

City of Laramie

Planning Division
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LARAMIE PLANNING COMMISSION

August 8, 2022

STAFF REPORT

FILE: FP-22-02: Indian Heights 1st Addition Final Plat

REQUEST: A Final Plat proposing 16 lots for Residential Development in a R1 (Single Family Zoned) District

LOCATION: Generally located at the north end of Indian Hills Drive

APPLICANT(S)/AGENT: Lindy, LLC (Grant Lindstrom)

OWNER: Lindy, LLC

PURPOSE: Residential Development in a R1 (Single Family Zoned) District

CURRENT ZONING: R1 (Single Family Zoned) District/ APO (Aquifer Protection Overlay Zone)

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

RECOMMENDED MOTION:

Move to recommend that the City Council **approve** the Indian Heights 1st Addition Final Plat, based on findings of fact and conclusions of law.

APPLICABLE CITY CODE SECTION(S):

Final Plats 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
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Wyoming State Statutes Title 34 Property Conveyances and Security Transactions, Chapter 12 Platting and Dedication
- Laramie Comprehensive Plan
- Major Street Plan
- Parks and Recreation Master Plan
- Casper Aquifer Protection Plan

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:Previous Platting:

The application for the Indian Ridge Preliminary Plat (not this preliminary plat) was received by the City of Laramie on June 30, 2010. The preliminary plat submitted was to subdivide 84.5 acres into 167 lots, with 165 lots anticipated for single family residential lots and 2 lots for storm water detention (Lot 24, Block 5 & Lot 1, Block 14). The plat generally encompassed all vacant land within the northeastern area of the city; east of Apache Drive, West of 45th Street and south of the City Limits. On March 20, 2012 the Laramie City Council approved the Indian Ridge preliminary plat.

Subsequent Final Plats were submitted over the years keeping the Preliminary Plat active through the submittal of the 4th Filing of the Indian Ridge Subdivision. Following this filing a final plat was not approved within the required 2 year time frame, thus the Indian Ridge Preliminary Plat expired.

Indian Heights Preliminary Plat:

The application for the Indian Heights Preliminary Plat (Preliminary Plat Associated with this Final Plat) was received by the City of Laramie on April 15, 2021. The Preliminary Plat that was submitted, was essentially a resubmittal of the Indian Ridge Preliminary Plat. Through review, it was determined by the applicant that a "scaled back" Preliminary Plat would be submitted, which is the version of the Indian Heights Preliminary Plat that includes this final plat and that was approved by the Planning Commission and City Council.

The Indian Heights Preliminary Plat consisted of 31 Residential Lots found in the R1 Zoning District, generally located at the north end of Indian Hills Drive. The preliminary plat consisted of 4 Blocks and the extension of Indian Hills Drive and 45th Street as well as two new streets; Pueblo Drive and Mohican Drive.

Final Plat:

The proposed Indian Heights 1st Addition Final Plat is within the city limits and proposes 16 residential lots in a R1 zone district. The subdivision will extend city services to the area and will include extensions of Indian Hills Drive and 45th Street; and a new street Pueblo Drive. Generally the Final Plat complies with the requirements for Final Plats and all conditions of approval, as approved by the City Council.

Prior to postponement of the original consideration of this item before Planning Commission at their July 25, 2022 meeting, the primary deficiency related to this Final Plat and the reason for a denial recommendation at that time was related to the International Fire Code emergency access road required for the subdivision. Since postponement the applicant has provided the necessary information needed for the City of Laramie to complete its review and ensure that it met the conditions of approval for a secondary fire/emergency access per the International Fire Code. With this item addressed and all other required items completed for Planning Commission Staff recommends approval of the Final Plat.

SURROUNDING LAND USE AND ZONING:

The property is currently zoned (R1) Single-Family Residential/(APO) Aquifer Protection Overlay Zone and is undeveloped.

