

AGENDA
Laramie Planning Commission
Monday, November, 28, 2016 at 4:30 PM
City Council Chambers, City Hall
406 Ivinson Avenue, Laramie, WY

The Planning Commission meetings are open to the public. Requests from person with disabilities must be made to the Planning Division 24 hours in advance of the meeting.

1. Call To Order

2. Approval Of Agenda And Minutes

2.A. Changes And Approval Of Agenda

2.B. Planning Commission Meeting Minutes

2.B.i. 10.24.16 Planning Commission Minutes

Documents:

[10.24.16 LPC Minutes.pdf](#)

2.B.ii. 11.14.16 Planning Commission Minutes

Documents:

[11.14.16 LPC Minutes.pdf](#)

3. Citizen Comments - Non-Agenda Related Topics – No Action Can Be Taken

4. Planning Commission And Staff Reports And Comments

5. Disclosures – Ex-Parte Communications; Potential Conflicts Of Interest

6. Current Planning Projects

6.A. Old Business:

6.B. New Business:

6.B.i. Z-16-05: Rezoning Request AE To AV- Laramie Regional Airport

REQUEST: Rezoning of an area of approximately 26.5 acres from AE (Airport Enterprise) to AV (Aviation).

LOCATION: 555 General Brees Road, at the Laramie Regional Airport.

APPLICANT(S)/AGENT: Laramie Regional Airport/ Jack Skinner

OWNER: Laramie Regional Airport

PURPOSE: Rezone a portion of the Laramie Regional Airport from AE (Airport Enterprise) to AV (Aviation).

CURRENT ZONING: AE (Airport Enterprise)

PREPARED BY: Eric Conner, Associate Planner

Documents:

6.B.ii. **TA-16-08: Amending Landscaping Requirements For AV (Aviation) Zoning District**

REQUEST: An amendment to Chapter 15.14 of the Unified Development Code to alter the landscaping requirements for properties zoned AV (Aviation).

APPLICANT: Laramie Regional Airport (Jack Skinner)

PURPOSE: To allow for an amendment to the Unified Development Code that would allow for a change in the Landscaping Requirements for the AV (Aviation) zoning district, and flexibility in landscaping placement on property owned by the same person where the development is occurring.

PREPARED BY: Eric Conner, Associate Planner

Documents:

[TA-16-08 PC Staff Report.pdf](#)

6.B.iii. **FP-16-04: Stagecoach Ridge Subdivision, 1st Addition Final Plat**

Request: A Final Plat creating six residential lots on a 1.58 acre tract of land.

Location: Generally located east of Falcon Court and north of Beaufort Street.

Applicant(s)/ Agent: BLT, LLC/ Christie Roberts (Gertsch-Baker Engineering & Design)

Owner: BLT, LLC

Purpose: Residential lots for future sale and development

Zoning: R1 (Single-Family Residential) District

Case Planner: Eric Conner, Associate Planner

Documents:

[Staff Postponement Memo 11-21-16.Pdf](#)

7. Long Range Planning Projects

8. Variances (Sitting As Board Of Adjustment)

(Swearing in of witnesses)

8.A. **VAR-16-08: Bonding For Administrative Re-Division Of Land (Razorback Development – Tom Fleener)**

FILE: VAR-16-08: Bonding for Administrative Re-Division of Land (Razorback Development – Tom Fleener)

REQUEST: Variance from LMC § 15.06.060.Q.2.c that would grant relief from City of Laramie requirements for Administrative Re-Division of Land and the requirement that no public right-of-way dedication or public improvements are required, thus allowing for the improvements to be bonded through a Subdivision Completion Agreement.

LOCATION: Flint Street, Cedar Street and Pine Street

APPLICANT(S): Razorback Development/Tom Fleener

OWNER: Tom Fleener

PURPOSE: Allow the applicant to bond for improvements associated with an Administrative Re-Division of Land through the Subdivision Completion Agreement.

CURRENT ZONING: R2 (Limited Multi-Family District)

PREPARED BY: Derek T. Teini, AICP, Planning Manager

Documents:

[VAR-16-08 Staff Report 11.28.2016.Pdf](#)

8.B. **VAR-16-09: 2101 17th Street - Corner Lot Side Setbacks For Accessory Structure**

REQUEST: Variance from LMC § 15.12.010.B.1.f.(i) (Corner Lots with Two Frontages) that would grant relief from City of Laramie standards for the required side setback for accessory structures on corner lots.

LOCATION: 2101 17th Street

APPLICANT(S): City of Laramie

OWNER: Sarah Torbert

PURPOSE: Variance from LMC § 15.12.010.B.1.f.(i) (Corner Lots with Two Frontages) that would grant relief from City of Laramie standards for the required side setback for accessory structures on corner lots.

CURRENT ZONING: R1 (Single-Family Residential)

PREPARED BY: Eric Conner, Associate Planner

Documents:

[VAR-16-09 Staff Report.pdf](#)

9. **Adjourn**

**MINUTES
CITY OF LARAMIE, WYOMING
LARAMIE PLANNING COMMISSION
OCTOBER 24, 2016**

1. CALL TO ORDER

Meeting convened at 4:35 PM

Members present: Ben McKay, Brandon Reynolds, Randy Vickers and Kaye Willis (Chair).

Members absent: Kathe Carlton, Jim McGrath, and Justin Piccorelli.

Council Liaison: Bryan Shuster (present).

Staff Present: Charles Bloom, Eric Conner, Derek Teini, Dave Derragon, Angie Johnson, and Nancy Bartholomew.

2. APPROVAL OF AGENDA AND MINUTES

2.A. Changes and Approval of Agenda

Agenda was approved as written.

2.B. Planning Commission Meeting Minutes October 10, 2016.

MOTION BY REYNOLDS, seconded by Vickers, to approve the Minutes as written.

MOTION CARRIED by voice vote.

3. CITIZEN COMMENTS - Non-Agenda Related Topics - No Action Can Be Taken

No citizen comments.

4. PLANNING COMMISSION AND STAFF REPORTS AND COMMENTS

1. New agenda format.
2. All of the applications for planning have been updated.
3. November 3rd Staff & Consultants will meet at Linford to propose ideas for project.
4. Landscaping Code was updated.
5. November 28 meeting will be a long meeting.
6. Cirrus Sky trail will be going out to bid soon.
7. Last meeting there was discussion of waiving a fee for a family. In order to do this we need to redo the Fee Table.
8. Staff has done some research on Conditional Use on front lines.
9. Randy Vickers- the viaduct is bad.

5. DISCLOSURES - Ex-parte communications; potential conflicts of interest

No disclosures.

6. CURRENT PLANNING PROJECTS

6.A. OLD BUSINESS: No items.

6.B. NEW BUSINESS:

6.B.i CUP-16-14 1325 Boswell Drive- Type 2 Child Care Home

**MINUTES
CITY OF LARAMIE, WYOMING
LARAMIE PLANNING COMMISSION
OCTOBER 24, 2016**

MOTION BY REYNOLDS, seconded by McKay, to approve a Conditional Use Permit for operation of a Type 2 Child Care Home at 1325 Boswell Drive zoned R2 (Limited Multi-Family District), based on findings of fact and conclusions of law and subject to all staff's recommended conditions.

MOTION CARRIED by voice vote.

6.B.ii. CUP-16-15: 2672 Monroe Street Type 2 Child Care Home

MOTION BY VICKERS, seconded by Reynolds, to approve a Conditional Use Permit for operation of a 10-child Type 2 Child Care Home in a single-family residential structure at 2672 Monroe Street based on findings of fact and conclusions of law, and subject to all staff's recommended conditions.

MOTION CARRIED by voice vote.

7. LONG RANGE PLANNING PROJECTS

No items.

8. VARIANCES (sitting as Board of Adjustment)

None.

9. ADJOURN

MOTION BY REYNOLDS, seconded by Vickers, to adjourn the meeting.

MOTION CARRIED by voice vote.

Meeting adjourned at 4:48 PM.

VALIDATED:

Kaye Willis, Planning Commission Chair

Date

Derek Teini, Planning Manager

Date

**MINUTES
CITY OF LARAMIE, WYOMING
LARAMIE PLANNING COMMISSION
NOVEMBER 14, 2016**

1. CALL TO ORDER

Meeting convened at 4:30 PM.

Members present: Kathe Carlton, Jim McGrath, Brandon Reynolds, Randy Vickers, and Kaye Willis (Chair).

Members absent: Ben McKay, Justin Piccorelli,

Council Liaison: Bryan Shuster (not present)

Staff Present: Charles Bloom, Eric Conner, Derek Teini, and Nancy Bartholomew.

