

## TOWN OF WHEATLAND PLANNING OFFICE

600 9<sup>TH</sup> STREET • WHEATLAND • WYOMING
OFFICE 307 • 322 • 2692 FAX 307 • 322 • 2968

Applicant: 3 Lakes Storage, LLC

Request: A variance to reduce a side yard setback from twenty-five feet to ten feet in an Industrial

District.

Location: Town of Wheatland, North Park Subdivision, Block 1, Lot 3, 1356 Sherard Road.

Wheatland, WY 82201.

Meeting: Board of Adjustment – November 21st, 2023

#### **Proposal Details**

3 Lakes Storage, represented by Richard Oates Jr., who owns lot 2 and 3 of the North Park Subdivision, is constructing an RV and Boat storage facility for both properties. The building he is proposing to construct on the southwest corner of lot 3 will encroach on the property line of lot 2 by ten feet. Even though both lots are owned by the same person, and both will be used for the same RV and Boat storage facility, Richard would like to keep the lots separated by deeds, meaning lot 3 will require a variance for his proposed construction.

According to Wheatland Municipal Code 18.45.040(d)(3), the side yard setback in an Industrial District is twenty-five feet. According to WMC 18.95.150, the Board of Adjustment is granted the power to adjust the applications of WMC Title 18.

#### **Agency Comments**

Wheatland Fire Department Chief Bob Glasson: No issues with the Fire Department.

No other agency comments were received for this application.

#### **Neighbor Comments**

None were received.

#### **Analysis**

The Town of Wheatland Board of Adjustment is presented with a variance request to reduce the side yard setback from twenty-five feet to ten feet within an Industrial District. This analysis aims to evaluate the pros and cons of granting such a variance, along with possible stipulations should the Board of Adjustment choose to approve this request.

#### Pros:

#### 1. Economic Development:

 Granting the variance could facilitate economic development by allowing businesses to utilize their land more efficiently. This may attract new businesses and contribute to the growth of the Industrial District.

#### 2. Flexibility for Innovation:

• A reduced side yard setback offers flexibility for innovative building designs and layouts, encouraging businesses to implement more efficient and modern facilities.

#### 3. Land Utilization:

• The variance allows for better land utilization, potentially leading to increased productivity and output from industrial activities.

#### 4. Job Creation:

 Streamlined industrial operations may lead to increased job opportunities, benefiting the local community.

#### Cons:

#### 1. Impact on Neighboring Properties:

• A reduced side yard setback could have a negative impact on neighboring properties, affecting privacy, and sunlight exposure, for businesses in the vicinity.

#### 2. Aesthetics and Character:

• The variance may compromise the visual aesthetics and character of the Industrial District, especially if the reduced setbacks result in a congested or disorderly appearance.

#### 3. Safety Concerns:

• In industrial areas, safety regulations are crucial. A reduced setback might pose safety concerns related to fire hazards, emergency access, and the overall well-being of workers and the public.

#### 4. Precedent Setting:

Granting the variance may set a precedent for similar requests, leading to a gradual
erosion of zoning regulations and potentially compromising the overall planning and
development goals of the Industrial District.

#### Possible Stipulations for Approval:

#### 1. Town of Wheatland Utility Department Easement:

 Mandate all easements requested by the Town of Wheatland Utility Departments be granted for continued proper care of town infrastructure.

#### 2. Landscaping Requirements:

• Mandate the inclusion of green spaces or landscaping features to mitigate the visual impact of reduced setbacks.

#### 3. Noise and Pollution Mitigation:

• Implement measures to address potential noise and pollution concerns, ensuring that the variance does not negatively impact the health and well-being of neighboring properties.

#### 4. Architectural Design Standards:

• Enforce specific architectural design standards to maintain a cohesive and aesthetically pleasing appearance within the Industrial District.

#### 5. Fire Safety Measures:

 Require the incorporation of enhanced fire safety measures, such as firebreaks or additional firefighting equipment, to address safety concerns.