	Future Land Use Designation (Map 3.2)	Zoning	Land Use
Subject Property	(SR) Suburban Residential	(R1) Single-Family Residential/(APO) Aquifer Protection Overlay Zone	Undeveloped
North	(SR) Suburban Residential	(R1) Single-Family Residential/(APO) Aquifer Protection Overlay Zone	Undeveloped
South	(SR) Suburban Residential	(R1) Single-Family Residential/(APO) Aquifer Protection Overlay Zone	Single-Family Homes
East	(SR) Suburban Residential	(R1) Single-Family Residential/County Agriculture/(APO) Aquifer Protection Overlay Zone	Undeveloped
West	(AG) Agriculture	County Zoned Agriculture Property	Undeveloped

APPLICABILITY TO THE COMPREHENSIVE PLAN, OTHER ADOPTED PLANS & STUDIES:

Comprehensive Plan and Future Land Use:

This project is located within the City Limits and is currently zoned R1 (Single-Family Residential). The City of Laramie’s Comprehensive Plan Future Land Use Map (Future Land Use Map, Map 3.2) shows this property as “Suburban Residential” (SR).

Based on the “Suburban Residential” (SR) FLU designation, the existing Single-Family Residential (R1) would be supported.

As filed, the proposed Final Plat generally complies with the Land Use Plan and does not prohibit future development in accordance with the Plan.

Major Street Plan

The preliminary plat lies along 45th Street, which is identified as a proposed Collector street. Development of 45th Street as a Collector will be required with this subdivision, which will include curb, gutter and full asphalt section, as well as sidewalk on the west side of 45th.

Additionally, you may note that the existing 45th Street to the south of the Preliminary Plat area includes medians. These medians were included as part of the design and approval of the Indian Ridge Subdivision that was the previously approved and shown as recommended in the Comprehensive Plan. However, with the submission of a new preliminary plat these medians were

able to be reconsidered and in fact staff would recommend the Preliminary Plat not require the medians.

Since the adoption of the Indian Ridge Preliminary Plat (plat approved in 2010), the conditions in the area and for 45th Street have changed dramatically. Prior to about two years ago and following the conclusion of the Pilot Hill project and land acquisition associated with that project, 45th Street was intended to be a "beltway" along the eastern side of town and the northern part of town, connecting Grand Avenue to the north part of the community. Pilot Hill has effectively eliminated the chance of 45th ever being connected to Grand Avenue and creating the "beltway" concept along the eastern part of town as it was originally envisioned. That being the case staff has recommended not requiring the medians from any future development. In order to properly address the last island which was installed within 45th Street, the most northern portion of that island will need to be completed with curb that matches the southern end. This has been addressed by this final plat.

Parks and Recreation Master Plan

The Parks and Recreation Master Plan shows this Preliminary Plat and all associated Final Plats being located in Service Area 7. With the Preliminary Plat area, no specific improvements are shown, however on the east side of 45th Street and North side of Northview Street, Shared Use paths are planned. These improvements would not be associated with this subdivision and would come with projects to the east or north of this area.

Per the park dedication requirements of LMC 15.14.070 a total of 31 lots will be developed. Based on LMC and a total number of lots being 31 the subdivision in total would be required to contribute 0.42 acres of land. Using the 0.42 acres calculated per LMC 15.14.070.B.3 and applying Council Resolution 2010-64 which states for each acre \$50,000 per acre is required, the subdivision shall provide a total of \$21,385.35 to meet the park in-lieu fees. For each final plat, the associated in-lieu fee based upon the number of lots in each final plat, shall be required to be paid to the city prior to consideration by the City Council.

Based upon the 16 residential lots to be platted with this subdivision the required park in-lieu fee for this final plat is \$11,037.60. This amount shall be required to be paid to the city prior to consideration by the City Council.

Aquifer Protection Plan:

The final plat is located within the Aquifer Protection Overlay Zone (APO). As required with all subdivision submittals the applicant is required to submit a Site Specific Investigation (SSI). A SSI evaluates the subdivision submittal related to the Aquifer Protection Plan and Aquifer Protection Overlay Zone for compliance and general aquifer protection. A Site Specific Investigation was completed by Weston Engineering, Inc. for this area and no development concerns were noted for the proposed residential development that will utilize City water and sewer services. With all SSIs, a peer review is conducted on the report prepared by the consultant. A peer review was conducted by WWC Engineering and it was found that the subdivision will not pose a significant risk to the Casper Aquifer.