2. APPROVAL OF AGENDA AND MINUTES

2.A. Changes and Approval of Agenda

The Agenda was amended as follows: moved item 9 to 10.5. The Agenda was approved as amended.

2.B. Planning Commission Meeting Minutes

None.

3. CITIZEN COMMENTS - Non-Agenda Related Topics – No Action Can Be Taken

No citizen comments.

4. PLANNING COMMISSION AND STAFF REPORTS AND COMMENTS

Derek Teini wanted to know if the e-packets are working and said the November 28, 2016 meeting might be long.

5. DISCLOSURES - Ex-parte communications; potential conflicts of interest

Willis said she has received phone calls about Spradley Barr relocating.

Vickers said he has had conversations about Spradley Barr as well.

6. CURRENT PLANNING PROJECTS

7. OLD BUSINESS: No items.

8. NEW BUSINESS:

8.A. CUP-16-16 1210 Fetterman Drive (Type 2 Daycare)

MOTION BY VICKERS, seconded by Carlton, to approve a Conditional Use Permit for operation of a Type 2 Child Care Home, in a single family residence located at 1210 Fetterman Drive and zoned R2 (Limited Multi-Family Residential), based on findings of fact and conclusions of law and subject to all staff's recommended conditions.

MOTION CARRIED by voice vote.

9. Moved to 10.5.

**MINUTES
CITY OF LARAMIE, WYOMING
LARAMIE PLANNING COMMISSION
NOVEMBER 14, 2016**

10. VARIANCES (sitting as Board of Adjustment)

10.A. VAR-16-07: 505 20th Street (EMC Size Restrictions)

MOTION BY VICKERS, seconded by Carlton, to approve the requested Variance from Laramie Municipal Code LMC § 15.14.120.G.1.B that would grant relief from City of Laramie Electronic Message Center size restriction, based on findings of fact and conclusions of laws including staff's recommendations and recommendation that the net sum sign space does not increase with this approval, and including finding of fact condition A finding safe usage of pedestrian and vehicle traffic and D reasonable use of users and information that becomes available.

Roll call showed Aye: Carlton, Vickers, Reynolds, and Willis. Nay: McGrath. Absent: Piccorelli and McKay. MOTION CARRIED.

10.5 Moved from 9. LONG RANGE PLANNING PROJECTS

9.A. West Laramie/Snowy Range Road Bicycle/Pedestrian Feasibility Study

Carlton- approves
McGrath- approves
Reynolds-approves

11. ADJOURN

MOTION BY MCGRATH, seconded by Reynolds, to adjourn the meeting.

MOTION CARRIED by voice vote.

Meeting adjourned at 5:49 PM.

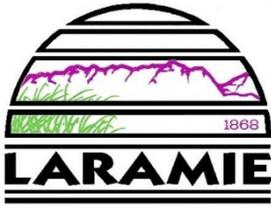
VALIDATED:

Kaye Willis, Planning Commission Chair

Date

Derek Teini, Planning Manager

Date



City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Telephone: (307) 721-5207
Fax: (307)721-5248

**LARAMIE PLANNING COMMISSION
NOVEMBER 28, 2016
STAFF REPORT**

FILE: Z-16-05: Laramie Regional Airport; 555 General Brees Rd.

REQUEST: Rezoning of an area of approximately 26.5 acres from AE (Airport Enterprise) to AV (Aviation).

LOCATION: 555 General Brees Road, at the Laramie Regional Airport.

APPLICANT(S)/AGENT: Laramie Regional Airport/ Jack Skinner

OWNER: Laramie Regional Airport

PURPOSE: Rezone a portion of the Laramie Regional Airport from AE (Airport Enterprise) to AV (Aviation).

CURRENT ZONING: AE (Airport Enterprise)

PREPARED BY: Eric Conner, Associate Planner

RECOMMENDED MOTION:

Move to recommend **approval** to the City Council to rezone the proposed portion of the Laramie Regional Airport from AE (Airport Enterprise) to AV (Aviation) Zoning which encompasses an area approximately 26.5 acres in size, based on findings of fact and conclusions of law.

APPLICABLE CITY CODE SECTION(S):

Laramie Comprehensive Plan
Laramie Municipal Code Title 15, Unified Development Code
Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning

BACKGROUND:

This rezoning would re-designate a portion of the Laramie Regional Airport to a zone more appropriate for the type of use that occurs within the designated portion. Currently, the 26.5 acre parcel has a zoning designation of AE (Airport Enterprise); Laramie Municipal Code states the AE District is established to provide lands for technological-industrial parks that require support by an airport facility for shipping, education, communication, research or other reasons. Other such reasons

could be types of commercial activities, rental facilities, hotels, and other uses that support air and business travelers. (LMC 15.08.050.F.6)

The AV Zone is intended to include runways, clear zones, aprons, aviation related structures, and other supporting facilities. (LMC 15.08.050.F.1.a)

The applicant is applying for this change because the area in question is considered a “private hangar” area with no public access, thus the use falls in line with the AV zone as opposed to the supporting role of the AE zone. Furthermore, metal building facades are allowed within the AV zone, but are limited within the AE zone; due to the design nature of private airplane hangars and other typical uses found within this zone district, this further supports the zoning change to the AV zone.

APPLICABILITY TO THE COMPREHENSIVE PLAN:

Future Land Use:

	Future Land Use Designation (Map 3.2)	Zoning	Land Use
Subject Property	PI (Public, Institutional)/ I (Industrial)	AE (Airport Enterprise)	Taxi Way/ Private Hangars
North	I (Industrial)	AE (Airport Enterprise)	Vacant
South	PI (Public, Institutional)	AV (Aviation)	Runway
East	PI (Public, Institutional)	AV (Aviation)	Terminal/ Runway
West	PI (Public, Institutional)	AV (Aviation)	Runway

Zoning districts associated with Industrial designations are I1 (Limited Industrial), I2 (Industrial), LM (Limited Manufacturing), and IP (Industrial Park). It is noted that neither AE nor AV are within this Future Land Use designation, however staff believes that due to the intense nature of the Industrial Land Use Designation, the AE and AV zoning districts are an applicable zoning district within the Industrial Land Use. Furthermore, Laramie Regional Airport is a public airport, thus the Public, Institutional Land Use designation is viewed as appropriate.

ANALYSIS:

This zoning request would increase compatibility with the established purpose for each aviation-related zone. Due to the restricted nature of the area, the proposed change would create better compliance with the intent of the different aviation zoning districts. The Airport Enterprise (AE) zone is intended to be used by supporting industries and industries oriented around services for business travelers (LMC 15.08.050.F.6). Private Hangar areas within the Laramie Regional Airport do not fall within this general definition for Airport Enterprise, but fall closer to the concepts of the Aviation (AV) zone due to the ‘aviation related structure’ concept, and a lack of public access.

Landscaping:

This zoning change is running concurrently with a text amendment to the Laramie Municipal Code that would change the landscaping requirements for the AV zone; the proposed change bases the landscaping requirements on development area, as opposed to site dimensions. If both the text amendment and this rezoning request are approved, this portion of the site would follow the proposed landscaping requirements. Staff supports the landscaping amendment.

PUBLIC COMMENTS:

Public notice was mailed to properties within 300 feet of this property on November 10, 2016. A legal advertisement was published in the Laramie Boomerang on Saturday, November 12, 2016. To date, staff has received no public comment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:Findings of Fact:

- The request complies with the applicable zoning requirements of Laramie Municipal Code, Title 15.
- Establishing I2 (Industrial) District zoning for the property is consistent with the Future Land Use Map (Map 3.2) and related goals and policies of the Comprehensive Plan (2007).

Conclusions of Law:

- The amendment to the zoning map is being processed pursuant to Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning.
- Establishing I2 (Industrial) District zoning for the property is consistent with the Comprehensive Plan's Future Land Use (FLU) Map (Map 3.2).

