Subject:

Consideration to approve a resolution granting three subdivision variances within the proposed Lynn Subdivision, a Re-Subdivision of Lincoln School Addition, Tract A

Background/Alternatives:

The request is to consider the following three subdivision variances for the Lynn Subdivision, a Re-Subdivision of Lincoln School Addition, Tract A:

Subdivision Variance 1: Street Right-of-Way Width - Subdivision Ordinance, Appendix B, Section 8.b.(16):

The subdivision ordinance noted above states that right-of-widths for dedicated local streets shall not be any less than 60’ with and the actual pavement width (back of curb to back of curb) shall be 37’. During the development review process, it was recommended by staff, that a 50’ right-of-way width instead of a 60’ right-of-way width would be desirable. In the case of this subdivision, a 50’ right-of-way is sufficient to accommodate the road and utilities. The road itself will still be constructed to the required road width standard of 37’ back of curb to back of curb.

It was noted during the city staff’s Smart Growth America training this past fall, that the City’s required right-of-way widths are excessive in some areas. Setbacks are measured from the right-of-way line which is approximately 7.5 feet behind the sidewalk. This then pushes the house location (with a 20’ setback) to 27.5 feet back from the sidewalk. Staff is trying to incorporate these recommendations into the staff reviews. Until the subdivision ordinance can be amended, deviations from the standards will have to be processed as subdivision variances. Granting this variance and following the Smart Growth America recommendations, will bring the homes closer to the street (still maintaining a 20’ front setback), thereby creating a more traditional neighborhood feel.

Subdivision Variance 2: Length of a Cul-de-sac - Subdivision Ordinance, Appendix B, Section 8.b.(9):

During the subdivision review, it was noted that the road through the subdivision (Lynn Court) is approximately 550 feet in length (to the back of the walk on the turn-around). Section 8.b.(9) of the Subdivision Ordinance states the following:
(9) **Cul-de-sacs shall not be longer than five hundred (500) feet to the end of the turn-around.** The turn-around shall have a curb line radius of not less than thirty-six (36) feet and a right-of-way radius of not less than sixty (60) feet.

During staff’s research relating to the subdivision variance, it was noted that the Subdivision Ordinance is inconsistent with the 2012 International Fire Code, which is also adopted by the City of Green River (Code of Ordinance, Chapter 7, Article VIII). Section D103.4 of the 2012 International Fire Code states that dead end roads ranging in length from 501-750 feet in length are permitted provided that they are supplied with the 96-foot-diameter cul-de-sac with an access roadway width of 26 feet. Therefore, the proposed road still meets the requirements of a fire access road under the 2012 International Fire Code and therefore, staff recommends approval of this Subdivision Variance.

**Subdivision Variance 3: Cul-de-sac Radius (Subdivision Ordinance, Appendix B, Section 8.b.(9))**

As noted above Section 8.b.(9) of the Subdivision Ordinance states the following:

(9) **Cul-de-sacs shall not be longer than five hundred (500) feet to the end of the turn-around. The turn-around shall have a curb line radius of not less than thirty-six (36) feet and a right-of-way radius of not less than sixty (60) feet.**

With the reduced right-of-way width requested in Subdivision Variance #1, the cul-de-sac radius will be reduced as well. However, the turn-around curb line radius will still meet the subdivision requirement of a 36 foot curb line radius, as well as the 96’ diameter Fire Code requirement. Therefore, staff recommends approval of this subdivision variance.

Section 4.c.(4) of the Green River Subdivision Ordinance states that “all requests for [subdivision] variances shall be submitted in writing to the City Council and shall be referred to the Planning Commission for comments and recommendations prior to any action taken by the City Council. In granting a [subdivision] variance, the Council may impose such conditions as will insure substantial compliance with the objectives and standards of these [subdivision] regulations.” The Planning and Zoning Commission reviewed the Preliminary Plat and the requested subdivision variances at their regular meeting on Wednesday, April 8, 2015. The Planning and Zoning Commission recommended approval of all three requested subdivision variances.

