



# Planning & Zoning Commission

## AGENDA

June 2, 2022, 5:30 PM  
Town Hall Council Chamber  
600 9<sup>th</sup> Street, Wheatland, WY

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- A. Call to Order – Roll Call
- B. Citizen Comments
- C. Declaration of conflicts of interest
- D. Scheduled Business
  - a. **Request:** Special Use Permit to operate a medical office in a Residential District
    - i. **Applicant:** Memorial Hospital of Converse County
    - ii. **Location:** 1356 Shiek Street, Wheatland, Wyoming
  - b. **Request:** Land Use District Boundary Change to rezone from Highway Business District to Industrial District
    - i. **Applicant:** FBS Wheatland LLC
    - ii. **Location:** approximately 20-acres located in part of the N2NW4 of Section 12, Township 24 North, Range 68 West, Town of Wheatland
  - c. **Request:** Special Use Permit to construct, maintain, and operate a storage facility with indoor and outdoor storage
    - i. **Applicant:** Erik and Allie Eddington
    - ii. **Location:** within the Highway Business District located on approximately 6 acres located in the E2NE4 of Section 23, Township 24 North, Range 68 West, Town of Wheatland
- E. Approval of minutes from the May 5, 2022 Regular Meeting
- F. Commission Discussion (if any)
- G. Adjournment



# TOWN OF WHEATLAND

## PLANNING OFFICE

600 9<sup>TH</sup> STREET • WHEATLAND • WYOMING

OFFICE 307 • 322 • 2692    FAX 307 • 322 • 2968

Applicant: Memorial Hospital of Converse County  
Request: Special Use Permit (SUP) to operate a medical facility in a Residential District  
Location: 1356 Shiek Street, Wheatland, Wyoming  
Meeting: Planning and Zoning Commission - June 2, 2022

### Proposal Details

Memorial Hospital of Converse County has applied for a Special Use Permit (SUP) to operate a medical facility in a Residential District located at 1356 Shiek Street, Wheatland, Wyoming. SUP requests are reviewed by the Wheatland Planning and Zoning Commission.

### Agency Comments

Electric Superintendent Pinneo: No problems.

Town Clerk Wright: No comments or concerns.

Police Chief Willadsen: This seems fine to me, it's been used as this for a long time.

Water/Wastewater Superintendent Keck: No issues with water/wastewater.

### Neighbor Comments

None received.

### Analysis

Memorial Hospital of Converse County's request for a Special Use Permit (SUP) to operate a medical facility in a Residential District located at 1356 Shiek Street, Wheatland, Wyoming is not a new use for the district or this location. This location has long been utilized as a medical office and the request for a special use permit is due to the change in ownership and SUPs being nontransferable. There is plenty of on-street parking to accommodate this continued use.

The Planning Office recommends approval of Memorial Hospital of Converse County's request for a Special Use Permit (SUP) to operate a medical facility in a Residential District located at 1356 Shiek Street, Wheatland, Wyoming with the following conditions:

- 1) Review upon a complaint basis.

## Planning and Zoning Commission Options

- 1) Approve the request as proposed;
- 2) Approve the request with conditions recommended (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);
- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

Failure to achieve a quorum result in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.



**MEMORIAL HOSPITAL** of  
**CONVERSE COUNTY**

*Advanced Medicine. Hometown Care.*

April 26, 2022

To: Town of Wheatland Planning and Zoning Commission

Re: Letter of Intent for 1356 Shiek Street

Memorial Hospital has and continues to provide the citizens of Wheatland and Platte County with access to high quality Medical Providers.

We have an agreement to purchase the Shiek street clinic from Bill Holding. We continue to operate it as a medical clinic as it has been for several years. We have no plans for any major changes other than continued interior painting and flooring as necessary.

We thank you for your consideration. If you have any questions please feel free to give me a call 307-358-1459.

Respectfully Submitted,

Jim Cussins, Chief Financial Officer  
Memorial Hospital of Converse County

# 1356 Shiek Street



© All Pictometry



# TOWN OF WHEATLAND

## PLANNING OFFICE

600 9<sup>TH</sup> STREET • WHEATLAND • WYOMING

OFFICE 307 • 322 • 2692      FAX 307 • 322 • 2968

Applicant: FBS Wheatland, LLC

Request: Land Use District Boundary change request to rezone from Highway Business District to Industrial District

Location: approximately 20 acres located in part of the N ½ of the NW ¼ of Section 12, Township 24 North, Range 68 West, Wheatland, Wyoming

Meeting: Planning and Zoning Commission Regular Meeting June 2, 2022

### Proposal Details

FBS Wheatland, LLC has applied for a Land Use District Boundary Change to rezone from Highway Business to Industrial located on approximately 20-acres located in part of the N2NW4 of Section 12, Township 24 North, Range 68 West, Town of Wheatland. Land Use District Boundary Change requests are reviewed by the Planning and Zoning Commission and transmitted with their recommendation for final decision to Wheatland Town Council. If approved by Town Council, a Land Use District Boundary Change Ordinance will follow, requiring three readings with approval at each reading before becoming effective and causing a change to the Land Use District Boundary Map.

If this rezone is approved FBS Wheatland will move forward with their requests for a special use permit and industrial development permit to construct and operate a USDA meat processing facility with retail butcher shop.

### Agency Comments

WYDOT District Traffic Engineer Aagard: Just a reminder that this will need a change in use for the existing access permit. It is basically the same as a new access permit

Police Chief Willadsen: No issues with the rezone, but when they move forward with the project: Looking at the map the only thing I don't like is the driveway access off Rompooon Road. This driveway is right at the preschool and will add truck traffic and more vehicular traffic in a school zone. If this driveway could be moved further west away from the school would be good but not the safest option due to how Rompooon Rd connects into Swanson Road. Best option I can see is having the one driveway on Swanson Road and removing the Rompooon Road driveway.

Water/Wastewater Superintendent Keck: No issues with the rezone, but when they move forward with the project: The waste removal to the city lagoons is the issue on this. Need to discuss the pre treatment plan, possible testing of the effluent after their treatment.

Town Clerk Wright: No issues with the request to rezone from Highway Business District to Industrial District. Industrial is located across Rompooon Road to the northeast in the County and southwest across Swanson Road in town limits.