ALTERNATIVES:

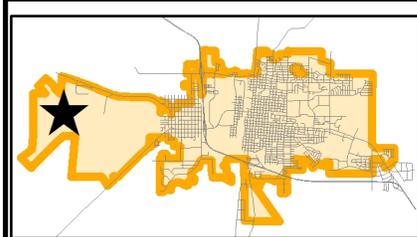
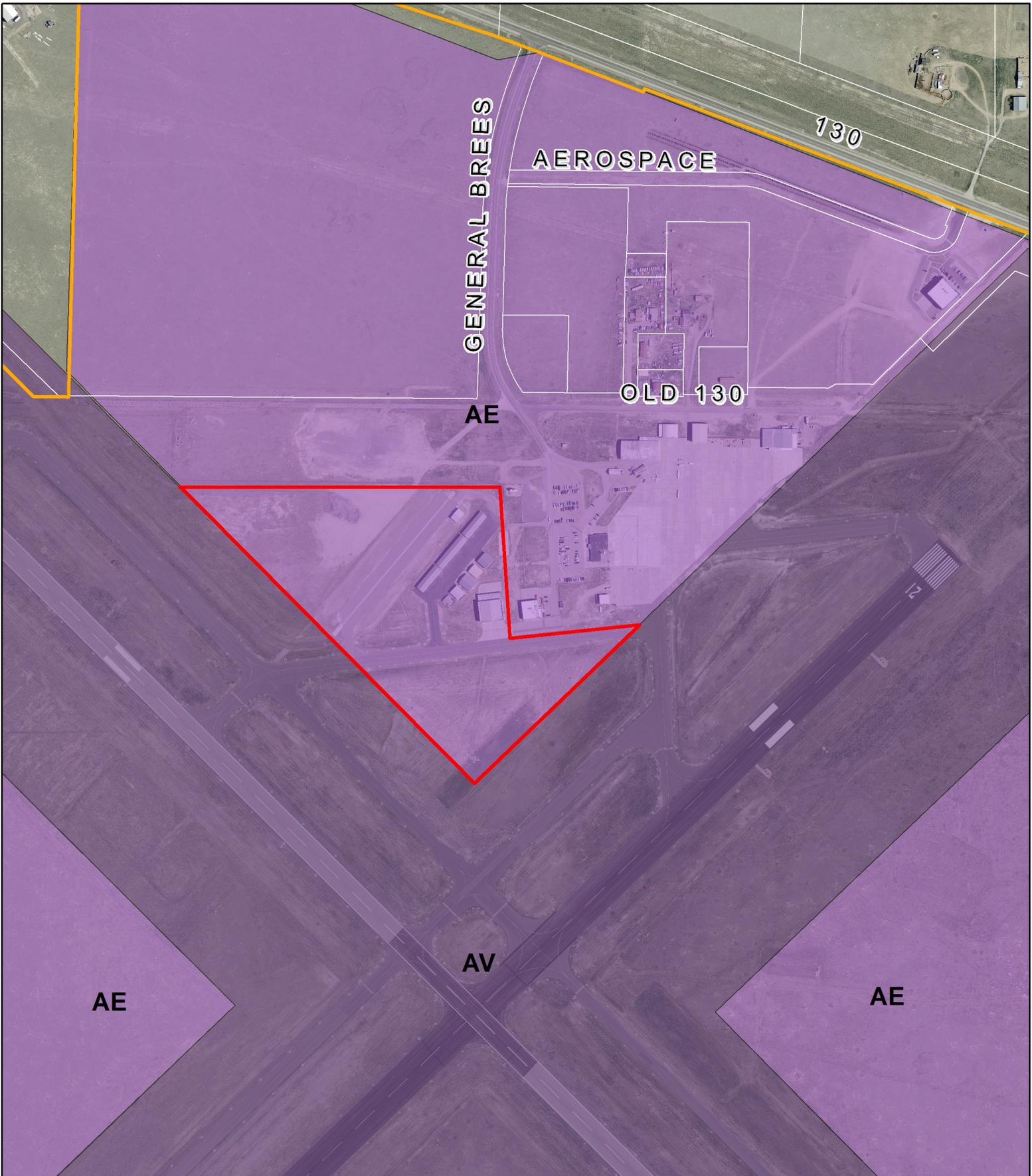
1. Approve the rezoning as recommended by staff, based on findings of fact and conclusion of law. **(Staff's recommendation)**
2. Approve the rezoning with other modifications, based on findings of fact and conclusion of law.
3. Deny the rezoning based on findings of denial. Since staff recommends approval, the Planning Commission must conclude that the rezoning does not meet all of the findings. As part of the motion, findings for denial must be stated.
4. Postpone the rezoning until issues identified during the meeting can be resolved with the applicant.

STAFF RECOMMENDATION:

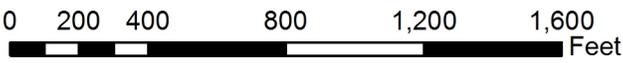
Staff recommends **approval** of the request to rezone a portion of the Laramie Regional Airport at 555 General Brees Road from AE (Airport Enterprise) to AV (Aviation) which encompasses an area approximately 26.5 acres in size, based on findings of fact and conclusions of law.

ATTACHMENTS

1. Vicinity Map (1 page)
2. Applicant Cover Letter (1 page)



Z-16-05
 Rezone AE to AV



This Data contained herein was compiled from various sources for the sole use of the City of Laramie. REVIEW OF THIS DATA FOR ACCURACY AND ANY NECESSARY EDITING HAS NOT BEEN COMPLETED AT THIS TIME. Any use of the data by anyone other than the City of Laramie, and its members, is at the sole risk of the user, and by acceptance of this data, the user does hereby hold the City of Laramie, and its members, harmless and without liability from any claims, costs, or damages of any nature against the City of Laramie, including cost of defense arising from improper use of data, or use by other party. Acceptance or use of this data is done without any expressed or implied warranties.





LARAMIE REGIONAL AIRPORT - 555 GENERAL BREES ROAD - LARAMIE, WYOMING 82070 - (307) 742-4164

Derek Teini
Planning Manager
City of Laramie , Planning Division
PO Box C, Laramie, WY 82073

October 4, 2016

Derek,

Attached is an application for "Rezoning" from Laramie Regional Airport. The rezoning is a request to rezone a portion of the AE zone to the AV zone. The property that the Airport is requesting to be rezoned includes taxi-lanes F1 and F2, and the land and hangars adjacent to the taxi-lanes. This is considered the "private hangar" area on the Airport and does not have public access. It was the intent of the Airport to include this area in the AV zone when these zones were developed in 2004.

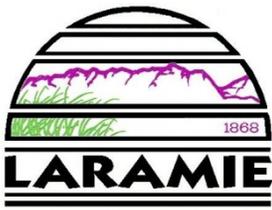
The Federal Aviation Administration (FAA) has stressed the importance of protecting/securing the airfield at Commercial Service Airports through land-use and zoning requirements. FAA planners agree that private hangars that are located on taxi-lanes, and do not have public access should be included in the AV zone.

Included with this application is a vicinity map showing the property the Airport is requesting to be rezoned. The property is protected by an eight (8) foot security fence and a keypad drive-thru gate.

Thanks for considering our request, and should you need additional information please contact me.

Jack Skinner
Airport Manager





City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Telephone: (307) 721-5271
Fax: (307) 721-5248

LARAMIE PLANNING COMMISSION NOVEMBER 28, 2016 STAFF REPORT

FILE: TA-16-08: Amending Landscaping Requirements for AV (Aviation) Zoning District

REQUEST: An amendment to Chapter 15.14 of the Unified Development Code to alter the landscaping requirements for properties zoned AV (Aviation).

APPLICANT: Laramie Regional Airport (Jack Skinner)

PURPOSE: To allow for an amendment to the Unified Development Code that would allow for a change in the Landscaping Requirements for the AV (Aviation) zoning district, and flexibility in landscaping placement on property owned by the same person where the development is occurring.

PREPARED BY: Eric Conner, Associate Planner

RECOMMENDED MOTION:

Move to recommend that the Council **approve** amendments to Title 15 (Unified Development Code) of the Laramie Municipal Code for the purposes of amending the landscaping requirements for properties zoned AV (Aviation).

APPLICABLE CODE SECTION(S):

Text Amendments must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation.

- Laramie Municipal Code Title 15, Unified Development Code
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning

BACKGROUND AND SUMMARY:

The present amendment would allow alteration to the landscaping requirements of Laramie Municipal Code to allow for the relocation of landscaping required for development within the AV (Aviation) zone to be placed on the same property, or on property owned by the AV zoned property and does not have to be within the AV Zoning District. Furthermore, this amendment would alter how the landscaping requirements are calculated; allowing requirements to be based off of development area as opposed to the total site perimeter distance.

The proposed amendment would alter Table 15.14.050-2 in the Laramie Municipal Code and establish exemptions for the AV zoning district in LMC 15.08.050.A.5.h to allow landscaping to be calculated by square footage of development area, specifically ten (10) landscaping units for each

1,000 square feet of development area. Additionally, the proposed amendment would allow the required landscaping to be located on developed site, or on another site owned by the same owner. This would allow for increased safety on AV zoned sites, and increased aesthetics of more appropriately zoned sites.

Staff reached out for comments by the Parks and Recreation Advisory Board; however Parks and Recreation Director Todd Feezer informed staff it was not within the scope of the Board. Staff agrees with this interpretation by Director Feezer.