The Town of Wheatland Board of Adjustment should weigh the pros and cons of the variance request, considering the potential benefits for economic development against the possible negative impacts on safety, aesthetics, and neighboring properties. The imposition of stipulations, if the variance is approved, can help mitigate the drawbacks and ensure responsible and sustainable development within the Industrial District.

#### **Attachments**

- 1. Summary of request prepared by 3 Lakes Storage, LLC
- 2. Site Plan
- 3. Aerial View of all Properties within 140 feet, excluding streets and alleys

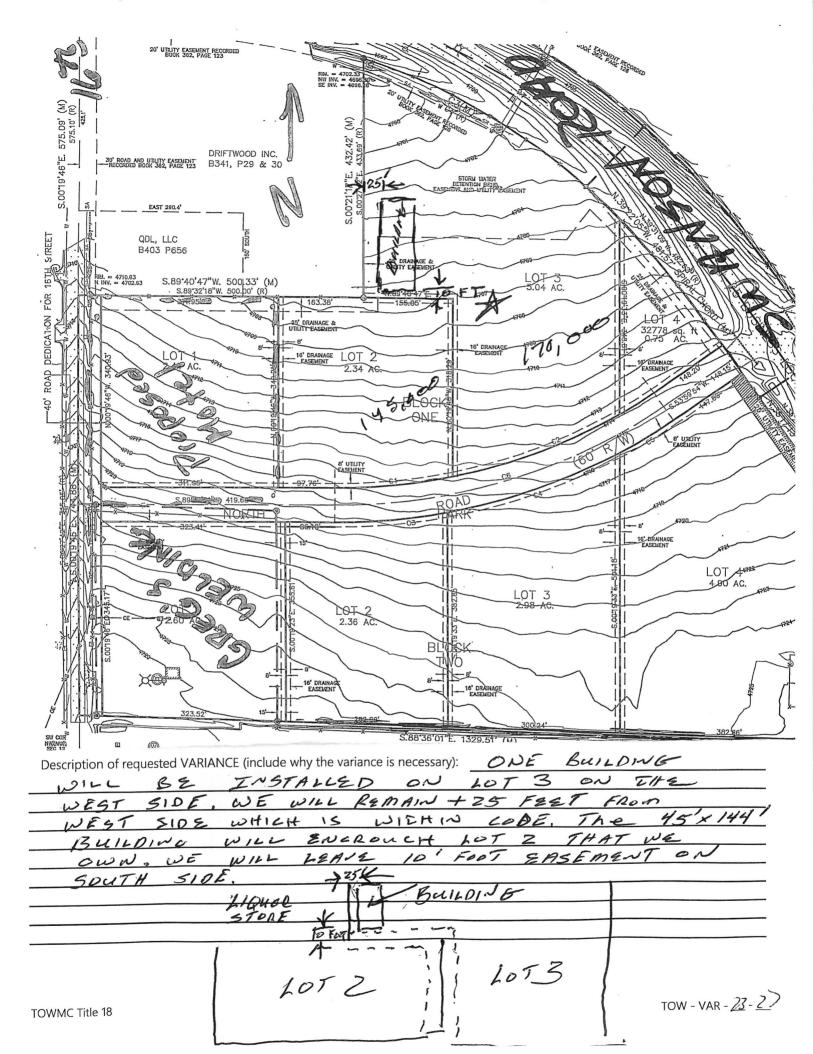
#### Requirements for Approval

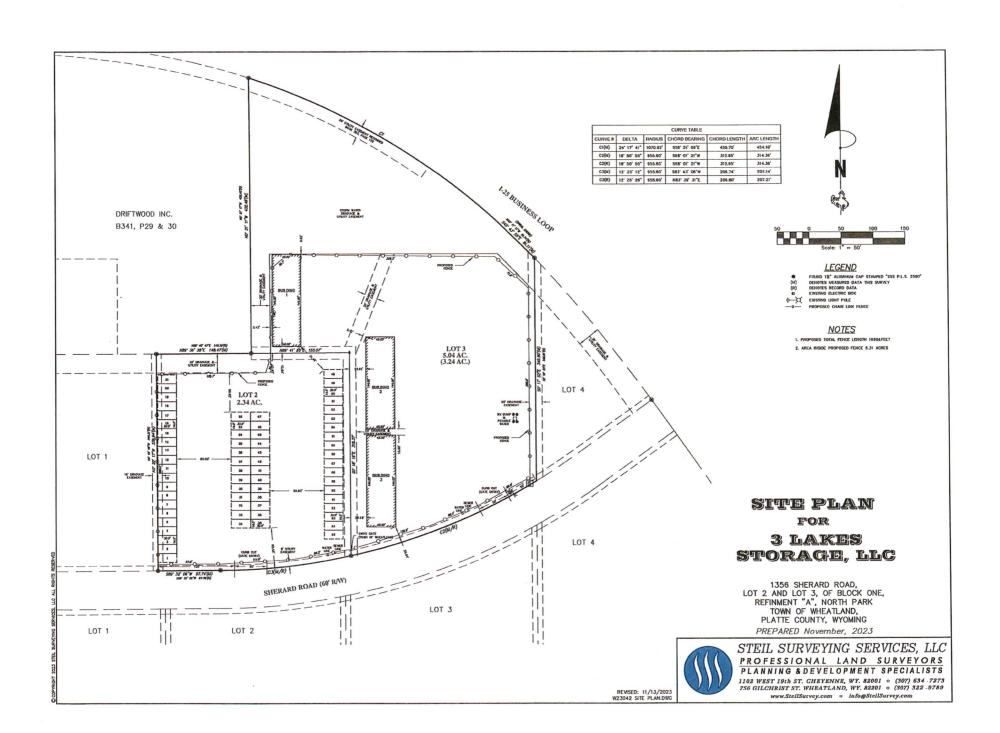
The Planning Office has not received a signed protest from 20% of property owners within 140 feet, excluding streets and alleys, for this application, meaning a three-member approvement from the Board of Adjustment is required for quorum approval.

#### **Board of Adjustment Options**

- 1. Approve the request as proposed.
- 2. Approve the request with conditions added by the Board of Adjustment.
- 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. 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, and public notice.
- 5. Deny the request with or without prejudice.

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







#### Platte County, Wyoming

Properties of owners within 140 feet, excluding streets and alleys.