PROJECT DESIGN AND ADDITIONAL ANALYSIS:Lot/Block Platting:

The Indian Heights 1st Addition Final Plat consists of 16 Residential Lots found in the R1 Zoning District, generally located at the north end of Indian Hills Drive. The final plat will extend Indian Hills Drive and 45th Street as well as include the development of one new streets; Pueblo Drive. All lots found in the subdivision conform to the R1 Zoning District Standards.

Traffic/Street Layout/Access:

New right-of-way will be dedicated as part of this subdivision. With this subdivision Indian Hills Drive and 45th Street will be extended to the north and a new street; Pueblo Drive.

It should also be noted that the applicant has installed a road that is located between Indian Hills Drive and Apache Drive to the west. This is not a public road and is intended to satisfy requirements for emergency access found in International Fire Code.

Drainage:

Drainage related to this Final Plat was primarily dealt with in conjunction with improvements associated with the Indian Ridge Addition and associated downstream infrastructure improvements that were completed by the City a few years ago. As part of that subdivision, a regional detention area was developed that will handle water coming from the north and east of the ridgeline located west of Indian Hills Drive, and the storm water system was upgraded in size and reach to serve this subdivision.

Water and Sewer Service:

This subdivision will be served by City water and sewer. Adequate water supply and volume exists in this location as well as adequate sewer capacity for build out typically associated with residential development. New water and sewer lines are required as part of the subdivision approval. It should be noted that over the last year and a half, sewer line improvements within Reynolds Street, has increased capacity within this area and north of this subdivision to allow for continued development.

Parkland Dedication:

No new parkland is being dedicated with this Final Plat. However, as noted above, per the park dedication requirements of LMC 15.14.070 a total of 31 lots will be developed. Based on LMC and a total number of lots being 31 the subdivision in total would be required to contribute 0.42 acres of land. Using the 0.42 acres calculated per LMC 15.14.070.B.3 and applying Council Resolution 2010-64 which states for each acre \$50,000 per acre is required, the subdivision shall provide a total of \$21,385.35 to meet the park in-lieu fees. For each final plat, the associated in-lieu fee based upon the number of lots in each final plat, shall be required prior to be paid to the city prior to consideration by the City Council.

Based upon the 16 residential lots to be platted with this subdivision the required park in-lieu fee for this final plat is \$11,037.60. This amount shall be required to be paid to the city prior to consideration by the City Council.

In the past, staff had consistently pursued parkland in this area, in an effort to expand the existing Kiowa Park site. Based on multiple reasons and scenarios, the Church of Christ opened discussions with staff regarding a possible swap with the City, allowing the church to acquire a site for constructing a building in a different location and the City acquiring property adjacent to Kiowa park, in order to allow for the park to expand. Following appraisals and multiple meetings, a property located in the Turner Tract, on an unbuilt extension of Regency Drive west of the Ice and Events Center was identified as a property that could be swapped. On January 7, 2014 the Laramie City Council considered the potential swap and approved an agreement that paved the way to completing a swap with the Church of Christ and expansion of Kiowa Park.

Secondary Emergency Access and International Fire Code:

Appendix D of the International Fire Code (IFC) identifies specific subdivision standards for required fire access, in which this subdivision and final plats shall comply. All final plats require compliance with International Fire Code which is reviewed at the time of each final plat submittal. At this time this subdivision **does** conform to the requirements of International Fire Code and required secondary access that is to be installed. It should be noted that a gravel road was constructed, without permits, design or inspections, from the western end of Shoshone Drive to Apache Drive.

This final plat meets the condition of approval noted below and as approved by the City Council.

