



Agenda Item: Subdivision Plat - Preliminary

Title: Little Valley Subdivision Preliminary Plat

Recommended Council MOTION:

Move to **Approve** the Little Valley Subdivision Preliminary Plat, based on findings of fact and conclusions of law; and subject to all Staff's recommended conditions.

Recommended Amended Council MOTION:

Move to **Withdraw** the Little valley Subdivision Preliminary Plat without prejudice at the applicants request.

Note from the Applicant:

After considering the council's amended plat, the applicant wishes to withdraw the preliminary plat from consideration. Traditionally Council and City Staff have respected the wishes of the applicant and have allowed withdrawals. The reason for bringing the application back to council is due to the application being postponed at a previous meeting. The application will have to be brought back to regular agenda and then be considered for withdrawal.

To aid the Council, Public and anyone examining this project in the future all information related to this project remains within the packet, regardless of the request.

Note:

There have been conversations from different council members regarding a preliminary plat redesign for Little Valley Subdivision. After evaluating the different ideas and questions surrounding the redesign, city staff believes Council should be cognizant of factors surrounding these ideas. In the proposed redesign, land is shown as being "set aside" or undeveloped. Council cannot prohibit development on a piece of property without an agreement between council and the applicant due to any property being allowed to develop, regardless of its location or proximity near an identified, vulnerable feature.

City staff also recommends the connection of Warbler lane to Fairview Dr. instead of a single cul-de-sac. This recommendation would make the re-designed plat in accordance with Laramie

Municipal Code 15.14.060.E.2.b, stating that any street extending 600 feet or more should be punctuated by a cross street. This is also good planning practice, by improving the connectivity of our streets for vehicles and pedestrians, as well as creating a more publicly connected street rather than ending in a cul-de-sac.

Background of Amended Preliminary Plat by Applicant

The amendment of the preliminary plat is in response to the August 20th City Council regular agenda meeting where Z-19-01 was amended from R3 (Multi-family) to R2 (Limited Multi-family). This amendment required the developer to redesign the multi-family lot at the northeast corner of the property, in which the developer decided to continue the town home pattern all the way to the east side of the property. Staff has reviewed the plat and finds that it meets all requirements prior to the above conditions.

Updated Information

The new preliminary plat layout has been submitted by the applicant due to the zoning amendment modification approved on second reading from R3 to R2, as well as in response to public comments made during the first two readings. The updated preliminary plat continues the previous townhome pattern to the east and continues Fairview lane across Bobolink Lane to create an intersection with Warbler Lane. This updated plat includes 46 townhomes within the total lot. All townhome lots meet the Laramie Municipal Code dimensional standards. The updated plat are attached below as Attachment B.

Administrative or Policy Goal:

Comprehensive Plan - Future Land Use:

The Comprehensive Plan's Future Land Use (FLU) Map (Map 3.2) shows this area as Estate. The development calls for a comprehensive plan amendment that changes the future use of Estate, which is designed to provide a rural, exurban lifestyle without compromising the freestanding character of the city into R3 (Multi-Family).

Staff believes this use still lies within the Comprehensive Plan's parameters due to the variety of housing needed in this part of town. Land for single-family housing is in short supply within the city and annexing land for this purpose falls in direct line with the Laramie Comprehensive plan and the *Housing Study 2030*.

1. Activity #17 under Section 6 of the *Housing Study 2030*
 - a. **General Rental Housing Program, 515 to 560 Units**, scattered site, mixed income, consisting of 2- & 3- bedroom duplexes/triplexes, patio and town home units with standard amenities, to meet the affordable rental housing needs of low- to moderate-income workforce households (51% to 125% AMI).
2. Under Chapter 3: Community Character of the Comprehensive Plan, land Use Policies and Action Statements:
 - a. 9. Neighborhoods shall be designed with a variety of housing types and sizes thereby offering affordable living options in all areas.
 - i. In this area, the housing style is generally single-family detached. So, allowing lots for single-family townhomes or other multi-family structures will provide housing for a mixed level of income.

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

Major Street Plan

Vista Dr. on the West side of the property is identified as an Existing Minor Arterial Street. Vista Dr. already has a shared use path constructed along the western edge of the right-of-way and if fully constructed to City Standards except for a sidewalk on the east side, that will be required with this development.