Relationship to Comprehensive Plan

[Chapter 8](#) (Transportation) of the Comprehensive Plan evaluates the current transportation elements available to Laramie and provides guidance for future transportation system expansion. The section that speaks about air travel mentions the importance to minimize the risks to public safety and hazards to aviation users and those employed or residing in proximity to public aviation facilities. Staff believes that full landscaping within certain areas of the Laramie Regional Airport can potentially lead to hazards and risk to public safety due to impaired vision as well as increased animal activity within vegetated areas (2007 Laramie Comprehensive Plan p 8-13).

Discussion:

Staff believes that an amendment to the landscaping requirements in this manner is a beneficial change to the Laramie Municipal Code. This amendment would not remove the requirement for landscaping, but rather change the way the landscaping requirements are calculated and allow more flexibility with the location of needed landscaping in a way that is attractive to the supporting businesses, and safer for the public using airport facilities in an aviation capacity.

PUBLIC COMMENTS:

This amendment was legally advertised in the Laramie Boomerang on November 12, 2016. Staff has received no comments regarding this proposed amendment to the UDC.

FINDINGS OF FACT:

The amendment is found to be in accordance with substantive and procedural requirements and necessities in City of Laramie code.

CONCLUSIONS OF LAW:

The amendment is proceeding in accordance with applicable law, including LMC Title 15.

STAFF RECOMMENDATION:

Staff recommends to recommend that the Council **approve** amendment to Title 15 (Unified Development Code) of the Laramie Municipal Code for the purposes of amending the landscaping requirements for properties zoned AV (Aviation).

ATTACHMENTS:

1. Example Code Amendment
2. Cover Letter

Landscaping Changes to AV Zone

Table 15.14.050-2

TABLE 15.14.050-2: APPLICABILITY OF SITE PERIMETER LANDSCAPING									
District of Proposed Development	Required Level of Site Perimeter Landscaping (Level 1, 2 or 3) Adjacent to the Following Zoning Districts or Streets:								
	AG, RR, O	LR, R1, R2, R2M	R3	NB, B1, B2	DC, C2	LM, IP, I1, AV AE	I2	Freeway	Collector, Arterial, Expressway
AG, RR, O	N/A	L2	L2	L3	L4	L3	L4	L4	L2
LR, R1, R2, R2M	L2	L1	L1	L1	L2	L3	L4	L4	L2
R3	L3	L2	L1	L1	L2	L3	L4	L4	L2
NB, B1, B2	L3	L3	L3	L1	L1	L3	L4	L4	L2
DC, C2	L3	L3	L3	L3	L1	L2	L4	L4	L2
LM, IP, I1, AV, AE	L3	L3	L3	L3	L2	L1	L2	L4	L2
AV	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*
I2	L4	L4	L4	L4	L4	L2	L2	L4	L2
Non-residential use in R zone	L3	L2	L2	L2	L2	L3	L4	L4	L2

* Refer to Exceptions section 15.08.050.A.5.h.1.d

15.08.050.A.5.h

h. Landscaping

The provisions of section 15.14.050 shall apply.

1. Exceptions

- a. Site perimeter requirements for lots and parcels in the DC District shall be required pursuant to subsection 15.08.030.E.2.c, Development Standards.
- b. Site perimeter requirements may be reduced up to 100 percent for projects on lots and parcels allowing setbacks less than the required site perimeter yard width through the Alternative Equivalent Compliance requirements of subsection 15.06.060.K. Reductions shall only apply to lots and parcels where the primary building setback is less than the specific required perimeter landscaping width as shown in Table 15.14.050.A. Reductions shall only apply to specific required

site perimeter areas between the property line and proposed principal building. A zero side setback requirement shall not be construed to allow a reduced rear yard setback.

- c. As part of alternative equivalent compliance review, the city may consider landscaping in the adjacent public right-of-way as a substitution for some or all of the required onsite street frontage landscaping, where in the opinion of the department the proposed public right-of-way landscaping meets the intent of this chapter. Any property owner requesting to landscape the public right-of-way as an alternative shall be required to maintain the landscaping into perpetuity unless the landscaped area is accepted for maintenance by the city. In addition to substituting for street frontage landscaping, public right-of-way landscaping may be substituted for other required landscaping if approved by the department. This may include the landscaping of public right-of-way or public lands within the city on a separate unrelated site in some cases where in the opinion of the department the public landscaping proposed will have significantly greater community benefit.
- d. **For all uses located within the AV zoning district, landscaping requirements shall follow the requirements outlined below. No perimeter landscaping is required that would be subject to 15.14.050.F – Site Perimeter Landscaping, and Table 15.14.050-2: Applicability of Site Perimeter Landscaping.**
 - (i) **Ten (10) landscaping units shall be required for each 1,000 square feet of development area, including the building, parking or any other area necessary for the operation of the development proposed and as depicted in the Site Plan Application.**
 - (ii) **All units shall be awarded based upon Table 15.14.050-4: Landscaped Units Awarded, and all other standards set forth in 15.14.050, Landscaping and Screening Standards shall be required.**
 - (iii) **All required landscaping shall be planted on the proposed property, or on property owned by the same individual or individuals as the AV Zoned property and shall be within the AV or AE Zoning District.**



LARAMIE REGIONAL AIRPORT - 555 GENERAL BRES ROAD - LARAMIE, WYOMING 82070 - (307) 742-4164

Derek Teini
Planning Manager
City of Laramie , Planning Division
PO Box C, Laramie, WY 82073

October 4, 2016

Derek,

Attached is an application for a "Code Text Amendment" from Laramie Regional Airport. The text amendment is a request to remove landscaping from the AV zone. Landscaping within the AV zone would create a wildlife attractant that could be a safety hazard for the safe operation of aircraft in and around Laramie Airport. Airport property within the AV zone does not have public access – only authorized personnel are allowed access.

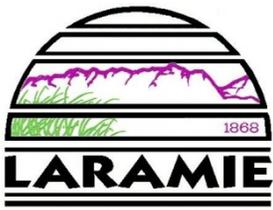
The Federal Aviation Administration (FAA) has worked closely with Airports in the United States during the last 10 years to limit and/or remove wildlife habitat from runways, taxiways, and approaches to runways. Laramie Regional Airport recently completed a "Wildlife Hazard Study" that is being reviewed by the FAA, and the next step will involve the implementation of a "Wildlife Management Plan" for the Airport.

Laramie Regional Airport is proposing that instead of requiring landscaping within the AV zone, that landscaping may be placed on property owned by the Airport within the AE zone. For wording and landscape requirements please see the document attached to this letter.

Thanks for considering our request, and should you need additional information please contact me.

Jack Skinner
Airport Manager





City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Telephone: (307) 721-5207
Fax: (307) 721-5248

MEMORANDUM

Date: November 21, 2016

To: City of Laramie Planning Commission

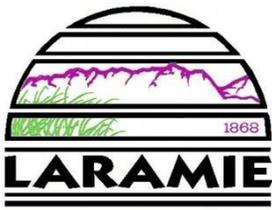
From: City of Laramie Planning Division

Subject: FP-16-04: Stagecoach Ridge Subdivision, 1st Addition Final Plat

The Stagecoach Ridge Subdivision, 1st Addition Final Plat was scheduled to appear before the City of Laramie Planning Commission for recommendation on November 28, 2016. This project was scheduled, and public notice provided as such, contingent on the applicant's engineer addressing comments and concerns that were still outstanding during a project review meeting that was held on November 3, 2016 with City staff and the applicant's engineer.

Following public notice and review of the documents provided on November 10, 2016, City Staff determined that the comments and concerns identified during the project review meeting were not fully addressed, thus Staff cannot recommend the project move forward at this time.

For this reason, City of Laramie Planning Staff recommends that project FP-16-04 be postponed until the regularly scheduled Planning Commission meeting on December 12, 2016.



City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Telephone: (307) 721-5207

Fax: (307) 721-5248

**LARAMIE PLANNING COMMISSION
(SITTING AS THE LARAMIE BOARD OF ADJUSTMENT)
NOVEMBER 28, 2016
STAFF REPORT**

FILE: VAR-16-08: Bonding for Administrative Re-Division of Land
(Razorback Development – Tom Fleener)

REQUEST: Variance from LMC § 15.06.060.Q.2.c that would grant relief from City of Laramie requirements for Administrative Re-Division of Land and the requirement that no public right-of-way dedication or public improvements are required, thus allowing for the improvements to be bonded through a Subdivision Completion Agreement.