### Neighbor Comments

Ms. Mary Ann Goldsmith – letter received May 23, 2022:



Re: F.R.Z. 22-08 5/23/2022

Amy Clark  
owner of Westland

RECEIVED  
MAY 23 2022

This letter is a response to a request to change the Planning Zoning to make it possible to put in a slaughter house and meat packing plant

from business to industrial.  
I bought a home, paid in full at 959 Poplar at last September. There is plenty of open land outside of this area further out that won't change anyone's life if this request continues.  
The idea of an industrial area is good



World change our won-  
derful air in this  
in area people,  
I am totally  
against this proposed  
action put it  
further outside  
our area.  
Sincerely,  
Margaret Eldsmith

372-NP

### Analysis

FBS Wheatland, LLC has applied for a Land Use District Boundary Change to rezone from Highway Business District to Industrial District located on approximately 20-acres located in part of the N2NW4 of Section 12, Township 24 North, Range 68 West, Town of Wheatland. As stated in FBS Wheatland, LLC's letter of justification, if this request is approved FBS Wheatland, LLC will move forward with their requests for a special use permit and industrial development permit to construct and operate a USDA meat processing facility with retail butcher shop at this location. FBS Wheatland, LLC is coordinating with other state and federal agencies to ensure that the new facility will meet the standards of all jurisdictions.

As shown below on the zoning map, the subject parcel is currently zoned Highway Business District and has Industrial Districts boarding to the south/southwest and northeast. The two parcels to the north are both Highway Business District and thus, this request would not create a spot zone of highway business or industrial.





When looking to the future, the approval of this land use district boundary change request and subsequential completion of the proposed project, could potentially attract other industries to develop in Wheatland and add to the Town’s economic development and tax base.

The Planning Office recommends approval of FBS Wheatland, LLC’s request for a Land Use District Boundary change to rezone from Highway Business District to Industrial District.

#### Planning and Zoning Commission Options

- 1) Approve the request as proposed;
- 2) Approve the request with conditions recommended (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);

- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

Failure to achieve a quorum result in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

## Letter of Justification

April 21, 2022

Subject: Part of the N2NW4 Sec. 12, T24N, R68W of the 6<sup>th</sup> P.M. Platte County, WY 82201 – the Special Use Permit Application and Rezone Application.

To whom it may concern:

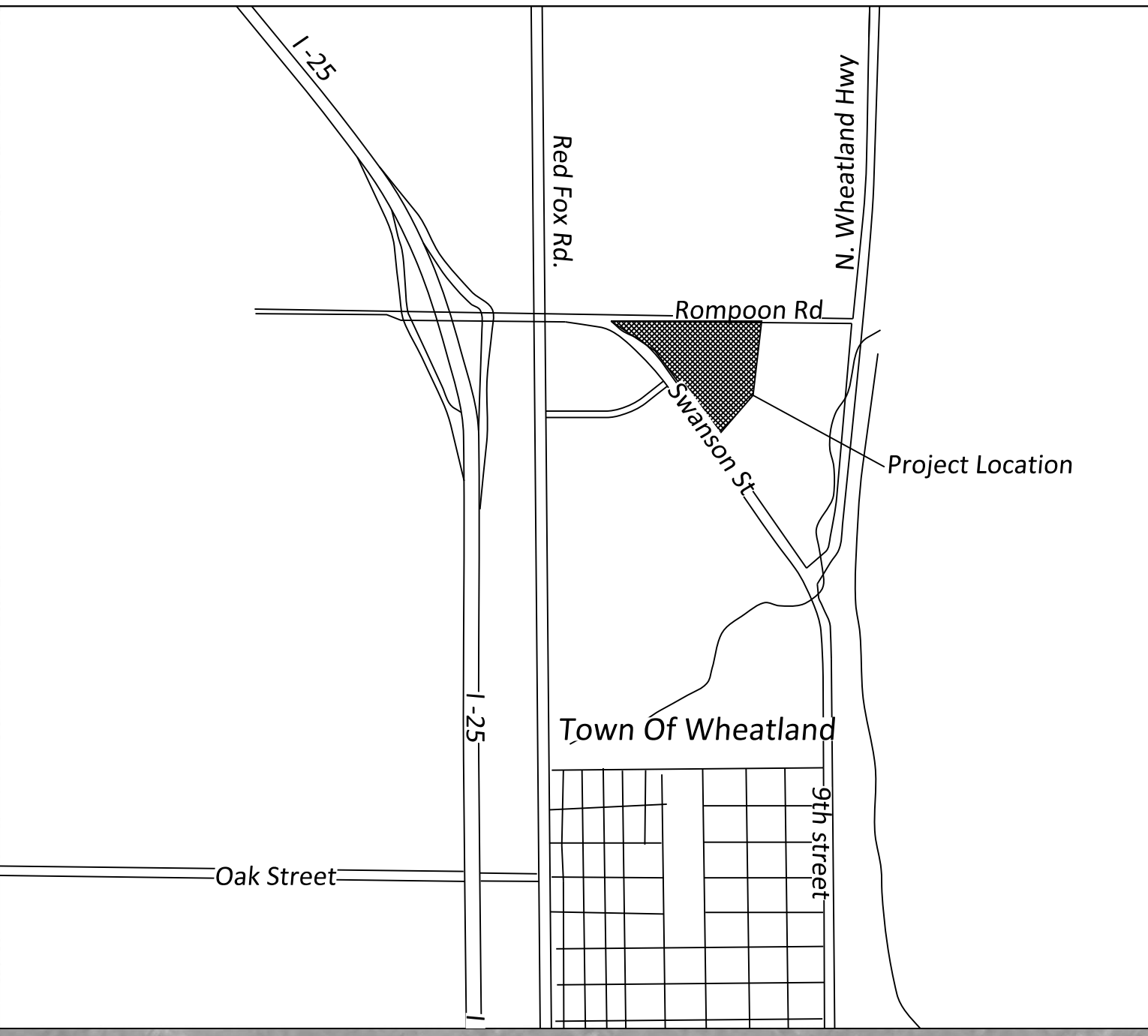
Franks Butch Shop Wheatland, LLC (FBSW) owned by Billy Brenton would like to construct, open and operate a new USDA inspected processing plant and retail butcher shop in Wheatland WY off highway 25 located at the N2NW4 Sec. 12, T24N, R68W of the 6<sup>th</sup> P.M. Platte County, WY 82201. There are many reasons to consider this type of project, such as the ability to create a viable source for Wyoming grown meat and supporting the movement to buy locally produced food. The goal of this letter is to promote factual and unbiased consideration of locating a meat processing operation in the town of wheatland.