Casper Aquifer Protection Plan

The Little Valley Subdivision falls within Zone 2 of the Casper Aquifer Protection Overlay District. A Site Specific Investigation (SSI) was provided during the application process and a peer review was completed. The northeast corner was found to be in proximity of a fault and at the point of development of the “future development lot” adherence to the 100 foot setback will be required. As development occurs on that lot in the northeast section of the plat, an addendum to the SSI will be required to ensure that development will not come within 100 feet of the fault. Due to the location of the fault, almost 90 feet away from the northern property line, platting of the lot does not preclude the lot from development, thus platting is considered in conformance with the APO Plan. It should also be pointed out that during the public comments received during the Planning Commission meeting on June 24, 2019, public concern about developing over the aquifer as well as the analysis provided by Tri-Hydro (applicant’s SSI) and the City’s peer review (Engineering Associates) was discussed. Specifically, the question about why a “fault zone” was not considered as the “vulnerable feature” versus just the mapped fault line. In this case, if the fault zone was considered a vulnerable feature, development of the large “future development lot” would likely be impacted to some degree at the time of development. Furthermore, per the requirements of the APO Zone, little impact would be seen to the development of the single-family attached lots, as they are exempt from the setback once platted.

There is an existing well and septic system that provides service to the existing single-family house at the southwest corner of Block 1, Lot 2. As a condition, the developer will be required to cap the existing well at the southwest corner of the lot, currently providing water for the existing single-family house, as well as remove the septic system and hookup the existing house to city sewer and water. This requirement reduces conduit to the aquifer from the well and eliminates a known contaminate source which is a septic system.

Development of the proposed Little Valley Subdivision will, or may include the following prohibited activities as listed by Table 15.08.040.A – Prohibited Activities:

1. Application of pesticides and herbicides which do not become non-hazardous within 48 hours of application or which are not applied according to the manufacturer’s instructions.
2. Application of fertilizer at greater than the agronomic uptake rate of the vegetation fertilized.

Parks and Recreation Master Plan

Within Service Area 10 of the City of Laramie Parks and Recreation Plan, there already exists a shared use path along Vista Dr. Under the plan, a park in-lieu fee or land will be required for all lots and units created within this preliminary plat. Staff has requested a fee in-lieu for this subdivision.

- 1) $5.63 \text{ acres} \times (64 \text{ units}) \times (2.19)/1,000 - .75 \text{ Acres} \times \$50,000 = \$37,562.$
 - i) Note: 64 units is based upon the 34 proposed lots and half of the maximum number of units that are possible in the Future Development Area (30).

- ii) Each Final Plat will be required to provide the proper park in-lieu fee for service Area 10. Staff will condition the preliminary plat to include this requirement. Also, staff will condition the preliminary plat to allow for necessary adjustment for park in-lieu fee for the future development area at the time of site plan review in order to adjust for proposed units over or under the projected 30 units.

Background:

Four applications have been submitted related to the Little Valley Subdivision that will be considered by the City Council in upcoming meetings. The 4 applications are;

- Annexation (A-19-01),
- Comprehensive Plan Amendment (CPA-19-01),
- Zoning Amendment (Z-19-01),
- Preliminary Plat (PP-19-01).

All 4 items will be introduced at the July 16, 2019 meeting, however due to the order in which they must be approved and how each are adopted, all 4 items will follow a process as outlined here. At the first meeting on July 16, 2019, all 4 items will be introduced, however at the first meeting due to the Annexation and Zoning Amendments requiring approval by ordinance, these two items will be the only ones acted upon. The other two items, the Comprehensive Plan Amendment and Preliminary Plat will be discussed, but recommendations of postponement will be requested by staff. The reason for this is due to the ordinance process, and the required 3 readings and a public hearing that both the Annexation and Zoning Amendment must go through. Furthermore, both the Comprehensive Plan Amendment and Preliminary Plat, cannot be approved by the Council until after the property is potentially Annexed on 3rd reading, bringing the property into the City of Laramie. As these 4 applications move through the process, we anticipate all 4 items will ultimately be considered in a final meeting on August 20, 2019. At that meeting, the Annexation will be considered first, bringing the property into the City. Once Annexed, the Council will consider the Comprehensive Plan Amendment and related Zoning amendment, ultimately then considering the Preliminary Plat.