“ c. Dependent upon the location of any future final plat, a secondary fire/emergency access will be required for any area which exceeds 30 units (existing or new) with only one access point. The access road shall meet the requirements found in the Appendix D, Fire Apparatus Access Roads, of the International Fire Code standards and must be reviewed and approved by the Fire Department and Engineering Division. The currently constructed access road does not meet Fire Code or City Engineering Standards and has not been accepted by the city and it is the applicant’s obligation to show compliance and provide necessary information for the city to conclude that the standards have been met. The applicant shall provide any necessary engineering design or methods used to construct the existing road, inspections, or other testing (example: Core Samples) if needed, signage, relocation or modification to the existing road, or other changes related to this access road showing that it complies with all requirements of the International Fire Code. In addition, a maintenance agreement will be required at the time of final plat that will ensure the developer maintains the proper condition of the access road, including snow removal, at a minimum for emergency access per International Fire Code. Evidence of compliance and construction is required prior to any issuance of building permits for the lots within any final plat associated with this preliminary plat. Finally, the road shall be restricted for use by emergency personnel only and plans shall be provided as to how that is going to be accomplished and shall be approved by the City.”

Blasting

As part of past preliminary plat processes, blasting in order to install street, utilities and homes was raised as a concern. The preliminary plat conditioned Lindy LLC to record a Memorandum of Agreement with the City which would contain a “no blasting” provision for the property. This “no

blasting” agreement will remain applicable in the properties contained within this plat. However, once ownership is transferred this agreement will not remain in force for the subject properties.

Subdivision Security and Improvement Deferral Acknowledgement

As stated above, a subdivision completion agreement will be required at each final plat stage and prior to consideration by City Council. This item is often received between the Planning Commission and Council consideration. The applicant will be required to provide this prior to consideration and scheduling before the City Council.

ANALYSIS OF REQUIRED FINDINGS FOR FINAL PLATS:

The following findings must be made in the affirmative in order to approve the Final Plat:

1. The proposed Final Plat complies with the conditions of approval of the Preliminary Plat.

Staff Response: The Final Plat does comply with the conditions of approval of the Preliminary Plat as approved by the Laramie City Council.

Below staff has provided the approved City Council conditions associated with this Final Plat. All conditions below have been met or will be met prior to consideration by the City Council.

1. Required as part of each final plat:
 - a. The Final Plat shall require the stamp of a licensed surveyor.
 - b. The Final Plat shall show all easements necessary for the installation of gas, phone and cable.
 - c. Dependent upon the location of any future final plat, a secondary fire/emergency access will be required for any area which exceeds 30 units (existing or new) with only one access point. The access road shall meet the requirements found in the Appendix D, Fire Apparatus Access Roads, of the International Fire Code standards and must be reviewed and approved by the Fire Department and Engineering Division. The currently constructed access road does not meet Fire Code or City Engineering Standards and has not been accepted by the city and it is the applicant’s obligation to show compliance and provide necessary information for the city to conclude that the standards have been met. The applicant shall provide any necessary engineering design or methods used to construct the existing road, inspections, or other testing (example: Core Samples) if needed, signage, relocation or modification to the existing road, or other changes related to this access road showing that it complies with all requirements of the International Fire Code. In addition, a maintenance agreement will be required at the time of final plat that will ensure the developer maintains the proper condition of the access road, including snow removal, at a minimum for emergency access per International Fire Code. Evidence of compliance and construction is required prior to any issuance of building permits for the lots within any final plat associated with this preliminary plat. Finally, the road shall be restricted for use by emergency personnel only and plans shall be