FBS currently owns and operates a USDA inspected process facility in Hudson Wy and has retail butcher shops in Hudson and Casper Wy. All the processed meat is from ranchers located in Wyoming. The beef will be processed and sold for retail in Wheatland and surrounding locations with some custom processing. The proposed facility will start out around 50 head per week and as staff become more efficient and trained the facility will expand up to around 75 head per week. Hours of operation will be Monday-Friday from 8am to 5pm.

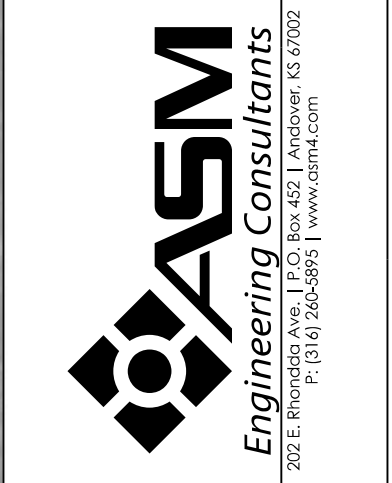
FBS is working with the City of Wheatland and Department of Environmental Quality on permitting the waste removal. The wash down of the process area will contain high BOD which will be pretreated then discharged to the city lagoons. The inedible's will be placed in an on-site commercial incinerator next to the process building and the ash will be hauled off site to an approved location

FBS will have all managers trained by a HACCP certified trainer and will be pulling the experience from the Hudson plant employees to help train and teach the plant processing staff. FBS is looking to hire local personal and train them. FBS wheatland will start out around 25 employees and ramp up to 40 as production increase.

The benefit would be to increase local food production capabilities – providing a means for local residents to buy locally raised and processed meat from a known, safe source.



Issue	Date	By	Description
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
Drawn By:			Date: 4/22/2022
Checked By:			Issue No.



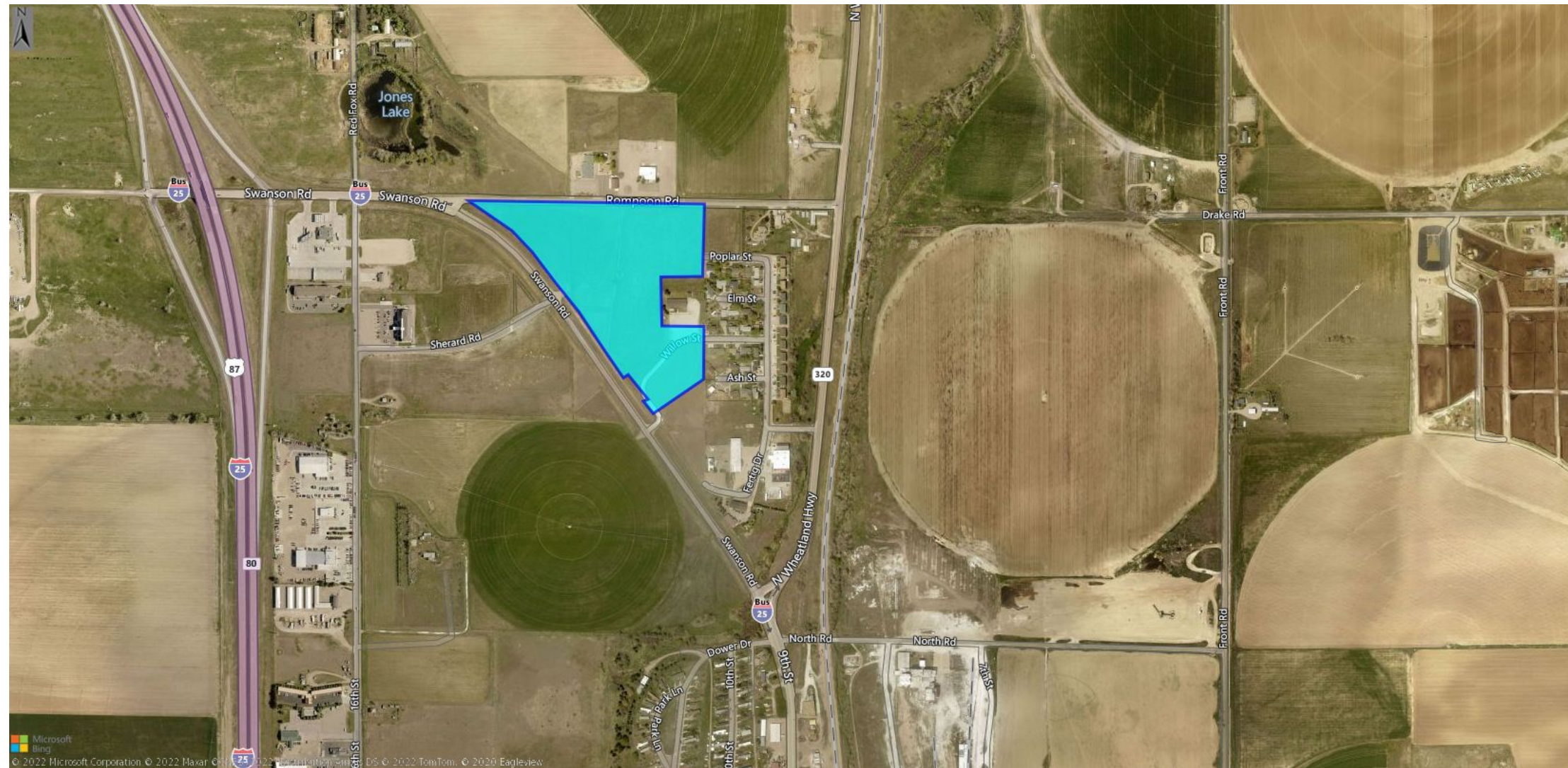
Client:  
**FBS Wheatland**

FBS PROCESS PLANT  
**FBS Wheatland Processing Facility Site Plan**  
WHEATLAND, WYOMING