LOCATION: Flint Street, Cedar Street and Pine Street

APPLICANT(S): Razorback Development/Tom Fleener

OWNER: Tom Fleener

PURPOSE: Allow the applicant to bond for improvements associated with an Administrative Re-Division of Land through the Subdivision Completion Agreement.

CURRENT ZONING: R2 (Limited Multi-Family District)

PREPARED BY: Derek T. Teini, AICP, Planning Manager

STAFF RECOMMENDED MOTION:

Move to **approve** the requested variance from Laramie Municipal Code LMC § 15.06.060.Q.2.c that would grant relief from City of Laramie requirements for Administrative Re-Division of Land and the requirement that no public right-of-way dedication or public improvements are required, based on findings of fact and conclusions of law and subject to staff's recommended conditions.

APPLICABLE CODE SECTIONS

LMC § 15.06.060.S – Replats
LMC § 15.06.060.Q.2.c – Subdivisions, Minor

Authority for consideration and granting of variances is found in LMC §15.06.060.D [Variances].

All regulations found within the Laramie Municipal Code (including the Unified Development Code) were approved and adopted through Ordinance by the City Council. It is the professional obligation and responsibility of staff to follow and enforce adopted codes.

BACKGROUND/DISCUSSION:

The applicant, Razorback Development (Tom Fleener) submitted an application for an Administrative Re-Division of Land on September 6, 2016. The Administrative Re-Division of Land is a replatting process allowed by LMC, that can change general lot configuration (Lot lines, lot sizes, orientation, etc.) however cannot substantially change the subdivision or alter items such as right-of-ways. In this case, the Re-Division of Land of the 1888 Fee's Second Addition, would reconfigure the original 24 foot wide lots to make the lots more typical with today's lot standards and City of Laramie regulations.

However, under the Administrative Re-Division of Land process, which is regulated under LMC § 15.06.060.S and corresponding code section LMC § 15.06.060.Q.2.c, it cannot be considered for approval unless there are, "No public right-of-way dedication or public improvements are required". The intent of this condition is to eliminate the necessity to review any type of engineering documents associated with public improvements and right-of-ways; thus by not allowing any of these improvements the ability to bond for them is also not allowed.

This Administrative Re-Division of Land does not include any right-of-way dedication, however some minor public improvements are required, these include curbs and gutters, sidewalks and construction of an alleyway due to the recent removal of the railroad wye that ran across these lots. Prior to approval of the Administrative Re-Division of Land the necessary improvements were to be constructed by the applicant in order to make the approval allowable. However as noted by the applicant in their cover letter the applicant is not asking for a waiver from the construction of the improvements, instead is asking for the ability to bond for the improvements as we would for a Final Plat, thus allowing construction to begin on lot, while providing the assurance that the improvements will be completed. Furthermore, staff believes that due to the time of year and the ability to construct the improvements may still be allowed, the city would prefer that improvements be completed when weather is more favorable. Additionally, although concrete work could be completed, the patching of streets and other asphalt areas would not be allowed until the spring, thus leaving any newly constructed areas vulnerable during the winter and spring seasons.

Finally, as part of the Administrative Re-Division of Land and this Variance, Staff will not be recommending approval of the inclusion of Lot 12, Block 8 as meeting the criteria for an Administrative Re-Division of Land or for a Variance. The lot has a dedicated, but unconstructed street, Hodgeman Street to the east that would need to be built to full city standards before the lot could be eligible for an Administrative Re-Division of Land. Because of this scenario, staff also believes that this lot should not be included within the request for Variance due to the type of improvement being considered, which would be a full street construction.

DEPARTMENT REVIEW:

The application was routed to other City departments for review and comment per standard procedure. Based upon staff review and comments provided the recommended motion was developed as provided in the staff report.

FINDINGS OF FACT FOR VARIANCE:

Pursuant to LMC §15.06.060.D [Specific Review Procedures – Variances], the Board of Adjustment must find that all of the following criteria have been met in order to approve any variance in this case:

- (a) There are special circumstances or conditions, fully described in the board's findings, that are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the code, such as irregularity, narrowness, or shallowness of lot, or exceptional topographical conditions.**

Applicant Response:

- The subject property described above was originally platted as Fee's Second Addition in the late 1800's. Until recently, the subject property was used as a railroad spur. Some, but not all of the public infrastructure that is required of a modern development project exist today. Currently, the property is owned by razorback Development, LLC who desires to reconfigure the lot to be more conducive for construction of single family homes under the current UDC.

Staff Response:

- Under most scenarios that may be considered for an Administrative Re-Division of Land either no improvements are needed or there are so many improvements needed, a project would not qualify for consideration. In this situation, because of the railroad wye located through these lots, all right-of-ways have been dedicated and constructed along with all other improvements, however where railroad track was placed, curbs, gutters and sidewalks were not installed. Because of the unique situation only minor public improvements are needed in order to conform to the requirement of the Administrative Re-Division of Land. As noted above, in most scenarios, it is either an "all or nothing" situation, but because of the existing and substantial improvements, the Re-Division of Land is only requiring the owner to "fill in the gaps" related to some missing curb, gutter and sidewalk. Staff believes that due to the need for only partial improvements, none of which include dedication of right-of-way or major improvements such as the construction of a street, installation of water or sewer lines, a unique scenario is present that we believe meets this finding. Furthermore, the location of this request is significant in that it is one of the few neighborhoods where existing lots, as platted but vacant make future development difficult for standard single family homes that would typically be found in the area.

- (b) The circumstances or conditions are such that the strict application of the provisions of the code would deprive the applicant of the reasonable use of such land or building.**

Applicant Response:

- As stated above, in order for an Administrative Re-plat to be approved, per Section 15.060.060.Q.2.c, all public improvements associated with the property must be completed. This requirement poses a considerable cost for the development of the

project thus depriving the applicant of reasonable of the land. These addition costs include, but may not be limited to the following:

- The curb and gutter in the neighborhood is currently high-back which requires new drive way approach to be constructed by removing existing curb and gutter. If we are required to construct new curb and gutter in the required location prior to re-platting we will likely be removing newly constructed curb and gutter to accommodate a new driveway approach. By delaying the construction until a builder determine the location of his approach, there would be no need to disturb new curb and gutter, thus saving money.
- Concrete sidewalks that are not subject to vehicular traffic are allowed to be four inches thick and sidewalks that are subject to vehicular traffic are required to be six inches think. If we are required to construct all the sidewalk prior to platting, we will not know where prospective builders will want o install their driveway approaches and we will have no choice but to install all sidewalks at a six inch thickness. This will cause sidewalks to cost approximately an additional 30%.

Staff Response:

- Strict application of the code would deprive the applicant reasonable ability to complete the development and will materially change the use of the development that would justify the Variance request. Based on the request proposed, the applicant notes that cost would be increased for the proposed development, which is not a factor the Board of Adjustment shall consider for this finding of fact. Despite this, staff believes that because the development nearly meets the qualification for an Administrative Re-Division of Land, asides from the ability to Bond and Financially secure for improvements, this applicant does have standing in that that the applicant could accomplish the subdivision through the full Preliminary and Final Plat process, however no substantial changes would be achieved through that process except for the ability to financially secure the improvements.

(c) If applicable, the circumstances or conditions are such that the strict application of the provisions of the code would deprive the applicant of access to alternative forms of energy such as solar or wind power.

Applicant and Staff Response: Not applicable. No solar or wind power devices are being sought in this context and the variance being requested would not deprive the applicant of access to alternative forms of energy.

(d) The granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose;

Applicant Response:

- Granting Razorback Development the opportunity to provide the City of Laramie a guarantee that the required public infrastructure would be completed, in the form of a

construction bond in the amount of 125% of anticipated construction costs, is in concert with normal development standards. This would allow the City of Laramie planning staff to approve the Administrative Re-plat of the subject property, allow the developer the opportunity to sell lots, and complete the required infrastructure needed in a manner that fits the needs of potential builders.

Staff Response:

- The granting of the adjustment is the minimum necessary to allow development and would justify the Variance request. By allowing the adjustment the applicant would be able to complete the Administrative Re-Division of Land, develop the public improvements as required by code and necessary for the development of the lots, all while ensuring future property owners, the City and neighborhood that improvement will be completed as required. Furthermore, by the developer recommending a Subdivision Agreement and financial security, this is the minimum adjustment necessary in order to support the Variance. Staff would not recommend approval of this Variance without the Subdivision Agreement and financial security stipulation.

(e) The granting of the variance is in harmony with the general purposes and intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

Applicant Response:

- Granting of the Variance is in harmony with the general purposes and intent of the code will not be injurious to the neighborhood or otherwise detriment to the public welfare.