- provided as to how that is going to be accomplished and shall be approved by the City.
- d. A note shall be included on the plat that states, "No access, to any property outside of the City of Laramie, without authorization from the City of Laramie and as permitted by Laramie Municipal Code 12.36 shall be permitted from Indian Hills Drive or 45th Street."
 - e. Access from City Limits through the existing Tri-State Generation and Transmission Association, Inc shall be gated and locked so general access is restricted.
2. Required to be submitted in conjunction with the final plat submittal:
- a. Concurrent with Final Plat(s) submittal, final engineering plans for each final plat shall include design drawings for any required infrastructure improvements. Design drawings shall conform to the material standards as noted in the preliminary plat and profile drawings and be provided to the City for review and approval at the final plat stage. All infrastructure improvements (streets, trails, utilities) shall be designed in accordance with City requirements. Final Engineering design and construction drawings shall be submitted for City review and approval as part of the final plat(s).
 - b. Final Engineering Drainage Report.
 - c. No dead end water lines shall be permitted. All dead end water lines shall be required to be removed or looped per DEQ standards and approval.
3. Miscellaneous Conditions:
- a. Prior to approval of each final plat by City Council, the developer must enter into a Subdivision or Delayed Improvement Agreement or Subdivision Security and Improvement Deferral Acknowledgement Agreement and provide applicable financial security for public improvements.
 - b. All new and existing utilities shall be installed or relocated underground.
 - c. Developer shall purchase and install centralized mail box units for the subdivision at the locations designated by the Laramie USPS Postmaster, prior to issuance of any certificate of occupancy.
 - d. An addendum to the Casper Aquifer Protection Overlay Zone, Site Specific Investigation shall be required in conjunction with any final plat, if changes are made to drainage basins, streets or layout or any other item deemed substantial by staff, that are not shown on the approved preliminary plat and are located within the Aquifer Protection Overlay Zone boundary.
 - e. If a lot is split by the Limited Single-family Residential (LR) and Single-family Residential (R1) zoning district, the more restrictive of the zoning district requirements shall apply.
 - f. Developer shall purchase and install USPS centralized mail box units for the subdivision at the location(s) designated by the Laramie USPS Postmaster. Installation of the centralized mail boxes shall be completed prior to issuance of acceptance of any Final Plat improvements and must be confirmed by the USPS that the necessary mail boxes for each final plat have been installed.
 - g. Per Centurylink's requirements, the developer shall contribute to the cost for installation of fiber in the neighborhood if the costs do not price in.
 - h. Prior to acceptance of public improvements by the city the developer shall submit to the City as-built plans for all public improvements per LMC 15.18.090.
 - i. Per the park dedication requirements of LMC 15.14.070 a total of 31 lots will be developed. Based on LMC and a total number of lots being 31 the subdivision in total would be required to contribute 0.42 acres of land. Using the 0.42 acres calculated

per LMC 15.14.070.B.3 and applying Council Resolution 2010-64 which states for each acre \$50,000 per acre is required, the subdivision shall provide a total of \$21,385.35 to meet the park in-lieu fees. For each final plat, the associated in-lieu fee based upon the number of lots in each final plat, shall be required prior to be paid to the city prior to consideration by the City Council.

- j. Based upon changes related to the future development of 45th Street, landscaping islands are no longer being recommended within 45th Street. The developer is required to complete the existing island that remains incomplete within 45th Street with this phase of development as indicated in the design drawings.
- k. Oversizing of Public Improvements are proposed within the subdivision. The developer shall be aware that specific reimbursement requirements exist for any requests following construction. If the processes outlined in LMC 15.18.100 for reimbursement are not followed the developer shall not be eligible for reimbursement.
- l. Certificate of Occupancy will not be issued by Code Administration until the subdivision roads are completed and water and sewer are in working order. LMC 15.18.080. It is the developers responsibility to know when the City can issue building permits, issue CO's, TCO's related to any future final plat.
- m. A joint letter of subdivision completion will be required from Planning, Engineering and Fire Prevention prior to the issuance of building permits by Code Administration (Building Department). The letter of subdivision completion shall contain the subdivision name, location, lots, blocks and addresses that have met the requirements and approvals of Planning, Engineering and Fire Prevention.
- n. Upon the completion and approval of a subdivision, a ready to build letter will be provided from the Engineering Division to Code Administration prior to building permit being issued. The ready to build letter will include, approval date, name (phase) of subdivision, block & lots and addresses that have met the requirements and approval of the Engineering Division.
- o. All drainage swales shall be installed prior to lot sales, those swales will need to be maintained or noted on each lot through approved design plans submitted with each Final Plat, including any necessary lot grading.
- p. A "no blasting" agreement shall be provided that prohibited blasting for installation of infrastructure and homes within the plat boundaries.

2. The layout and design of the proposed final plat is in substantial compliance with the approved preliminary plat.

Staff Response: The layout and design of the proposed final plat is in substantial compliance with the preliminary plat.