Sheet No.  
**CON 6**  
Project No.  
**2485**

DATE: 4/22/2022 09:58 AM BY: JMS (307) 246-4949 FAX: (307) 246-4949

# FBS - Rezone - Aerial





# TOWN OF WHEATLAND

## PLANNING OFFICE

600 9<sup>TH</sup> STREET • WHEATLAND • WYOMING

OFFICE 307 • 322 • 2692    FAX 307 • 322 • 2968

Applicant: Erik and Allie Eddington

Request: Special Use Permit (SUP) to construct, maintain, and operate a storage facility with indoor and outdoor storage

Location: South Wheatland Highway, approximately 6 acres located in the E2NE4 of Section 23, Township 24 North, Range 68 West, Town of Wheatland, Wyoming

Meeting: Planning and Zoning Commission Regular Meeting June 2, 2022

### Proposal Details

Erik and Allie Eddington have applied for a Special Use Permit (SUP) construct, maintain, and operate a storage facility with indoor and outdoor storage located within the Highway Business District located on approximately 6 acres located in the E2NE4 of Section 23, Township 24 North, Range 68 West, Town of Wheatland. SUP requests are reviewed by the Wheatland Planning and Zoning Commission.

Per their letter of intent, Mr. and Mrs. Eddington's business plan involves outdoor and indoor parking and enclosed self-storage, office, shop to offer winterization and shrink wrap, and estimating the creation of one full-time job and one part-time job.

### Agency Comments

Water/Wastewater Superintendent Keck: No conflict with the water and wastewater system. Getting water to the facility if they want it would come from over by the walk path. They would have to run their line there. That's where their meter pit would be.

Electric Superintendent Pinneo: No problem.

### Neighbor Comments

Kirby Wilson with Affordable Wilson Storage – Planning Office visit May 24, 2022 – As a storage owner I am opposed to them putting them in additional storage units and I have special use permits for 78 units at one location and the ability to add an additional 100 units at my other locations with approximately 20 outside storage parking spaces available. I feel like there are enough storage options within the Town to service the community and additional units/spaces are not needed.

## Analysis

Erik and Allie Eddington have applied for a Special Use Permit to construct, maintain, and operate a storage facility with indoor and outdoor storage located within the Highway Business District located on approximately 6 acres located in the E2NE4 of Section 23, Township 24 North, Range 68 West, Town of Wheatland. Additional units will help meet the needs of the growing community, add to the tax base, and support economic development with job creation. The parcel is located within the Highway Business District. Commercial storage units require a special use permit pursuant to 18.40.020(b)(3).

Highway Business 18.40

18.40.020

b) Uses Requiring a Special Use Permit.

1) Radio, television, and communication towers and transmitters;

a. Towers must adhere to WMC 13.50.010;

2) Vehicle repair shops and auto body shops;

3) Commercial storage units;

4) Steel storage containers commonly known as "Conex" containers;

5) Commercial uses declared by the building inspector and planner to be not in conformance with the purpose of this district due to peculiar circumstances.

c) Uses prohibited in highway business districts are:

1) Junkyards;

2) Storage of any wrecked or inoperable vehicles for a period in excess of six hours except in connection with a full-time auto body repair shop or auto repair shop. The storage of any vehicle on the premises of any auto body repair shop or auto repair shop shall be allowed only for bona fide business purposes in connection with the operation and conduct of any such business;

3) Any use permitted in a heavy industrial district and other similar uses permitted in such district;

4) Although otherwise permitted, any use which interferes with the free flow of traffic.

This land has been vacant for a long period of time. The land is currently two separate parcels with only the southern parcel having legal access to South Wheatland Highway. If additional access is ever desired the owner would need to coordinate with WYDOT to request access, receive approval, and also coordinate with WYDOT and the Town of Wheatland in the event the new access affect the pathway project and corresponding grants. The access from South Wheatland Highway will need to be reviewed by WYDOT and an access letter and/or permit will be required before construction can begin. WYDOT will determine if the existing access meets their commercial access requirements, if any adjustments need to be made, if additional permit applications are required, if the requested adjustments will have any impact on the existing pathway, etc.



If approved, the Planning and Zoning Commission should consider the following conditions for Mr. and Mrs. Eddington's request for a Special Use Permit to construct, maintain, and operate a storage facility with indoor and outdoor storage located within the Highway Business District located on approximately 6 acres located in the E2NE4 of Section 23, Township 24 North, Range 68 West, Town of Wheatland, Wyoming:



- 1) All building, fire, health, safety, and electrical codes must be met.
- 2) Parking delineation for spaces to ensure fire separation is met.
- 3) Keep areas clean and clear of weeds and debris.
- 4) Obtain the necessary WYDOT access letter and/or permit.
- 5) Obtain a building permit from the Building Inspector before beginning construction.
- 6) Building outside of the required district setbacks or apply for a variance.
- 7) Miscellaneous materials or junk to not be stored outside of a building on the property.
- 8) This permit to be reviewed upon a complaint basis.

### **Planning and Zoning Commission Options**

- 1) Approve the request as proposed;
- 2) Approve the request with conditions recommended (if applicable);
- 3) Postpone to a definite time – continues the request to the next regularly scheduled meeting of the commission to allow further review to be done (applicant would not need to reapply, certified mailing and public notice fees would be billed to the Town.);
- 4) Postpone Indefinitely – the request or motion is neither approved or disapproved and the request or motion cannot be brought up again during the meeting; however, it can be brought back as a new request at a future meeting (applicant would have to reapply and would pay the application fee, certified mailing fee, and public notice fee); or
- 5) Deny the request (with or without prejudice).

Failure to achieve a quorum result in an automatic continuance to the next regularly scheduled meeting, and a motion fails due to the lack of a second.

Special Use Permit Application--Letter of Justification from Erik and Allie Eddington, proposed A & E Storage LLC

We are requesting a Special Use Permit pursuant to Wheatland Ordinance 18.95.010 for a proposed storage facility which will include outdoor/indoor parking and enclosed self-storage. The primary focus for parking in this facility would be oversized recreational vehicles, including but not limited to boats, campers, and RVs. As seen in recent years, Covid has created a high demand for recreational activities and the related recreational vehicles. This would be a great addition to Wheatland's community, as parking for these oversized vehicles is limited in our area.