Preliminary Plat (PP-19-01) Background

The area proposed for subdivision is currently in the county and is requesting Annexation, a Zoning Amendment and a Comprehensive Plan Amendment along with the Preliminary Plat. As proposed the subdivision will develop Block 1, lot 2 of Laramie Plains and plat it into 44 twin home lots. The proposed zoning is the R3 (multi-family) District, which requires a the Comprehensive Plan Amendment in order to amend the future land use plan from Estate to Auto-Urban Multi-Family Residential.

Previous Platting:

This land was previously preliminary platted under Laramie Plains Subdivision Block 1, Lot 2. The preliminary plat generally covered an area between Vista Dr. and Grand Ave. and north of Oriole Lane. The indicated lot was part of one large block that has now been split into 3 different lots.

In 2013, the land had previously been proposed as the site for a student housing complex similar to “The Pointe” (located on 30th and Garfield) but was met with opposition from the surrounding neighbors, due to the large scale of the project and unknown development proposal at the time. At the time the only request was a joint Comprehensive Plan Amendment submitted to the City and County.

Planning Commission Background

Planning Commission recommended **denial** of PP-19-01 at the June 24, 2019 meeting with a vote of Aye: 4. Nay: 3. Absent: 0.

Planning Commission's motion stated, "City Council deny the Little Valley Subdivision Preliminary Plat based on the findings of fact and conclusions of law, based on the Overlay District Chapter 15.08.040.A.1.b.(i) and (ii); the Laramie Comprehensive Plan Environmental Conciseness, Protection and Sensitive Planning goals and action statements; and the Land Use policies, goals, and action statements."

Based on the Planning Commission's motion the following analysis is being provided related to the section cited:

Overlay District 15.08.040.A.1.b.(i) and (ii) states:

b. There is continuous residential and commercial development pressure east of Laramie where the Casper Aquifer is recharged. Development in this area increases the risk of contamination in two ways:

(i) New Contamination Sources

Homes and businesses are new sources of potential contamination to the aquifer (volatile organic compounds from fuels and solvents, nutrient fertilizers and pesticides from lawn care, nitrates and pathogens from septic leachate).

(ii) New Contamination Pathways

New wells and excavations which weaken the integrity of the confining layer may provide a direct conduit to the Casper Aquifer or reduce the hydraulic barrier provided by the Satanka Shale that overlies the Casper Aquifer.

Although the Planning Commission considered the potential of new contaminate sources as a reason for denial, staff believes that the development does not contain any contaminants that are prohibited within the APO or any household products that would not be present if the land was developed as residential within the County or the City. Only a position of "no development" would result in no change as cited above. Both the Casper Aquifer Protection Plan and Overlay Zone recognize that development may occur in the area, thus regulations and process for development are required. Aside from the section stated by the Planning Commission, further code citations indicate a support for Annexation and should also be considered as support for annexation of this property.

- Under section 15.08.040.A.4.a states this chapter is effective inside the City of Laramie corporate limits, and as delineated in Casper Aquifer Protection Plan (CAPP) and in Map 15.08.060-2 located in subsection 15.08.060.B.
- Residential use is not considered a prohibited use under Table 15.08.040.A. under the Laramie Municipal Code.
- Under the Casper Aquifer Plan, the city's strategy was to annex as much land into the city that lies within the Aquifer Protection Overlay. "Purchasing land in these areas will ensure protection of the most critical areas within the CAPA. Once purchase is accomplished, annexation of these areas should be a high priority" (p. 115).
- Under the Casper Aquifer Plan, "where it is highly unlikely that all of the CAPA will come under public ownership, the landowners within the CAPA have natural incentives to protect the groundwater in order to protect their investment. These landowners should be viewed as valuable resources in protecting groundwater.
- Once land is annexed into the city, all developments are connected to city sewer and water. In this instance, a connection to city sewer and water within the APO runs a much lower risk than the addition of septic's and wells if left within the county.

- Under the APO Plan, “Connection to Municipal or District Sewage Collection Lines” (p. 88)
For those existing areas where septic systems are currently in use, it is recommended that the East Laramie/Albany County Wastewater Feasibility Study be conducted (see section entitled East Laramie/Albany County Wastewater Feasibility Study). Upon completion of the study if municipal or district sewage collection lines are the recommended course of action the following terms should apply.
 - No one-site wastewater treatment systems should be used one year after installation of a municipal sewer collection line in a right of way or easement that is contiguous to the property on which the system is located.
 - No one-site wastewater treatment systems should be used one year after the inclusion of the property containing the on-site system in a district connected to the City of Laramie.