- Township Line 2022 Aerial Photography (2ft)
- A Railroad
- US Highway/Interstate
- State Highway
- County Road
- Municipal Limits
- Bureau of Land Management
  - Department of Defense
- Forest Service
  State of Wyoming
- Bureau of Reclamation

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### TOWN OF WHEATLAND PLANNING OFFICE

600 9<sup>TH</sup> STREET • WHEATLAND • WYOMING
OFFICE 307 • 322 • 2692 FAX 307 • 322 • 2968

Applicant: Capstone Industries, LLC, representing Laramie Peak Museum Association

Request: A variance to reduce the south side yard setback to forty-four inches in a General

Business District.

Location: Town of Wheatland, Squaw Mountain Subdivision, Tract 4, Lot 3, 1601 16<sup>th</sup> Street,

Wheatland, WY 82201.

Meeting: Board of Adjustment – November 21st, 2023

#### **Proposal Details**

Laramie Peak Museum has contracted Capstone Industries to construct an extension on the existing building. Laramie Peak Museum would like to expand the east front portion of the building to match the west rear portion of the building, which is forty-four inches from the property line.

According to Wheatland Municipal Code (WMC) 18.35.030(c)(2)(b), the side yard setback for a General Business District is twenty-five feet from residential property lines where abutting a residential zone and five feet where abutting an alley. According to WMC 18.95.150, the Board of Adjustment is granted the power to adjust the applications of WMC Title 18.