Staff Response:

- Granting of the variance is in harmony with the intent of the Unified Development Code and would not be injurious to the neighborhood or otherwise detrimental to the public welfare. By granting the Variance the applicant and developer will be able to provide needed public improvement to newly available lots within an existing subdivision and neighborhood. By completing this development, once vacant and unusable land that was not a benefit to the neighborhood will be able to be used for the construction of homes in an up and coming and desirable neighborhood.

(f) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

Applicant Response:

- The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property.

Staff Response:

- This development and request is in harmony with the existing properties in the area. The development will not affect development potential for adjacent properties, instead will likely help facilitate future development of the area, not only through this development but through revitalization of other lots in the neighborhood. There will be no change in the land use or general character, and no adjacent setbacks, zoning, or planned land uses are affected that would not justify the Variance request.

PUBLIC COMMENTS:

Legal notice was published in the Laramie Boomerang on November 12, 2016. Letters were sent to surrounding property owners within 300 feet of the subject property on November 9, 2016. Staff has received one public comments regarding this request, which was neutral in nature.

ALTERNATIVES:

1. Approve the variance as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the variance subject to conditions, based on findings of fact and conclusions of law. (Staff's Recommendation)
3. Deny the variance based on findings of denial. The Board of Adjustment is required to make appropriate findings of fact and conclusions of law and state reasons for denial.
4. Postpone the variance until issues identified during the meeting can be resolved.

CONCLUSION OF FINDINGS AND STAFF RECOMMENDATION/ BOARD OF ADJUSTMENT OPTIONS:

All of the required findings, statutorily necessary for granting a variance as detailed in the staff report above, can be made for the request to Municipal Code LMC § 15.06.060.Q.2.c, therefore:

Move to **approve** the requested variance from Laramie Municipal Code LMC § 15.06.060.Q.2.c that would grant relief from City of Laramie requirements for Administrative Re-Division of Land and the requirement that no public right-of-way dedication or public improvements are required, based on findings of fact and conclusions of law and subject to staff's recommended conditions;

1. No Variance request associated with Lot 12, Block 8 of the Re-Division of Land Fees Second Addition and improvements associated with that Lot, including the sidewalks, curbs and street shall be approved.
2. A Subdivision Completion Agreement and Financial Security shall be required that allows for bonding of all public improvements associated with the development.
3. Quantities related to all public improvements, related to any lots associated with an Administrative Re-Division of Land, shall be provided to staff for completion of the Subdivision Completion Agreement and Financial Security. This information can be provided after consideration of the Variance but prior to approval of the Administrative Re-Division of Land.

4. The associated Administrative Re-Division of Land shall not be recorded until the Subdivision Completion Agreement and Financial Security has been completed, received and approved by the City of Laramie.
5. No certificates of occupancy will be issued until all improvements associated with each lot are completed in association with the improvements associated with the Administrative Re-Division of Land and Subdivision Completion Agreement. All improvements will be required to be completed within 2 years of the approval of the Administrative Re-Division of Land.
6. All trash collection on these blocks are curbside currently and would remain that way, creating the alleyway would not have an impact on our current operation.
7. No modifications in design shall be permitted without approval by the City or update to the Administrative Re-Division of Land review for the proposed development. If design changes are determined to be substantial, changes will be required to be reviewed by the Board of Adjustment.
8. The developer shall apply for permits within six (6) months of the approval of the Variance. Failure to apply for a building permit within the specified time, or failure to keep such permit active until completion, shall cause the Variance to become null and void.

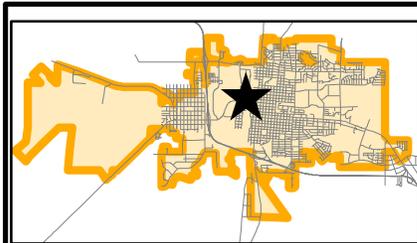
Note: If the Board of Adjustment desires to deny the variance, which is different than the staff's recommended motion, the Board will need to make the required denial findings prior to a motion. Also, the Board may add/modify the conditions of the denial/approval with requirements deemed appropriate to the project.

ATTACHMENTS:

1. Vicinity Map (1 page)
2. Cover Letter (2 pages)
3. Proposed Administrative Re-Division of Land (1 page)



VAR-16-08



VAR-16-08
Bonding for Administrative
Replat - Variance

0 65 130 260 390 Feet

This Data contained herein was compiled from various sources for the sole use of the City of Laramie. REVIEW OF THIS DATA FOR ACCURACY AND ANY NECESSARY EDITING HAS NOT BEEN COMPLETED AT THIS TIME. Any use of the data by anyone other than the City of Laramie, and its members, is at the sole risk of the user, and by acceptance of this data, the user does hereby hold the City of Laramie, and its members, harmless and without liability from any claims, costs, or damages of any nature against the City of Laramie, including cost of defense arising from improper use of data, or use by other party. Acceptance or use of this data is done without any expressed or implied warranties.

N



October 3, 2016

Derek Teini
Planning Manager
City of Laramie, Planning Division
PO Box C
Laramie, WY 82073

RECEIVED
OCT 06 2016

BY: 

RE: Fees Second Addition – Variance Request and Cover Letter
Re-Division of Land Fee's Second Addition Block 8, Lots 9-11, Block 10, Lots 8-16,
and Block 17, Lots 2-11, Revised Block 8, Lot 12, Block 10, Lots 23-26 and Block 17,
Lots 12-15
Laramie, Wyoming

Dear Derek:

As you know we are in the process of requesting an Administrative Re-plat for the above described subject property. These properties were originally platted but never fully developed as they were part of the Wyoming & Colorado Railroad right-of-way. Now that the rail road has been removed our client, Razorback Development, LLC, would like to reconfigure the subject properties so that they are sized appropriately for single family homes.

Currently, we understand that in order for an Administrative Re-plat to be approved, per Section 15.060.060.Q.2.c, all public improvements associated with the property must be completed. Our client is asking for a variance from the current UDC requirements to allow the public infrastructure constructed to be bonded. A construction bond would allow the development flexibility to delay the construction of public infrastructure to more closely coincide with construction of homes on each lot and provide the City of Laramie assurances that the infrastructure would be completed in the future.

As required in the Application for Variance our response to the required findings for approval of a variance are as follows:

1. The Subject Property described above was originally platted as Fee's Second Addition in the late 1800's. Until recently, the subject property was used as a railroad spur. Some, but not all of the public infrastructure that is required of a modern development project exist today. Currently, the property is owned by Razorback Development, LLC who desires to reconfigure the lots to be more conducive for construction of single family homes under the current UDC.
2. As stated above, in order for an Administrative Re-plat to be approved, per Section 15.060.060.Q.2.c, all public improvements associated with the property must be completed. This requirement poses a considerable cost for the development of the project thus depriving the applicant of the reasonable use of the land. These additional costs include, but may not be limited to, the following:

- a. The curb and gutter in the neighborhood is currently high-back which requires new drive way approaches to be constructed by removing existing curb and gutter. If we are required to construct new curb and gutter in the required locations prior to re-platting we will likely be removing newly constructed curb and gutter to accommodate a new driveway approach. By delaying the construction until a builder determines the location of his approach, there would be no need to disturb new curb and gutter, thus saving money.
 - b. Concrete sidewalks that are not subject to vehicular traffic are allowed to be four inches thick and sidewalks that are subject to vehicular traffic are required to be six inches thick. If we are required to construct all the sidewalk prior to platting, we will not know where prospective builders will want to install their driveway approaches and we will have no choice but to install all sidewalks at a six inch thickness. This will cause sidewalks to cost approximately an additional 30%.
3. Not applicable
 4. Granting Razorback development the opportunity to provide the City of Laramie a guarantee that the required public infrastructure would be completed, in the form of a construction bond in the amount of 125% of anticipated construction costs, is in concert with normal development standards. This would allow the City of Laramie planning staff to approve the Administrative Re-plat of the subject property, allow the developer the opportunity to sell lots, and complete the required infrastructure needed in a manner that fits the needs of potential builders.
 5. Granting of the variance is in harmony with the general purposes and intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare
 6. The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property.

Please find enclosed a copy required application and submittals.

We would like this issue to go before the City of Laramie Variance Board at your earliest convenience. If you have any questions or need further clarifications, please contact me.