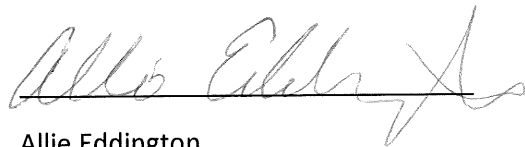
The construction budget is estimated at approximately 2 million dollars. At completion, this facility will consist of a perimeter fence with a kiosk gate system only allowing customers inside for safety and security. Plans include 12'x50' outside parking, 12'x35' outside parking, 12'x30' inside boat parking, 15'x50' covered RV parking, and self-storage units ranging in size from 10'x10' to 10'x20'. An office with an attached shop is also included in the plans with plans of offering winterization and shrink wrap covering for boats in the off season due to our climate. We estimate this would create a need for one full-time employee and one part-time employee.

Our pending contract for purchase of this real property is subject to approval of the Special Use Permit which would allow construction of the storage facility. Please do not hesitate to contact us with any questions.

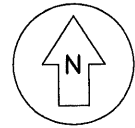
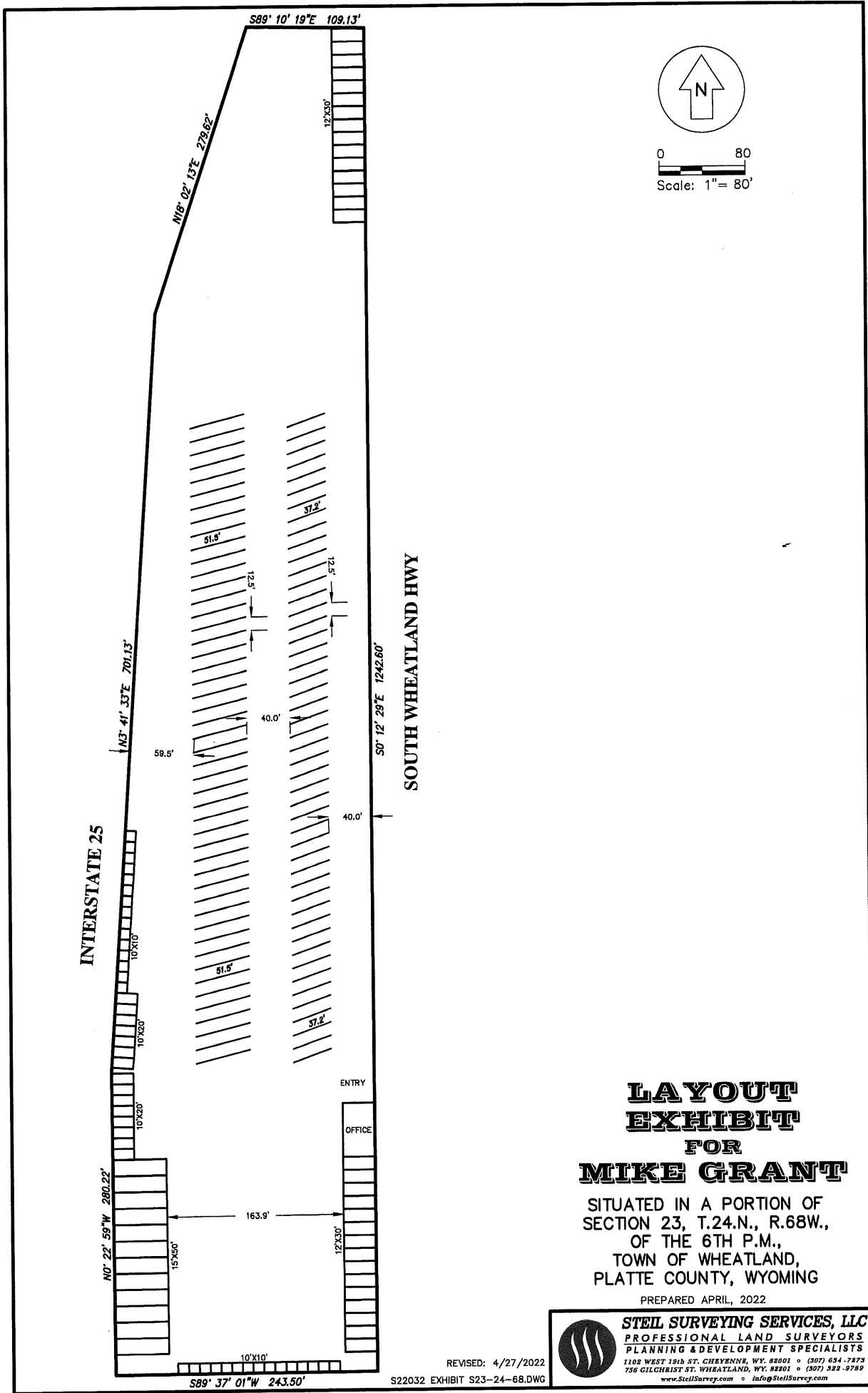
Respectfully submitted this 27 day of April, 2022.



Erik Eddington



Allie Eddington



0 80  
 Scale: 1" = 80'

**LAYOUT  
 EXHIBIT  
 FOR  
 MIKE GRANT**

SITUATED IN A PORTION OF  
 SECTION 23, T.24.N., R.68W.,  
 OF THE 6TH P.M.,  
 TOWN OF WHEATLAND,  
 PLATTE COUNTY, WYOMING

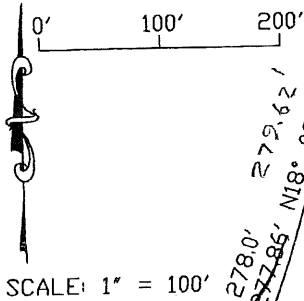
PREPARED APRIL, 2022


**STEEL SURVEYING SERVICES, LLC**  
 PROFESSIONAL LAND SURVEYORS  
 PLANNING & DEVELOPMENT SPECIALISTS  
 1102 WEST 19th ST. CHEYENNE, WY. 82001 • (307) 634-7873  
 756 GILCHRIST ST. WHEATLAND, WY. 82201 • (307) 532-8799  
 www.SteelSurvey.com • info@SteelSurvey.com

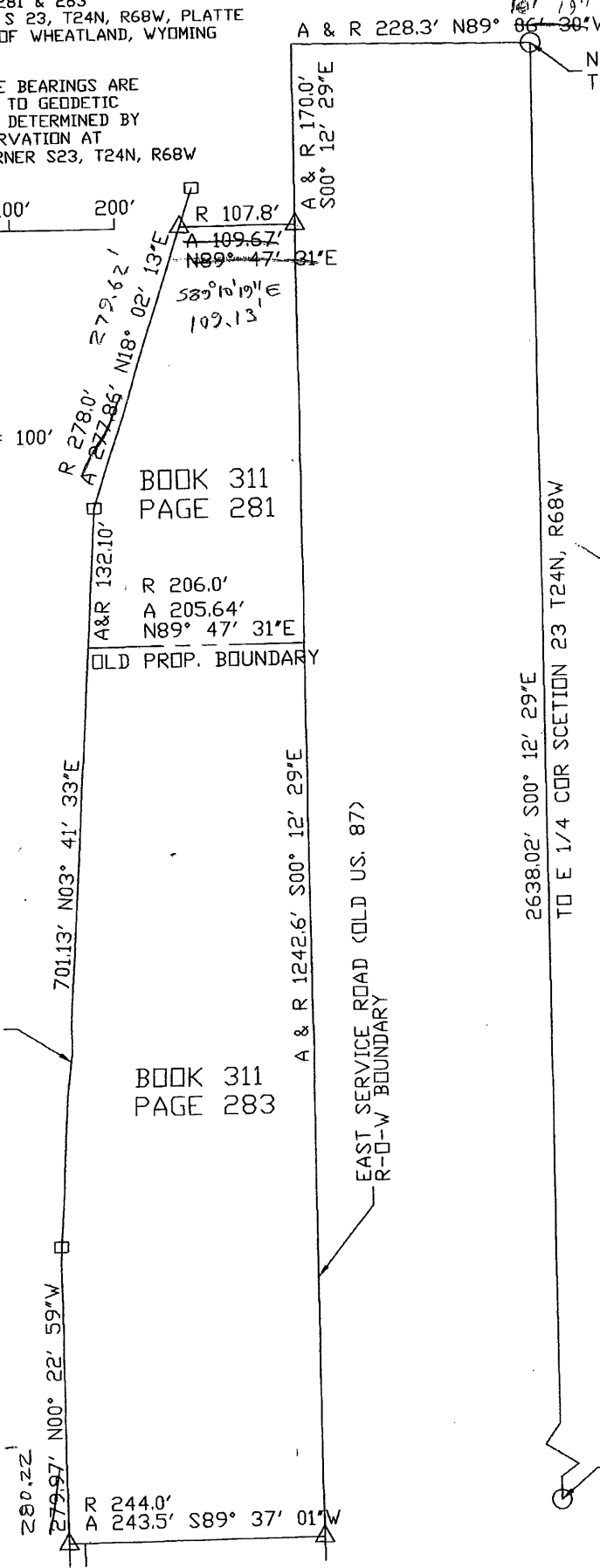
REVISED: 4/27/2022  
 S22032 EXHIBIT S23-24-68.DWG

RECORD OF SURVEY FOR  
CHRIS WACHENDORFER  
6.034 ACRES DESCRIBED IN BOOK 311  
ON PAGES 281 & 283  
IN NE 1/4, S 23, T24N, R68W, PLATTE  
CO., TOWN OF WHEATLAND, WYOMING

NOTE:  
ALL PLANE BEARINGS ARE  
RELATIVE TO GEODETIC  
NORTH AS DETERMINED BY  
GPS OBSERVATION AT  
E 1/4 CORNER S23, T24N, R68W



SCALE: 1" = 100'



*Bearings & distances  
is Red changed to  
Surveyor's Report and  
11/26/2001  
Staked for the ground.  
6/02/2005  
RWD*

LEGEND:

□ DENOTES 6" SQ.  
CONC. ROW MARKER

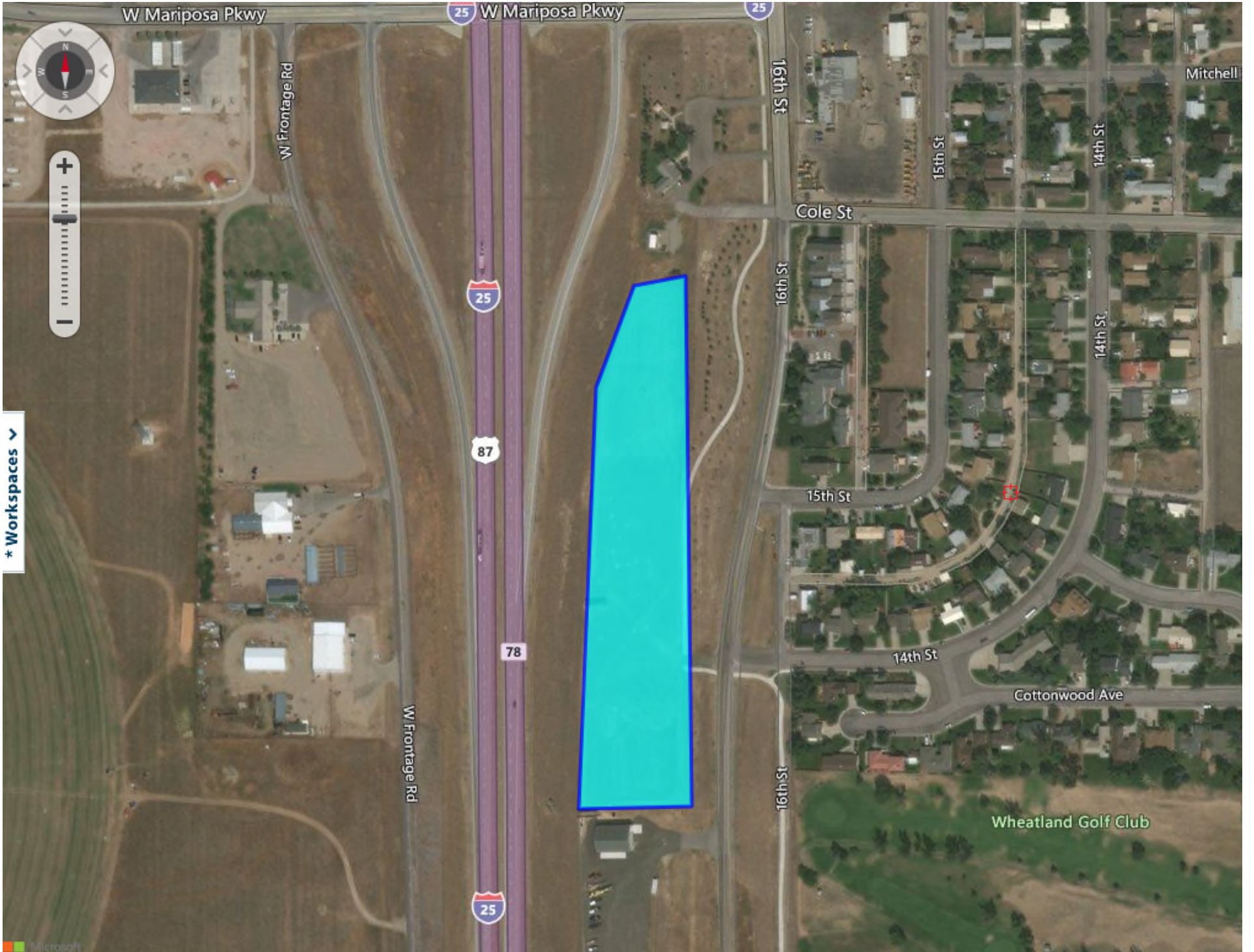
○ DENOTES COR.  
MONUMENTS FOUND

△ DENOTES 1/2" X 2"  
REBAR W/ CAP SET  
THIS SURVEY

A- DENOTES ACTUAL  
MEASUREMENTS  
THIS SURVEY

R- DENOTES RECORDED  
MEASUREMENTS

E 1/4 CORNER SECTION 23  
T24N, R68W



\* Workspaces ▾



# Town of Wheatland Planning and Zoning Commission

Regular Meeting May 5, 2022

## Call to Order – Roll Call

The regular meeting of the Town of Wheatland Planning and Zoning Commission was called to order at 5:33 p.m. on Thursday, May 5, 2022, by Chairman Holt in the Town Hall Council Chambers.

Members Present: Chairman Holt, Member Mitchell, Member Fiske, Member Becker, Vice Chairman Pile  
Members Absent: Member Kanwischer, Member Futch  
Staff Present: Planner Clark

## Citizen Comments

Chairman Holt asked if there were any citizen comments. None were noted.

## Declaration of conflicts of interest

Chairman Holt asked if there were any conflicts of interest in the matters to come before the commission.

## New Business

A request for a Special Use Permit to operate an automotive/equipment repair facility with storage of vehicles, semis, semitrailers, and equipment at 40 South Wheatland Highway, Wheatland, Wyoming

Planner Clark noted Platte County Repair has applied for a Special Use Permit (SUP) to operate an automotive/equipment repair facility with storage of vehicles, semis, semitrailers, and equipment within a Highway Business District located at 40 S. Wheatland Highway, Wheatland, Wyoming. Agency comments received: Electric Superintendent Pinneo: No problems., Town Clerk Wright: The Clerk's Office has no concerns on this request for a SUP., WYDOT District Traffic Engineer Aagard: The existing access is a commercial access, so I see no issues from WYDOT. Thanks for keeping WYDOT in the loop. No neighbor comments received. Platte County Repair's request for a Special Use Permit (SUP) to operate an automotive/equipment repair facility with storage of vehicles, semis, semitrailers, and equipment within a Highway Business District located at 40 S. Wheatland Highway, Wheatland, Wyoming is not a new use for the district or this location. Previous owners have utilized this location for similar uses, and this is previously where CH Brown's shop was located. The Planning Office recommends approval of Platte County Repair's request for a Special Use Permit (SUP) to operate an automotive/equipment repair facility with storage of vehicles, semis, semitrailers, and equipment within a Highway Business District located at 40 S. Wheatland Highway, Wheatland, Wyoming with the following condition, to review upon a complaint basis. Vice Chairman Pile asked what the additional parking would be utilized for? Jeremy Lange stated that it would be utilized for overflow from the impound lot only. Vice Chairman Pile asked about screening and if it was possible and if precedence had been set with previous commission decisions. Commission discussed previous decisions and noted that this request was specific to this lot. Mr. Lange provided some background of what had occurred on his lot located in the County and one of the reasons for relocating his business to inside town limits was the additional support from law enforcement to prevent such crimes. Mr. Lange continued that he did not know a permit was required until meeting with the Planning Office and then submitted the correct application to come into compliance and also wanted to clean up Birgman's lot. Chairman Holt noted that requiring a screening fence would be costly to the business. Mr. Lange noted that they planned to keep the lot clean and free of debris and weeds. Member Becker asked if the Commission could add a 48-hour wreck hold stipulation to the conditions. Chairman Holt asked if 48-hours was manageable for the business. Mr. Lange noted that during the winter if there is a pileup that the county lot will

fill up quickly, but they could make 48-hours work. Commission discussed other locations in town with similar uses that need to be addressed and cleaned, what people see along I-25 when they are coming into town, and if precedence has been previously set and what their motion options are. Mr. and Mrs. Lange asked if they should update the name of their business to include "Truck Stop" to be similar to Loves and these other truck stops that also have a repair shop included, because truck stops are an allowed use within the Highway Business District? Vice Chairman Pile stated that would not make the need for the permit go away. Planner Clark noted that the reason for the condition of reviewing upon a complaint basis is included in the recommendations from the planning office is to give the commission the authority to review the permit in the event a complaint is filed and possible make adjustments or updates to the permit at that time.

Motion by Member Mitchell with second by Member Fiske to approve Platte County Repair's request for a Special Use Permit (SUP) to operate an automotive/equipment repair facility with storage of vehicles, semis, semitrailers, and equipment within a Highway Business District located at 40 S. Wheatland Highway, Wheatland, Wyoming with the following conditions: Vehicles that are overflow from the impound lot can only be stored at this location for 72-hours, and review upon a complaint basis.

Upon roll call the vote on the MOTION was:

YES: Member Mitchell, Member Fiske, Member Becker

NO: None

ABSTAINED: Vice Chairman Pile

MOTION DECLARED CARRIED

#### Request for a Special Use Permit to operate a commercial business and stock more shed inventory in a Residential District at 704 16<sup>th</sup> Street, Wheatland, Wyoming

Planner Clark noted Alvaro Amaya has applied for a Special Use Permit (SUP) to operate a commercial business and stock more shed inventory in a Residential District located at 704 16th Street, Wheatland, Wyoming. Agency comments received: Electric Superintendent Pinneo: No problems. Town Clerk Wright: The Town of Wheatland supports economic development and encourages business expansion. Since the code is specific on the types of Special Use Permits allowed in this district, the Clerk's Office feels Mr. Amaya should apply for a rezone. Water/Wastewater Superintendent Keck: Concerns with the safe operation of heavy equipment around utility appurtenances and the possibility of running into the gas meter and/or driving over the water meter pit with heavy equipment. No neighbor comments received. Mr. Amaya's request for a Special Use Permit (SUP) to operate a commercial business and stock more shed inventory in a Residential District located at 704 16th Street, Wheatland, Wyoming does not fall into one of the specific Special Use Permit uses specified in the WMC. Per WMC 18.75.020(b) the uses allowed with a special use permit are: hospitals and health care facilities, boarding/rooming houses, columbarium, community centers, government buildings, museums, churches, schools, and childcare and adult care facilities. Previously this property was utilized as a single-family residence and has the potential to contribute to Wheatland's housing diversity by offering a housing option for lower income residents or tenants. Providing housing for all income levels and family types while balancing the support of economic development is a challenge for any community. There appear to be two new shed structures on the rear of the property; it is unclear whether these are related to the Shed Guy business. The Planning Office recommends denying Mr. Amaya's request for a Special Use Permit (SUP) to operate a commercial business and stock more shed inventory in a Residential District located at 704 16th Street, Wheatland, Wyoming due to the specificity of the special use permit uses within the Residential District. Commission Members discussed the recommendation of denial by the Planning Office due to the specificity of the special use permit uses in the municipal code and asked about the permit issued for the Gilchrist location. Planner Clark noted that the temporary special use permit issued for the Gilchrist location was issued by the Board of Adjustments since they are the board that has the authority to allow uses that are not in the code and why it was issued temporarily to allow time to rezone the location. Mr. Amaya

noted that he would utilize the building as an office for the business and to store additional shed units in both the front and rear of the building. He added that there was already a unit placed on the rear of the lot and the machine used to move the shed had no issues navigating in the alley way and the rear of the building allowed for off-street customer parking. Commission asked how long the rezone process takes. Planner Clark noted that rezone requests are heard by the Commission, Town Council, followed by three ordinance readings, and publication of the rezone ordinance; and thus can take a few months to complete. Member Mitchell asked if he would need a special use permit while he was waiting to rezone. Planner Clark noted that he would need a special use permit issued by variance from the Board of Adjustments. Mr. Amaya asked why he wasn't informed of the difference between the commission and the board. Planner Clark noted explaining the information and options to Mr. Amaya. Chairman Holt asked if, Mr. Amaya needed to apply for the special use permit with the Board of Adjustments because the Commission does not have the authority to issue a permit outside what is in the town code? Planner Clark noted that is the Planning Office's recommendation. Vice Chairman Pile asked if the area around the property was zoned residential? Planner Clark noted yes. Commission discussed the different zone around the parcel and if a rezone was applied for if it would be a spot zone and if there was a way to rezone it without singling out the residential parcel to the south. Mr. Amaya noted that the town does not want new businesses and that people should not move here because the town does not want businesses. Vice Chairman Pile noted that Wheatland supports businesses that follow the municipal code and that Mr. Amaya wants it to be his way or no way, and that he did not follow the correct procedures with his previous applications. Chairman Holt asked how this could be resolved? Planner Clark noted that if Mr. Amaya was to apply to the Board of Adjustment for a temporary use permit to utilize the property as a commercial business with the shed, now if Mr. Amaya was to utilize the house as a residence with an office then the use would fall under home occupation and special use permit would not be needed. Vice Chairman Pile noted that it makes it hard for the town to say that this is commercial on the corner, but this one is residential, and this one is highway, and this one is commercial, and then this next one is residential. Planner Clark noted that this is why the town is usually against spot zoning. Member Becker verified that even with a rezone there would be a residential lot with a residence that falls between these businesses. Planner Clark confirmed that is correct. Member Becker added that it would be different if he was purchasing the lot to the south and was going to clear it and use it for additional storage. Member Mitchell noted that Mr. Amaya tried to purchase the lot to the south. Vice Chairman Pile noted that he is trying to get in as cheaply as he can. Member Mitchell asked, don't well all? Commission concurred. Vice Chairman Pile recommended the buyer should do their due diligence before purchasing a property. Town Clerk Wright asked about when Mr. Amaya came in and dropped off the special use permit. Planner Clark noted explaining the different deadlines and procedures and providing him with the different applications and recommended he apply with the variance special use permit as he did with his previous application. The Planning Office cannot force an applicant to apply how it is recommended, the Planning Office can provide the information and then it is up to the applicant to choose which route they wish to pursue. Mr. Amaya chose to return and apply for the special use permit to the Planning and Zoning Commission.

Motion by Member Pile with second by Member Becker to deny Alvaro Amaya's request for a Special Use Permit to operate a commercial business and stock more shed inventory in a Residential District located at 704 16th Street, Wheatland, Wyoming.

Upon roll call the vote on the MOTION was:

YES: All present

NO: None

MOTION DECLARED CARRIED

### **Approval of Minutes –**

#### Approval of Minutes – April 7, 2022 Regular Meeting

Motion by Member Mitchell with a second by Member Becker was made to approve the minutes of the April 7, 2022 Regular Meetings as presented.

Upon roll call the vote on the MOTION was:



YES: All present  
NO: None  
MOTION DECLARED CARRIED

**Board Discussion**

Planner Clark noted there are two special use permits and a rezone request on the agenda for the June and an industrial development permit and special use permit request on the agenda for July. The Planning Office expects both meetings to be longer than usual with several citizens attending to comment and the possibility of department heads attending to answer department specific questions. Due to this, the Planning Office suggests holding a workshop on a different day or waiting until a meeting date with no agenda items. Commission agreed to reschedule the workshop to a different day.

**Adjournment**

Meeting adjourned at 6:13 p.m.

Approve:

Attest:

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Planning & Zoning Commission Chairman

Planner Clark

DRAFT