3. The subdivision improvement plans have been reviewed and approved for construction.

Staff Response: The subdivision improvement plans have been reviewed by City staff and have been approved for construction. All aspects of the improvement plans are satisfactory.

4. The applicant has completed applicable improvement agreement(s) for construction of the required public improvements.

Staff Response: The applicant has not yet finalized the financial security but will be required to provide the required Subdivision Security and Improvement Deferral Acknowledgment and associated financial security prior to City Council approval.

PUBLIC COMMENTS:

Legal notice was published in the Laramie Boomerang on July 9, 2022. Staff has received one inquiry related to the proposed final plat.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Findings of Fact:

- The Final Plat does not comply with the above approval criteria for final plats and conditions of preliminary plat approval.

Conclusions of Law:

- The applicant is proceeding in accordance with requirements of and Wyoming State Statutes Title 34 and Laramie Municipal Code Title 16.

ALTERNATIVES:

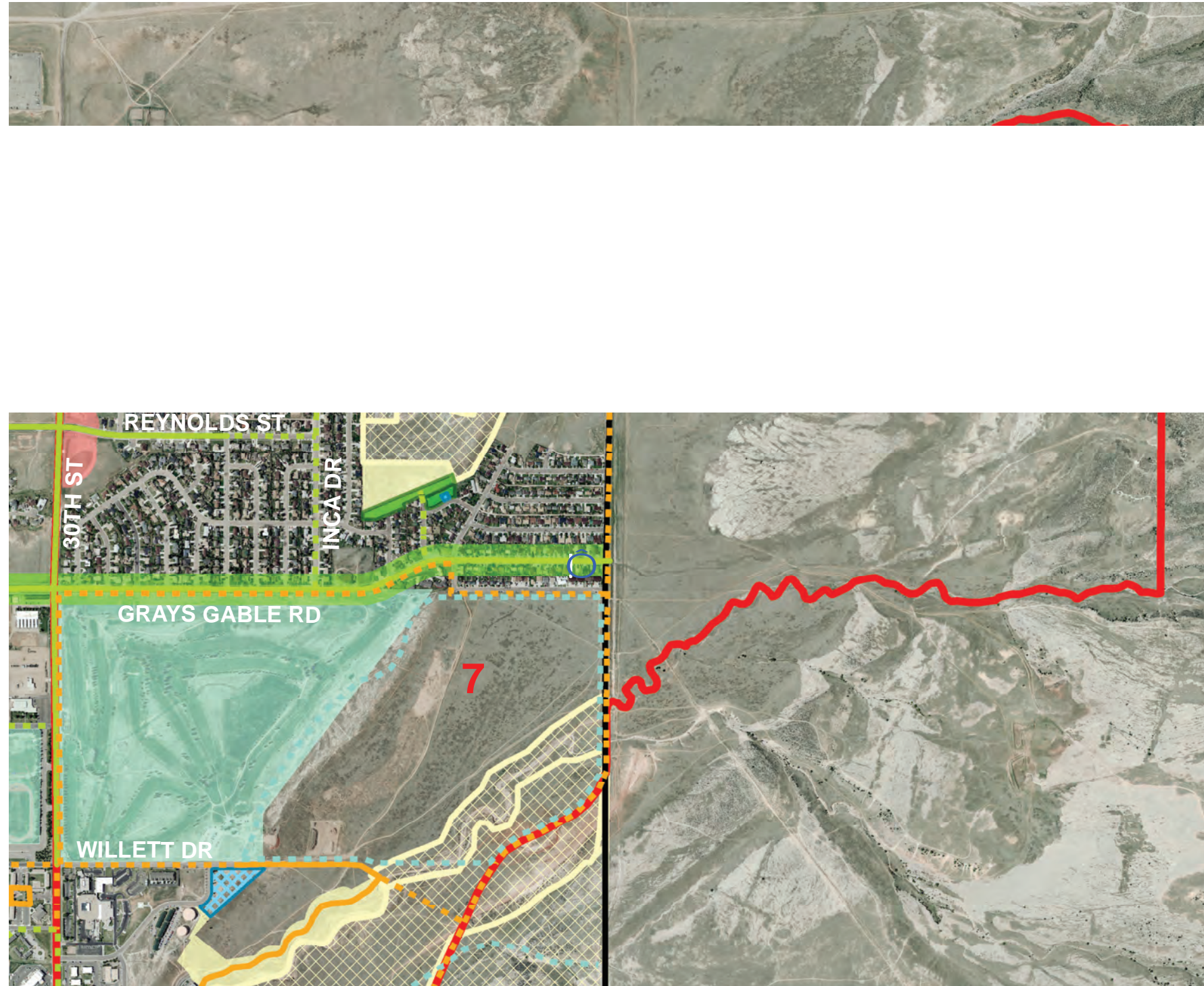
1. Approve the Final Plat based on findings of fact and conclusions of law; **(Staff recommendation)**;
2. Deny the Final Plat based on findings of fact;
3. Postpone the Final Plat until issues identified during the meeting can be resolved.

STAFF RECOMMENDATION:

Move to recommend that the City Council **approve** the Indian Heights 1st Addition Final Plat, based on findings of fact and conclusions of law.

ATTACHMENTS:

1. Vicinity Map (1 page)
2. Final Plat (1 page)
3. Preliminary Plat (1 page)
4. Site Specific Investigation Approval Letter (1 page)
5. Parks and Recreation Master Plan – SA 7 (5 pages)
6. Blasting Letter (1 page)



FEATURES

- City Boundary 2015
- Service Area 7

PATHWAYS AND TRAILS

- In Park Path, Existing
- In Park Path, Recommended
- On Street Bike Lane, Existing
- On Street Bike Lane, Recommended
- Rural Path, Recommended
- Shared Use Path, Existing
- Shared Use Path, Recommended
- Other, Existing

PLACES OF INTEREST

- Water Recreation
Kayak, Tube, Canoe & Swim
- Trail Head
- Archery Range
- Bike Park
- Dog Park
- Fishing Access

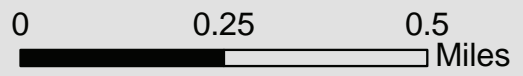
PARKS

- Existing Neighborhood Park
- Recommended Nhbd. Park
- Existing Community Park
- Recommended Comm. Park
- Existing Playlot
- Recommended Playlot
- Existing Playlot In Park
- Recommended Playlot in Park

ADDITIONAL SITES

- Existing UW Site
- Existing School Site
- Recommended School Site
- Existing Natural Area
- Recommended Natural Area
- Existing Recreation Site
- Recommended Rec. Site
- Existing Other Site
- Recommended Other Site
- Existing Detention Area
- Beautification Corridor

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"The specific locations of any RECOMMENDED Parks, Trails, and Facilities within this document are HYPOTHETICAL in nature and they are not intended for public use. Locations may change as development occurs."

Source: Esri



Monday
25 April 2022

Mr. Derek Teini,
P.O. Box C
Laramie WY, 82073
Via email and regular mail

Dear Mr. Teini:

RE: BLASTING DURING LOT DEVELOPMENT OF THE INDIAN
HEIGHTS SUBDIVISION & EMERGENCY ACCESS

Pursuant to your request regarding conditions related to plat approval of the Indian Heights Subdivision, Lindy, LLC submits this letter to allay concerns with the use of blasting as a means of excavation during the subdivision process and to provide requested information regarding the emergency access.

Please accept this letter as confirmation that Lindy, LLC will not to use explosives or otherwise engage in blasting activity while subdividing the land into building lots in the Indian Ridge Subdivision.

Please also accept this letter as confirmation of Lindy, LLC's maintenance plan for the emergency access that will be constructed during the development of the subdivision. Understanding traffic on the emergency access will be very limited since it will be restricted to emergency personnel only, Lindy, LLC will contract with Hamaker Excavation, Inc. to grade and maintain the access on an as needed basis. Lindy, LLC plans to post signage, similar in nature to the other emergency access road previously constructed in the vicinity, warning that the access road is restricted to emergency personnel only.

Best Regards,

LINDY, LLC



BY: GRANT LINDSTROM