Sincerely,

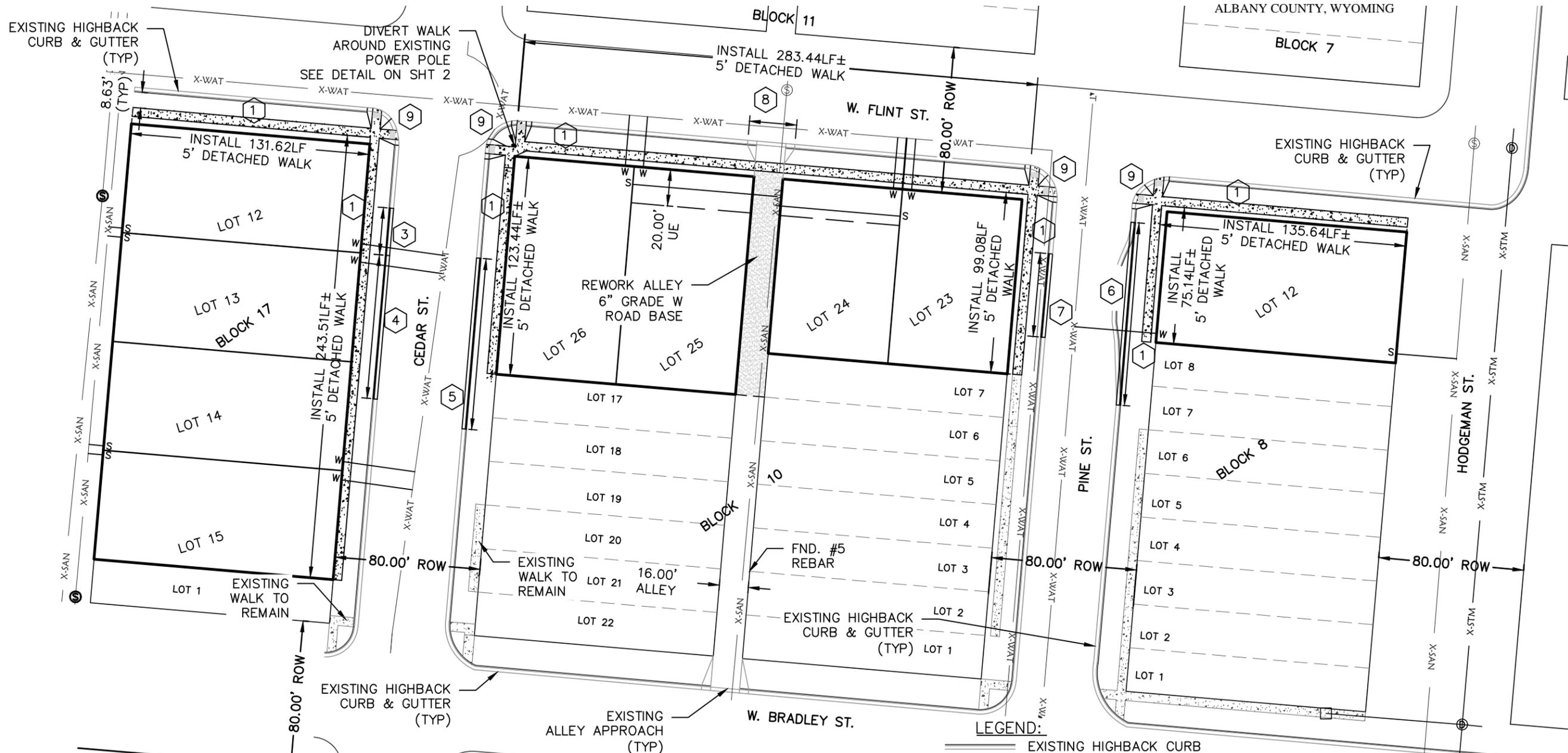
Coffey Engineering & Surveying, LLC



Dave R. Coffey, PE, LS
CEO

PUBLIC IMPROVEMENTS PLAN
 BLOCK 8 LOTS 9-11, BLOCK 10 LOTS 8-16, AND BLOCK 17 LOTS 2-11,
 REVISED BLOCK 8, LOT 12, BLOCK 10, LOTS 23-26 AND BLOCK 17,
 LOTS 12-15, FEES SECOND ADDITION
 SEC. 32, T16N, R73W, 6TH P.M.
 ALBANY COUNTY, WYOMING

Sheet: **1 / 4**
 Project: 2213.00
 Drawing: SITE
 Drafted By: CGT
 Date: 10/06/16
 Rev. Date:
 Check By: DRC



PUBLIC IMPROVEMENTS PLAN
 BLOCK 8 LOTS 9-11, BLOCK 10 LOTS 8-16, AND BLOCK 17 LOTS 2-11,
 REVISED BLOCK 8, LOT 12, BLOCK 10, LOTS 23-26 AND BLOCK 17,
 LOTS 12-15, FEES SECOND ADDITION
 SEC. 32, T16N, R73W, 6TH P.M.
 ALBANY COUNTY, WYOMING

NOTES:

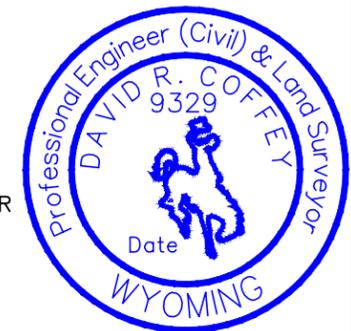
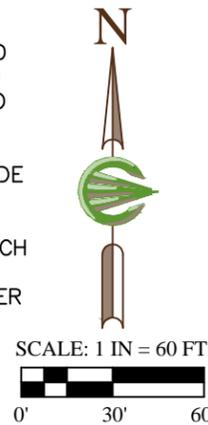
- 1 ALL WALK SHALL BE 5' DETACHED PER CITY STANDARDS DETAILS ST-1 & CS-4 OR MATCH EXISTING.
- 2 ALL CURB AND GUTTER SHALL BE HIGHBACK CURB AND GUTTER PER CITY STANDARDS DETAIL CS-4.
- 3 REMOVE 26± EXISTING CURB & GUTTER AND INSTALL HIGHBACK C&G AND GRADE TO MATCH EXISTING ASPHALT.
- 4 INSTALL 79LF± HIGHBACK CURB & GUTTER AND GRADE TO MATCH EXISTING ASPHALT.
- 5 INSTALL 94LF± HIGHBACK CURB & GUTTER AND GRADE TO MATCH EXISTING ASPHALT.
- 6 REMOVE 100.5LF± EXISTING CURB & GUTTER AND INSTALL HIGHBACK CURB & GUTTER. REALIGN TO MATCH EXISTING CURB & GUTTER AND GRADE TO MATCH EXISTING ASPHALT.
- 7 INSTALL 46LF± HIGHBACK CURB & GUTTER. GRADE TO MATCH EXISTING ASPHALT.
- 8 REMOVE 28LF± CURB, GUTTER & ALLEY APPROACH INSTALL ALLEY APPROACH PER CITY STANDARDS DETAIL CS-2 AND HIGHBACK CURB & GUTTER PER CITY STANDARD DETAIL CS-4. GRADE TO MATCH EXISTING ASPHALT.
- 9 HANDICAP RAMPS TO BE INSTALLED PER CITY STANDARD DETAIL CR-4.

LEGEND:

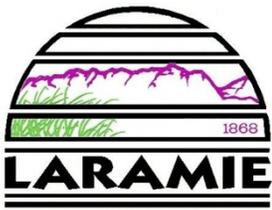
- EXISTING HIGHBACK CURB
- ORIGINAL LOT LINES - PER FEES SECOND ADDITION PLAT
- PROPOSED LOT LINES
- ROW RIGHT OF WAY
- C&G CURB AND GUTTER
- UE UTILITY EASEMENT
- REWORK ALLEY-6" GRADE W ROAD BASE
- S PROPOSED SEWER SERVICE
- W PROPOSED WATER SERVICE
- X-SAN EXISTING SANITARY SEWER MAIN
- X-WAT EXISTING WATER MAIN

STATEMENT OF SURVEYOR:

I, DAVID R. COFFEY, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY STATE, THAT THIS MAP WAS PREPARED FROM FIELD NOTES TAKEN DURING AN ACTUAL SURVEY, MADE UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP CORRECTLY SHOWS THE RESULTS OF SAID SURVEY, TO THE BEST OF MY KNOWLEDGE.



COFFEY
 ENGINEERING & SURVEYING
 902 S. 3rd St., Laramie, WY 82070
 [P] 307-742-7425 [F] 307-742-7403



City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Planning: (307) 721-5207
Fax: (307) 721-5248

**LARAMIE PLANNING COMMISSION
(SITTING AS THE LARAMIE BOARD OF ADJUSTMENT)
NOVEMBER 28, 2016
STAFF REPORT**

FILE:	VAR-16-09: 2101 17th Street - Corner Lot Side Setbacks for Accessory Structure
REQUEST:	Variance from LMC § 15.12.010.B.1.f.(i) (Corner Lots with Two Frontages) that would grant relief from City of Laramie standards for the required side setback for accessory structures on corner lots.
LOCATION:	2101 17 th Street
APPLICANT(S):	City of Laramie
OWNER:	Sarah Torbert
PURPOSE:	Variance from LMC § 15.12.010.B.1.f.(i) (Corner Lots with Two Frontages) that would grant relief from City of Laramie standards for the required side setback for accessory structures on corner lots.
CURRENT ZONING:	R1 (Single-Family Residential)
PREPARED BY:	Eric Conner, Associate Planner

STAFF RECOMMENDED MOTION:

Move to **approve** the requested variance from Laramie Municipal Code LMC § 15.12.010.B.1.(i) – Corner Lots with Two Frontages, based on findings of fact and conclusions of law.

APPLICABLE CODE SECTIONS

LMC § 15.12.010.B.1.(i) [Corner Lots with Two Frontages]

Authority for consideration and granting of variances is found in LMC §15.06.060.D [Variances].

BACKGROUND/DISCUSSION:

General Information

This Variance application was submitted as a follow-up to Conditional Use Permit application CUP-16-13, which established an alternative front lot line for a corner-lot residence at 2101 17th Street in Laramie, WY. The purpose of the alternative front lot line request was to allow the property owners to build an accessory building in a reasonable location on their property while still following City of Laramie setbacks.

However, during preliminary site investigation, the property owners were provided incorrect setback information from City of Laramie staff. The applicants were given the standard accessory building setback information for the R1 (Single-Family Residential) district in which they live. During the Planning Commission meeting for application CUP-16-13 on October 10, 2016, the property owners stated that the shed would be located in this general location; approximately 6-8 feet from the sidewalk (which is roughly 5-7 feet from the applicant's lot line).

City of Laramie Municipal Code has stipulations specifically for the side setback along the street side of a corner lot, stating that they shall be one-half of the front setback requirement for the zone in which the lot is located (LMC 15.12.010.B.1.f.(i)). This would mean that the required side yard setback would be 22.5 feet. Currently, the shed has been developed approximately 5 feet from the property line which would meet the setback requirements that staff had initially provided. Staff notes that fences are not required to follow this setback and a 6' tall fence could be constructed along the property line at this location.

The owners of the property are seeking relief to this code section (LMC 15.12.010.B.1.f.(i)) so they would be able to leave the shed in the location that it has been established.

DEPARTMENT REVIEW:

The application was routed to other City departments for review and comment per standard procedure. Based upon the applicant's submitted information all City departments responded with either 'no comments' or did not respond. This Variance as proposed and conditioned does meet staff's required findings for approval.

FINDINGS OF FACT FOR VARIANCE:

Pursuant to LMC §15.06.060.D [Specific Review Procedures – Variances], the Board of Adjustment must find that all of the following criteria have been met in order to approve any variance in this case:

- (a) There are special circumstances or conditions, fully described in the board's findings, that are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the code, such as irregularity, narrowness, or shallowness of lot, or exceptional topographical conditions.**

Staff Response: Staff believes that there are special circumstances that are peculiar to this specific instance; these special circumstances arose when staff provided the property owners with inaccurate information for the setbacks required on a corner lot. Corner lot side setbacks are entirely different than the standard setbacks for a lot, and are significantly larger. The applicants attempted to follow the code regulations that were provided, thus the circumstances presented were not caused by the property owners.

- (b) The circumstances or conditions are such that the strict application of the provisions of the code would deprive the applicant of the reasonable use of such land or building.**

Staff Response: Strict application of the code would potentially deprive the property owner the ability to use the accessory building in question. Following the required setbacks would force the shed into another location on the lot, and require the shed to either be dismantled, demolished, or rebuilt in a new location.

- (c) If applicable, the circumstances or conditions are such that the strict application of the provisions of the code would deprive the applicant of access to alternative forms of energy such as solar or wind power.**

Staff Response: Not applicable. No solar or wind power devices are being sought in this context and the variance being requested would not deprive the applicant of access to alternative forms of energy.

- (d) The granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose;**

Staff Response: The granting of the adjustment would be the minimum necessary; as stated in finding (b), full compliance with the Laramie Municipal Code would like require the structure to be demolished or relocated. Relocation of the structure would be difficult because it would require the demolition of a permanent foundation that the structure is affixed to. The homeowners built the structure significantly behind the setback that was given to them by staff; allowing the structure to remain in its current location would be the minimum adjustment needed.

- (e) The granting of the variance is in harmony with the general purposes and intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;**

Staff Response: Staff believes that granting this variance would be in harmony with the intent of code, the intent of increased side setbacks on corner lots is to ensure visibility at street corners to prevent dangerous situations for automobiles and pedestrians. Staff believes that because the location of the shed is away from the corner, and shrouded by mature landscaping, the location meets the general intent of code.

- (f) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.**

Staff Response: The location of the accessory structure would not significantly alter the essential character of the neighborhood. The shed is designed to match with the residential character of the neighborhood and is no more obtrusive to pedestrians than if a resident was to park a camper or boat on the street or within their driveway.

PUBLIC COMMENTS:

Legal notice was published in the Laramie Boomerang on November 12, 2016. Letters were sent to surrounding property owners within 300 feet of the subject property on November 10, 2016. Staff has received three public comment regarding this request, all were in support. Staff has also attached formal comments received.

ALTERNATIVES:

1. Approve the variance as submitted by the applicant, based on findings of fact and conclusions of law. (Staff's Recommendation)
2. Approve the variance subject to conditions, based on findings of fact and conclusions of law.
3. Deny the variance based on findings of denial. The Board of Adjustment is required to make appropriate findings of fact and conclusions of law and state reasons for denial.
4. Postpone the variance until issues identified during the meeting can be resolved.

CONCLUSION OF FINDINGS AND STAFF RECOMMENDATION/ BOARD OF ADJUSTMENT OPTIONS:

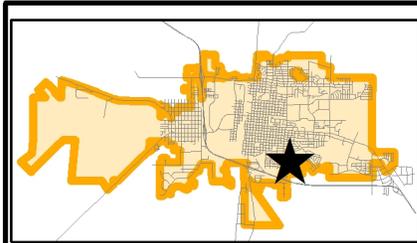
All of the required findings, statutorily necessary for granting a variance as detailed in the staff report above, **can** be made; therefore:

Move to **approve** the requested variance from Laramie Municipal Code §15.12.010.B.1.f.(i) - Corner Lots with Two Frontages, based on findings of fact and conclusions of law.

Note: If the Board of Adjustment desires to deny the variance, the Board will need to make the required negative findings prior to denial. Also, if the Board decides to grant the approval of this variance with conditions, the Board may condition the approval with requirements deemed appropriate to the project.

ATTACHMENTS:

1. Vicinity Map (1 page)
2. Site Plan (1 page)
3. Site Photographs (2 pages)
4. Letter of Support received (1 page)



VAR-16-09
2101 17th Street
Variance to Corner Lot Setbacks



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RECEIVED
AUG 30 2016
BY:





2101



Eric Conner

From: Kizzy Ledesma <kizann@hotmail.com>
Sent: Monday, November 14, 2016 10:19 AM
To: Eric Conner
Subject: In support of Tobert shed

To Whom It May Concern,

My husband and I just recently moved to 2102 S 17th Street and we live directly across the street from Sarah and Jeff Tobert, who live at 2101 S 17th Street. Sarah and Jeff are a very nice couple and they too have recently moved to the neighborhood. Jeff is very handy and likes to build things. They have hobbies that require storage and the houses that we live in only have so much storage in our garages. Winter is coming and I'm sure they would like to have room in their garage for their vehicles.

They are currently building a beautiful shed from the ground up on their lot. Jeff, Sarah and their various family members have been working diligently to get the shed built before Winter comes! The shed is very tasteful and is in a fine location for them to be able to have street access to place things in and out of it with ease. I looks to me that they had great planning and have gone through the proper channels to build such a storage shed. Most houses in this neighborhood do have storage sheds and this one should not be an exception for approval by the city as well as the neighborhood.

I and my husband are in full support of the Tobert's storage shed. It is tastefully done, is not and eye sore whatsoever, and is a demonstration of their ambition and building talent!

Thank you,

Kizzy and Tom Ledesma
Neighbors directly across the street from the Tobert Family

ALL CITY OF LARAMIE ELECTRONIC CORRESPONDENCE AND ATTACHMENTS MAY BE TREATED AS PUBLIC RECORDS AND SUBJECT TO PUBLIC DISCLOSURE
