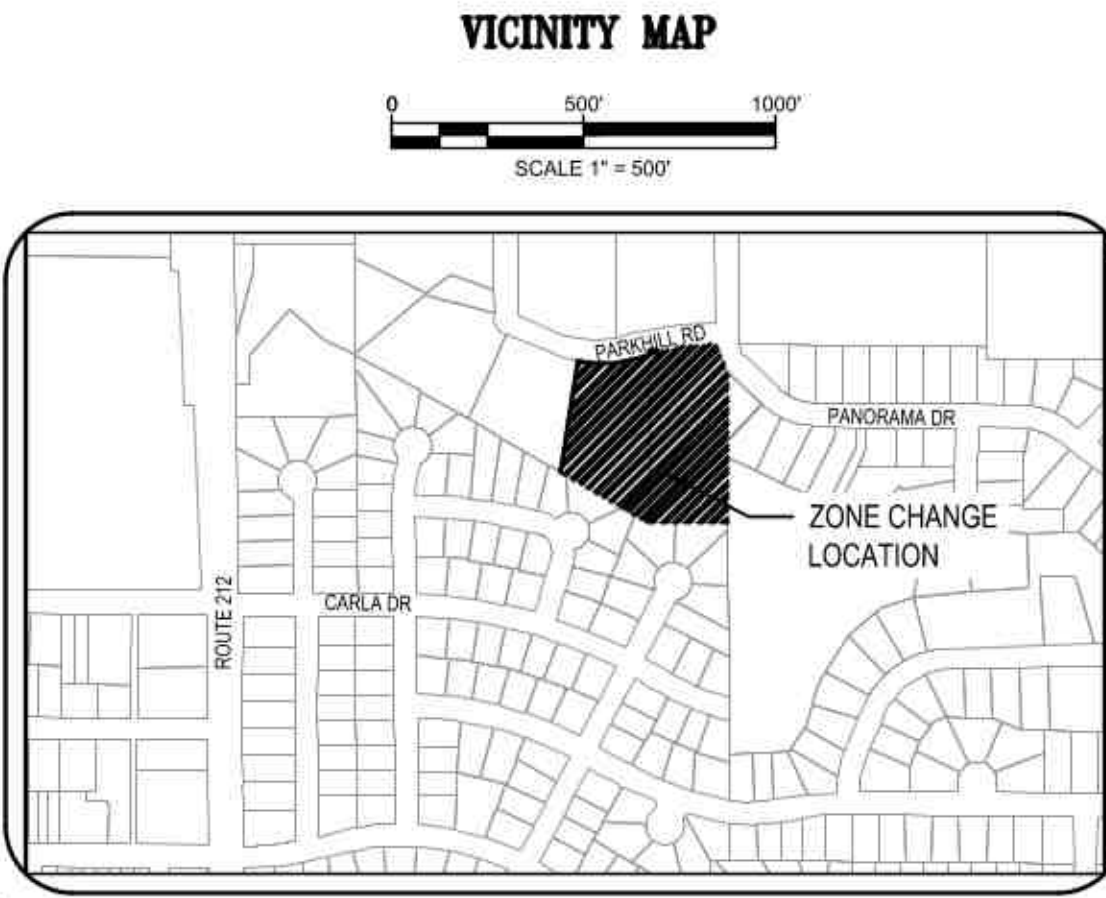
SAID PARCEL OF LAND CONTAINS 3.8 ACRES MORE OR LESS.

ZONING
THE CURRENT ZONING IS AR
THE PROPOSED ZONING IS LR

NOTES
EXISTING AND PROPOSED USE: RESIDENTIAL

OWNER
TL PROVISION, LLC
D. STEPHEN MELCHIOR

Exhibit 'A'



ZONE CHANGE MAP
FOR
PARK ESTATES
TRACTS 5 AND 6 OF PARK ESTATES
BEING SITUATED IN THE EAST ONE-HALF OF SECTION 22,
TOWNSHIP 14 NORTH, RANGE 66 WEST
OF THE SIXTH PRINCIPAL MERIDIAN,
LARAMIE COUNTY, WYOMING
PREPARED AUGUST 2021

DATE	
REVISION	
NO.	

PREPARED FOR:
TL PROVISION, LLC.
2010 WARREN AVE
CHEYENNE, WY 82001

PROJECT:
PARK ESTATES

DRAWING TITLE:
ZONE CHANGE MAP

307.637.6017
1103 OLD TOWN LANE, SUITE 101
CHEYENNE, WY 82009
AVI@AVIPC.COM

DATE:	Aug 24, 2021
DRAWN BY:	CK
DESIGNED BY:	BP
CHECKED BY:	BP

JOB NO.:
4425

DRAWING NO. 1 OF 1

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT
FOR TRACT 6, TRACT 5 LESS A PORTION, PARK ESTATES AND
A PORTION OF THE NW1/4 SE1/4 SECTION 22, T.14N., R.66W.,
LARAMIE COUNTY, WY,
TO BE PLATTED AND KNOWN AS “PARK ESTATES, 4TH FILING”.**

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 2019 Laramie County Land Use Regulations; and

WHEREAS, the proposed subdivision and plat is in accordance with section 2-1-101 (a-e) of the 2019 Laramie County Land Use Regulations; and

WHEREAS, this resolution is the subdivision permit for Park Estates, 4th Filing.

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 Park Estates, 4th Filing with the following condition:

1. All clerical errors on the Plat shall be addressed prior to the October 5th, 2021 BOCC Public Hearing.

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



MY COMMISSION EXPIRES _____

BEING A REPLAT OF TRACTS 5 AND 6 OF
PARK ESTATES AND A PORTION OF THE NORTHWEST ONE-QUARTER,
SOUTHEAST ONE-QUARTER OF SECTION 22 DESCRIBED IN BOOK 1147
PAGE 1339 OF LARAMIE COUNTY RECORDS, BEING SITUATED IN THE
EAST ONE-HALF OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 66 WEST
OF THE SIXTH PRINCIPAL MERIDIAN,
LARAMIE COUNTY, WYOMING
PREPARED AUGUST 2021

JOB NO.: 4425

DRAWING NO. 1 OF 1