**Attachments:**

Resolution  
Lynn Subdivision Preliminary Plat

**Fiscal Impact:**

None
**Staff Impact:**

Minimal

**Legal Review:**

*Pending at the time of this report preparation.*
Resolution No R15-_____ 

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF GREEN RIVER, WYOMING, TO APPROVE THREE SUBDIVISION VARIANCES FROM THE CODE OF CITY ORDINANCES, APPENDIX B, SECTION 8, FILED BY JARED KILLPACK OF NEW PEAK CONSTRUCTION COMPANY, FOR THE PROPOSED LYNN SUBDIVISION, TO ALLOW A REDUCED STREET RIGHT-OF-WAY WIDTH, TO ALLOW A DEAD END ROAD TO EXCEED 500 FEET, AND TO ALLOW A REDUCED CUL-DE-SAC RIGHT-OF-WAY RADIUS.

WHEREAS, Jared Killpack of New Peak Construction Company, made an application on April 1, 2015 for three Subdivision Variances for the Lynn Subdivision, a Re-Subdivision of Lincoln School Addition, Tract A, a proposed subdivision within the City of Green River; and,

WHEREAS, Jared Killpack is requesting a subdivision variance from the City of Green River Code of Ordinances, Appendix B, Section 8.b.(16) to allow a reduction in the required street right-of-way width from a required sixty (60) foot right-of-way to a fifty (50) foot right-of-way for the street located in the proposed Lynn Subdivision; and,

WHEREAS, Jared Killpack is requesting a subdivision variance from the City of Green River Code of Ordinances, Appendix B, Section 8.b.(9) to allow the length of a dead-end road terminating in a cul-de-sac to be increased from a maximum length of five-hundred (500) feet to an allowable length of five-hundred fifty (550) feet to the back of the sidewalk, for the street located in the proposed Lynn Subdivision; and,

WHEREAS, Jared Killpack is requesting a subdivision variance from the City of Green River Code of Ordinances, Appendix B, Section 8.b.(9) to allow the cul-de-sac radius to be decreased from a required sixty (60) feet to an allowable radius of fifty (50) feet, for the cul-de-sac located in the proposed Lynn Subdivision; and,

WHEREAS, on April 8, 2015, the Planning and Zoning Commission voted unanimously to approve the Preliminary Plat of Lynn Subdivision with a recommendation to the Governing Body to approve the three subdivision variances as requested; and,

WHEREAS, the Governing Body of the City of Green River, Wyoming, reviewed the three subdivision variance requests on April 21, 2015; and

WHEREAS, the Governing Body of the City of Green River, Wyoming, finds that the requested subdivision variances meet the criteria for granting a subdivision variance in accordance with Section 4.c of the City of Green River Subdivision Ordinance (Appendix B, Code of Ordinances, City of Green River, Wyoming).
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GREEN RIVER, SWEETWATER COUNTY, WYOMING, AS FOLLOWS:

Section 1. Jared Killpack of New Peak Construction Company is hereby granted a subdivision variance from the City of Green River Code of Ordinances, Appendix B, Section 8.b.(16) to allow a reduction in the required street right-of-way width from a required sixty (60) foot right-of-way to a fifty (50) foot right-of-way for the street located in the proposed Lynn Subdivision.

Section 2. Jared Killpack of New Peak Construction Company is hereby granted a subdivision variance from the City of Green River Code of Ordinances, Appendix B, Section 8.b.(9) to allow the length of a dead-end road terminating in a cul-de-sac to be increased from a maximum length of five-hundred (500) feet to an allowable length of five-hundred fifty (550) feet to the back of the sidewalk, for the street located in the proposed Lynn Subdivision.