#### **Agency Comments**

<u>Electric Super Intendent Preston Meier</u>: There is a buried electrical line going to the electronic community events sign out front. Approximately 100' of that will be under the building. I spoke with Capstone about this, and we have concluded that rewiring from the new eastern wall out to the sign will be something that needs to be a part of the plans. The sign will be without power during the duration of the project. If necessary, we can arrange temporary power during the construction. I do not have any objections from the electrical side of the town utilities.

<u>Town Engineer John Wetstein</u>: Unless the Town has some utilities that would be encumbered by the location of the building expansion, I have no objection to the variance.

No other agency comments were received for this application.

#### **Neighbor Comments**

Chuck Ruwart, part owner of Keystone Group, LLC, which owns the property to the south of Laramie Peak Museum, emailed the Planning Office. Chuck made an appointment with Planner Dumont and Building Inspector Walter Martin for Friday November 17<sup>th</sup>, 2023, to go over this application request. The Board of Adjustment will be updated on the November 21<sup>st</sup>, 2023, public hearing pertaining to any of Chuck's comments or concerns.

No other neighbor comments were received for this application.

#### **Analysis**

The Town of Wheatland Board of Adjustment is faced with a variance request to reduce the side yard setback for a museum located within a General Business District. Capstone Industries is seeking a reduction to forty-four inches from the standard requirement.

#### Pros:

- Cultural Enrichment: The approval of the variance could contribute to the cultural enrichment of the community by providing a space for a museum, fostering education and community engagement.
- 2. **Economic Development:** A thriving museum can attract tourists and visitors, leading to increased foot traffic in the General Business District. This, in turn, could stimulate local economic development through increased sales for nearby businesses.
- 3. **Preservation of Historical Assets:** If the museum aims to expand its premises to better preserve and display historical artifacts or structures, approving the variance may align with the town's goals of preserving its cultural heritage.
- 4. **Public Access:** A reduced setback might allow for more efficient use of the available space, enabling better public access to exhibits and amenities within the museum.

#### Cons:

- 1. **Aesthetics and Cohesiveness:** A reduced setback could impact the aesthetic cohesiveness of the neighborhood, particularly if neighboring structures adhere to standard setbacks. This may alter the character of the area.
- 2. **Neighboring Properties:** Reduced setbacks could potentially infringe on the privacy and property rights of neighboring residences or businesses, leading to disputes and dissatisfaction within the community.
- 3. **Traffic and Parking:** A reduced setback in the General Business District might pose challenges related to parking and traffic congestion, negatively affecting the overall accessibility of the area.
- 4. **Precedent Setting:** Approval of this variance might set a precedent for future variance requests, potentially leading to a domino effect with subsequent requests for similar reductions.

#### Possible Stipulations if Approved:

- 1. **Architectural Compatibility:** The museum's design should be reviewed to ensure it is architecturally compatible with the surrounding structures, maintaining the aesthetic integrity of the General Business District.
- 2. **Landscaping and Buffer Zones:** The approval could be contingent on the implementation of landscaping and buffer zones to mitigate the visual impact on neighboring properties and maintain a sense of privacy.
- Town of Wheatland Utility Department Easement: Mandate all easements requested by the Town of Wheatland Utility Departments be granted for continued proper care of town infrastructure.

The decision to approve or deny the variance request should weigh the potential economic benefits against the impact on the neighborhood's aesthetics and community harmony. Stipulations can help

balance the interests of Laramie Peak Museum and the community, ensuring that any approval is contingent on measures to mitigate negative consequences.

#### **Attachments**

- 1. Description of requested variance by applicant.
- 2. Construction plans and aerial view.
- 3. Aerial View of all Properties within 140 feet, excluding streets and alleys

#### **Requirements for Approval**

The Planning Office has not received a signed protest from 20% of property owners within 140 feet, excluding streets and alleys, for this application, meaning a three-member approvement from the Board of Adjustment is required for quorum approval.

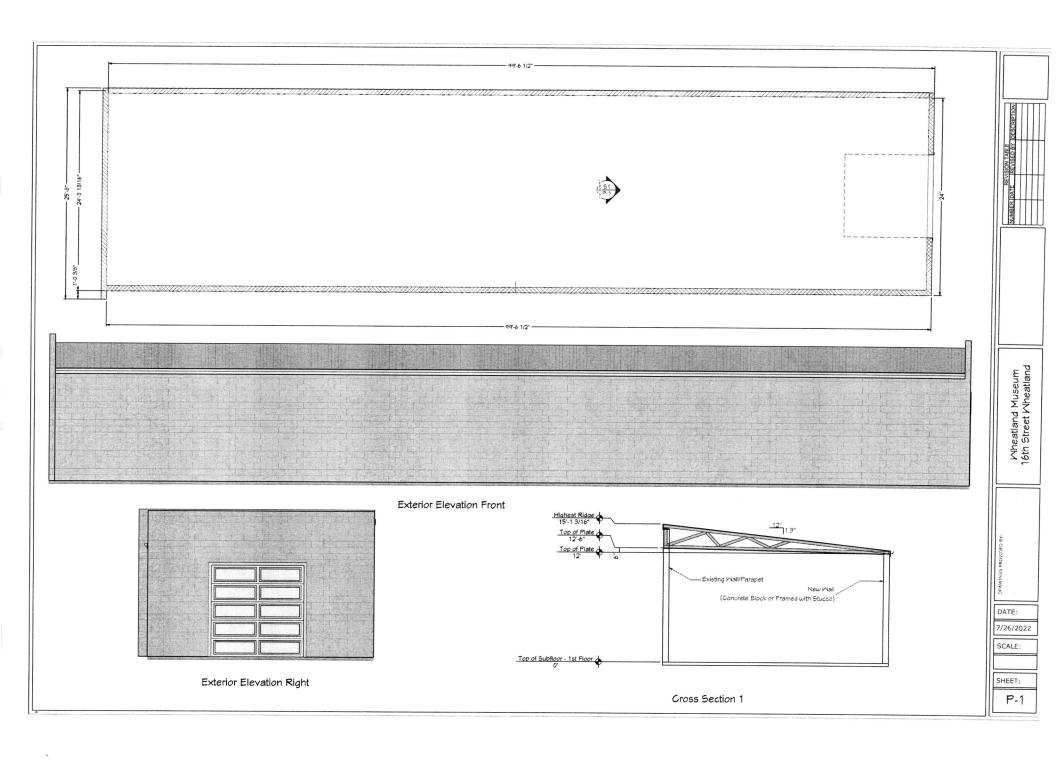
#### **Board of Adjustment Options**

- 1. Approve the request as proposed.
- 2. Approve the request with conditions added by the Board of Adjustment.
- 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. 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, and public notice.
- 5. Deny the request with or without prejudice.

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

Description of requested VARIANCE (include why the variance is necessary):
We are requesting a variance to build the new building to the South of the existing building 44" from the property
line.

TOW - VAR - 23 - 28



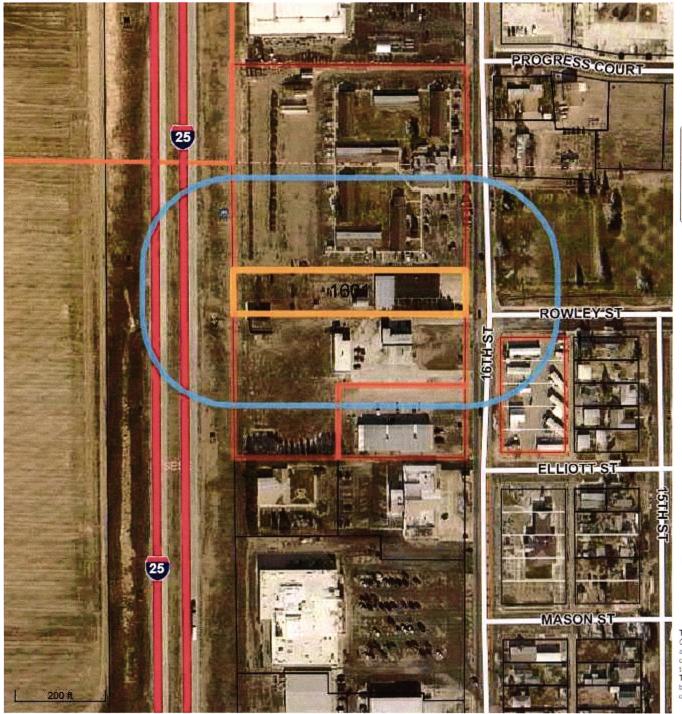


#### Platte County, Wyoming

1601 16th Street- Aerial View

- Township Line 2022 Aerial Photography (hi res, limited ar
- A Railroad
- US Highway/Interstate
- State Highway
- County Road
- Municipal Limits
- Bureau of Land Management Department of Defense
- Forest Service
- State of Wyoming
- Bureau of Reclamation

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#### Platte County, Wyoming

601

Properties within 140 feet 16th St, excluding streets and alleys.

- Township Line 2022 Aerial Photography (hi res, limited ar
- A Railroad
- US Highway/Interstate
- State Highway
- County Road
- Municipal Limits
- Bureau of Land Management Department of Defense
- Forest Service
- State of Wyoming
- Bureau of Reclamation

NORTH

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### TOWN OF WHEATLAND PLANNING OFFICE

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

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

Applicant:

Wheatland Landholding, LLC

Request:

A permanent parking variance, in a District zoning which has passed the 2<sup>nd</sup> reading of the

Wheatland Town Council for a General Business District, but currently still zoned as a

Conservancy District.

Location:

Town of Wheatland, part of the NE4NW4, of Section 24, Township 24 North, Range 68

West, 1251 Cole Street, Wheatland, WY 82201.

Meeting:

Board of Adjustment – November 21st, 2023

#### **Proposal Details**

Wheatland Landholding is requesting a permanent variance for parking. Wheatland Landholding states there is not enough parking for the restaurant to meet the current town code. Wheatland Landholding has requested the use of the vacant lot across the street to the north, which is owned by the Town of Wheatland, and possibly the use of parking by the ballfields, also owned by the Town of Wheatland. The Wheatland Town Council heard this request and stated patrons of the restaurant are welcome to use these areas, but they will not be designated as parking lots, and they will be considered park at your own risk areas.

According to Wheatland Municipal Code (WMC) 18.85.010(b), all parking shall be on the lot which contains the principle uses requiring parking or within 300 feet except in a General Business or Highway Business District where the parking shall be supplied within the boundaries of the district. According to WMC 18.85.010(c), restaurants are required to have one space per three seats. According to WMC 18.95.150, the Board of Adjustment is granted the power to adjust the applications of WMC Title 18.

#### **Agency Comments**

Street Super Intendent Toby Hohnholt: All will be fine if they want to pay for the improvements.

<u>Town Engineer John Wetstein</u>: I am with Planner Dumont on this as far as requesting additional information. Is the inadequacy of the parking only an issue due to parking conflicts between people parking just to golf and those eating in the restaurant or is the approximately 37 parking spaces inadequate for the seating capacity of the restaurant?

<u>Town of Wheatland Clerk Candy Wright:</u> After meeting with Mayor Graves and several department heads we have determined that Nessie's customers are welcome to park on the town's property off of Cole Street but we will not be designating the property as a parking lot. It will remain a "park at your own risk" area.

No other agency comments were received for this application.

#### **Neighbor Comments**

No neighbor comments were received for this application.

#### **Analysis**

On October 10<sup>th</sup>, 2023, the Planning Office sent an email to the representative of Wheatland Landholding, Amy Clark, expressing the following concerns. To the best of the Planning Office's knowledge, 1251 Cole Street, is still owned by 1251 Cole Street, LLC, and requested documentation showing Wheatland Landholding, LLC, is now owner of the property or documentation showing 1251 Cole Street, LLC, and Wheatland Landholding, LLC, are one in the same. The second concern was the clarification on the exact request, how would you like the current code changed, to accommodate the business. On October 10<sup>th</sup>, 2023, Amy Clark responded with confirming ownership of the property has changed to Wheatland Landholding, LLC, and would get me that information. Amy Clark continued to state we are requesting a permanent parking variance in lieu of a temporary parking variance.

On October 11<sup>th</sup>, 2023, the Planning Office responded to Amy Clark stating a permanent parking variance is very open ended and please be more specific so an analysis of the request can be presented to the Board of Adjustment. As of November 14<sup>th</sup>, 2023, Amy Clark has not responded to this request by the Planning Office nor has submitted documentation that Wheatland Landholding is the current owner of the property.

On November 2<sup>nd</sup>, 2023, the Planning Office sent a confirmation letter to Amy Clark for this proposal. In the confirmation letter the Planning Office requested for a third time for clarification on this request, which no response was received. The correspondence between the Planning Office and Amy Clark, along with the confirmation letter is attached to this packet.

Due to this inadequate information for this request the Planning Office is unable to provide an analysis for the Board of Adjustment. The Planning Office recommends the Board of Adjustment approve option 4, postpone this request at the applicant's expense to provide more information, or option 5, deny the request.

#### **Attachments**

- 1. Letter of Justification provided by Applicant.
- 2. Aerial View of Property with possible locations for more parking.
- 3. Email correspondence between the Planning Office and Amy Clark.
- 4. Confirmation Letter for this request sent to Amy Clark.

#### **Requirements for Approval**

The Planning Office has not received a signed protest from 20% of property owners within 140 feet, excluding streets and alleys, for this application, meaning a three-member approvement from the Board of Adjustment is required for quorum approval.

#### **Board of Adjustment Options**

- 1. Approve the request as proposed.
- 2. Approve the request with conditions added by the Board of Adjustment.
- 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. 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, and public notice.
- 5. Deny the request with or without prejudice.

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



September 18, 2023

Board of Adjustments Planning Office 600 9<sup>th</sup> Street Wheatland, Wyoming 82201

To whom it may confirm,

Wheatland Landholding LLC owns the restaurant located at 1251 Cole Street, Wheatland, Wyoming. We are currently in the process of changing the land use district from Conservancy District to General Business District.

We are requesting a permanent variance for parking. There is not enough parking for the restaurant building to meet the current town code. Even with the zoning change to General Business District, there will still not be enough parking to meet the town code requirements.

There are several areas that additional parking may be utilized, however, these areas are located on Town property. We have started the process of working with the Town Clerk to explore the improvement and utilization of the vacant lot across from the restaurant and next to the water towers for additional parking. This would include installation of a crosswalk at a safe location and flashing crosswalk sign at the top of the hill on Cole Street. There is additional parking available at the baseball/softball fields that could be utilized with the use of a shuttle for patrons. Restaurant patronage would determine the need for this parking area to be utilized.

Due to these limitations, we are requesting a Permanent Parking Variance for 1251 Cole Street, Wheatland, Wyoming.

Kind regards,





#### Town of Wheatland Planner <planner@townofwheatlandwy.org>

#### Parking Variance 1251 Cole St

3 messages

Town of Wheatland Planner planner@townofwheatlandwy.org>

Tue, Oct 10, 2023 at 10:43 AM

To: Amy Clark <amy.clark@twinpinebison.com>
Cc: Candy Wright <clerk@townofwheatlandwy.org>

Good morning Amy

I'm looking over the parking variance for 1251 Cole Street and see the applicant has changed from 1251 Cole Street, LLC, to Wheatland Landholding, LLC. I still show 1251 Cole Street, LLC as the owner of the property. Can you please provide some documentation for this change in ownership or something that ties 1251 Cole Street, LLC, to Wheatland Landholding, LLC?

In the letter of justification the request is for a permanent parking variance. Can you expand on that? Current WMC requires one parking space per three seats for restaurants and cocktail lounges. What would you like that code changed to?

The deadline for the October BoA meeting was September 12th, and this application was received on September 19th, so this request will be heard at the November 21st Board of Adjustment meeting. If you have any questions please let me know.

Thank you

Douglas R. Dumont

Planning and Zoning
Town of Wheatland - County of Platte

Amy Clark <amy.clark@twinpinebison.com>

Tue, Oct 10, 2023 at 11:12 AM

To: Town of Wheatland Planner <planner@townofwheatlandwy.org>

Cc: Candy Wright <clerk@townofwheatlandwy.org>

Good morning,

The ownership of the property has changed to our Wheatland Landholding LLC company. I have requested the documentation from our Property Management Office and will send that when I receive it.

Yes, we are requesting a permanent parking variance in lieu of a temporary parking variance.

[Quoted text hidden]

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Kind regards,



# Amy Clark Operations Assistant | Project Manager Hoskinson Ranch | Twin Pine Bison Co.

M: 907.220.4403

E: amy.clark@twinpinebison.com

www.twinpineranch.com







#### 644 Harris Park Rd, Wheatland, WY 82201

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Wed, Oct 11, 2023 at 11:53 AM

Amy

Thank you for updating me on change of ownership, once you send that documentation, I will add it to the application.

I am still uncertain on what is being requested. A permanent parking variance is very open ended. If you could be more specific on what part of the parking code you want changed, and changed to what, I can create an analysis for the Board of Adjustment.

Thank you

Douglas R. Dumont
Planning and Zoning
Town of Wheatland - County of Platte

[Quoted text hidden]



### Town of Wheatland Planning & Zoning

600 9<sup>th</sup> Street · Wheatland, WY 82201 · 307-322-2962

November 2nd, 2023

Wheatland Landholding, LLC Amy Clark amy.clark@twinpinebison.com

RE: VAR-23-26

Wheatland Landholding, LLC,

Thank you for submitting your application for a parking variance to the Board of Adjustment for the property, located at 1251 Cole Street, Wheatland, WY 82201.

This request will be reviewed at the following meetings:

Wheatland Board of Adjustment on November 21st, 2023, at 7:00 P.M.

All meetings will be held in the Town Hall Council Chamber, which is located at 600 9<sup>th</sup> St, here in Wheatland. Please use the rear east entrance.

Either you or your representative must attend all meetings regarding any questions the Wheatland Board of Adjustment may have. Otherwise, the Board will have the authority to reject your application. The Planning Office still requires documentation that 1251 Cole Street, LLC, has changed their name to Wheatland Landholding, LLC, or a copy of the deed with Wheatland Landholding, LLC, as the owner of the property will suffice. The Planning Office is also still asking for a more specific request than a permanent parking variance. The current Wheatland Municipal Code states a restaurant is required to have a parking spot for every three seats, what would you like that changed to.

You can attend the meeting remotely, if necessary, please coordinate with the Planning Office prior to the meeting. Public notice has been placed in the local paper and certified mail to neighbors has been sent. Please email <a href="mailto:planner@townofwheatlandwy.org">planner@townofwheatlandwy.org</a> with any questions or concerns you may have.

Thank you,

Douglas R. Dumont

Planner

Town of Wheatland - County of Platte