Laramie's wastewater treatment system or another wastewater treatment facility and if the sewage collection line is in a right of way or easement that is contiguous to the property. The provisions for connecting to a City of Laramie sewage collection line in Albany County should be consistent with the existing City of Laramie-Albany County 201 Wastewater Agreement.”

- This section supports municipal line connections, which can only be provided through annexation and recognizes the importance of reducing the amount of septic systems within the protection area.
- Under the APO Plan “Exception From 100-foot Setback from Vulnerable Features for Infrastructure” (p. 90)

It is recommended that the construction of sewer and water lines that are connected to either a centralized wastewater or water system or the City of Laramie's Wastewater or Water system, be allowed within the APO to protect water quality. Sewer lines should be engineered in such a way as to limit the possibility of an undetected leak; this may include double walled pipes and regular pressure testing or other engineering techniques and leak detection systems that reduce the possibility of undetected leaks. Exceptions may also include other general utilities used specifically to serve local developments such as electric lines, gas lines for heating, cable television, and telephone lines. Roads may also be excepted if appropriate storm water drainage and management is included.”

- Support for both the annexation in general...connecting to sewer lines as well as the ability for development to occur, but recognizing that sewer lines are much safer.
- Under the Comprehensive Plan, “Environmental Consciousness, Protection and Sensitive Planning (p. 3-5)
“... This tool allows sites that are constrained environmentally, such as that within the aquifer protection zone, to develop with a character that is consistent with other neighborhoods and the rest of the community while, at the same time, safeguarding the environment. No matter the subdivision design, clustering, conservation or preservation, annexation should be required so the city can exact control over the type, scale, pattern and density of new development.”
 - Recognizes environmental concerns, but supports annexation so that City control over development and protection measures can be asserted.
- Under the Comprehensive Plan, “Environmental Consciousness, protection and Sensitive Planning Goals and Action Statements (p.3-24)
 1. “The City should consider annexation of a defined critical area for the Casper Aquifer that is subject to increased development pressure. The boundaries of the “critical area” must be defined, but are intended for those areas that are highly vulnerable to increased development.”

2. "Any development or subdivision within the aquifer protection zone contiguous to the city should be considered for annexation with the approval of development or subdivision."
 - Both suggest that annexation should occur within this area and are two of the goals and action statements of the Comprehensive Plan related to annexation of land within the APO. The direction provided by these two statements points to a clear path for the reason of annexation of this land into the city.

Based upon these additional sections stated above, staff recommends that the Council approve the Preliminary Plat as proposed noting the benefits of annexation and direction given to staff by code and the plans, support staff's recommendation.

Public Comment

During the Public Comment segment of the Planning Commission meeting on June 24th, there were multiple members of the public, including residents adjacent to the property at 4503 Bobolink lane. The comments made by the public were generally concerned about the effect of the development on their neighborhood in relation to an increased traffic count on their road and the damage it may do to the remaining gravel sections. The other concerns dealt with the density of the development and the harmful impact it could have on the Casper Aquifer.

Chris Moody, a local geologist, was concerned about the minimum setback length from the identified fault line. Moody, made a comment that the fault line is not the correct feature to setback from, but instead should be a fault zone that stretches 75-100' in each direction from the fault line. This fault zone should then have the 100' setback from vulnerable features required under the Casper Aquifer Plan.

Note: Staff has included all documents related to the Site Specific Investigation (SSI) including the original SSI, Peer Review and City Response.

Legal/Statutory Authority:

- 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
- Laramie Comprehensive Plan

BUDGET FISCAL INFORMATION:

REVENUE

Source	Amount	Type
Fees/Charges for Service	\$2,520.00	Application Fee (Fees based off of the layout & number of lots)
Grant		
Loan		
Other		
Total	\$2,520.00	

Responsible Staff:

Todd Feezer, Assistant City Manager,
721-5304
Matthew Cox, Associate Planner,
721-5344

Future dates are subject to change

Advertised	
Public Hearing (PH) Held	July 16, 2019
PH Advertised	June 29, 2019
Introduction/1 st Reading	August 6, 2019, November 5, 2019
2 nd Reading	
3 rd Reading	

Attachments:

- Amended Preliminary Plat
- Planning Commission Staff Report (June 24, 2019)
- Public Comments
- Ryan Athey Response Letter (7.22.19)
- Darren Parkin Memo
- Councilor O’Doherty Questions