Section 3. Jared Killpack of New Peak Construction Company is hereby granted a subdivision variance from the City of Green River Code of Ordinances, Appendix B, Section 8.b.(9) to allow the cul-de-sac radius to be decreased from a required sixty (60) feet to an allowable radius of fifty (50) feet, for the cul-de-sac located in the proposed Lynn Subdivision.

PASSED AND APPROVED THIS 21ST DAY OF APRIL, 2015.

Signed:

___________________________
Pete Rust, Mayor

Attest:

___________________________
Jeff Nieters, City Clerk
DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, JARED KILLPACK, BEING THE OWNER,
PROPRIETOR, OR PARTIES OF INTEREST IN THE LAND SHOWN ON THIS PLAT, DO HEREBY CERTIFY:

THAT THE FOREGOING PLAT DESIGNATED AS LYNN SUBDIVISION A
RE-SUBDIVISION OF LINCOLN SCHOOL
ADDITION, TRACT "A"

SEC. 15, TOWNSHIP 18 NORTH, RANGE 107 WEST, GREEN RIVER,
SWEETWATER, WYOMING, PREVIOUSLY PLATTED AS TRACT "A" BEING A PART OF LINCOLN SCHOOL
ADDITION AND FILED IN THE OFFICE OF SWEETWATER COUNTY CLERK, AND IS MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 15, THENCE NORTH 23°18'28" EAST 993.13
FEET TO THE NORTHEAST CORNER OF SAID TRACT "A" BEING A 2" ALUMINUM CAP STAMPED PLS 2928 FOUND
AND THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE SOUTH 37°08'13" WEST 281.09 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "A" BEING A SET #5
REBAR AND 2" ALUMINUM CAP STAMPED PE/LS 9329;

THENCE NORTH 52°51'33" WEST 659.74 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "A" BEING A 2"
ALUMINUM CAP STAMPED PLS 2928 FOUND;

THENCE NORTH 37°08'13" EAST 281.09 FEET TO THE NORTHWEST CORNER OF SAID TRACT "A" BEING A 2"
ALUMINUM CAP STAMPED PLS 2928 FOUND;

THENCE SOUTH 52°51'33" EAST 659.74 FEET ALONG THE NORTHEASTERLY LINE OF TRACT "A" AND "B" OF SAID
LINCOLN SCHOOL ADDITION TO THE NORTHEAST CORNER OF SAID TRACT AND THE POINT OF BEGINNING OF
THIS DESCRIPTION AND CONTAINS AN AREA OF 4.26 ACRES MORE OR LESS;

AND,

THAT THIS PLAT VACATES TRACT "A" LINCOLN SCHOOL ADDITION AND THIS SUBDIVISION, AS IT IS DESCRIBED
HEREIN, OF THE LAND SHOWN ON THIS PLAT, IT BEING NOT THE TRUE AND EXACT TERRITORY OF THE
TOWN, CITY OR TOWNSHIP OR THE SITE OF ANY FREEHOLD ESTATE, BUT IT BEING WITH LOTS, BLOCKS, STREETS AND EASEMENTS AS SHOWN, AND THAT THE UNDERSIGNED
HEREBY DEDICATE TO THE CITY FOR PERPETUAL PUBLIC USE ALL STREETS, ALLEYS, EASEMENTS AND OTHER
LANDS WITHIN THE BOUNDARY LINES OF THE PLAT AS INDICATED AND NOT ALREADY OTHERWISE DEDICATED FOR PUBLIC USE.

ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE
OF WYOMING ARE HEREBY WAIVED AND RELEASED.

EXECUTED THIS ____________ DAY OF ____________________________________ A.D.,
20____________, BY:

JARED KILLPACK, NEW PEAK CONSTRUCTION, OWNER
P.O. BOX 2285, LARAMIE, WY.  82073

STATE OF WYOMING           )
SS.
SWEETWATER COUNTY      )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____________ DAY
OF ____________________________________, A.D., 20____________, BY

____________________________________ AS A FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC