



# Town of Wheatland Planning and Zoning Commission

Minutes – October 5<sup>th</sup>, 2023

## Call to Order – Roll Call

The Town of Wheatland Planning and Zoning Commission meeting was called to order at 6:00 p.m. on Thursday, October 5<sup>th</sup>, 2023, by Chairman Phathom Holt in the Town Hall Council Chambers.

Members Present: Chairman Holt, Vice Chairman George Pile, Member Allen Kanwischer, Member Pat Mitchell, Member Clay Becker, Member Randy Chesser, and Member Mike Holst

Members Absent: Alternate Member Jarvis Windom

Staff Present: Town of Wheatland Clerk Candy Wright and Planner Douglas Dumont

## General Citizen Comments

Chairman Holt asked if there were any general comments from the public, none were taken.

## Declaration of conflicts of Interest

Chairman Holt asked if there were any conflicts of interest in the matters to come before the commission, none were noted.

## Old Business

Review and Revocation of Special Use Permit #07-08 to be allowed to operate a vehicle repair shop within a Highway Business District for Wheatco Sales and Services, located at 1801 9<sup>th</sup> Street.

Planner Dumont read the review and revocation as presented in the meeting packet. Planner Dumont asked if the Commission had a chance to look at 1801 9<sup>th</sup> Street recently. The Commission confirmed they had. Vice Chairman Pile stated he believed they have done a good job so far, but they have a way to go.

A MOTION by Member Becker, with a second by Vice Chairman Pile, to postpone this decision until the December meeting and have a certified letter be sent to the owners.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Review and Revocation of Special Use Permit #23-02 to be allowed to have five steel storage containers within a Highway Business District for Wyoming Grain Corporation (Best Western), located at 1905 16<sup>th</sup> Street.

Planner Dumont read the review and revocation as presented in the meeting packet. Planner Dumont asked if the Commission had a chance to look at 1905 16<sup>th</sup> Street. The Commission confirmed they had. Vice Chairman Pile stated he was able to look a day and a half ago and all

they have done is add to the junk, they haven't painted, they haven't screened anything, and they have totally ignored us.

A MOTION by Vice Chairman Pile to revoke SUP #23-02 failed due to lack of a second.

Member Becker asked if Wyoming Grain Corporation has been sent a certified letter. Planner Dumont explained they had not.

A MOTION by Member Becker, with a second by Member Holst, to postpone this matter until our November meeting with a certified letter being sent.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

### **New Business**

Application for a Land Use District Boundary Change (Rezone) from a Conservancy District to a General Business District, for 1251 Cole Street, LLC, represented by Amy Clark, located at 1251 Cole Street.

Planner Dumont presented the application to the Commission as written in the meeting packet. Planner Dumont asked the Commission if they had any questions regarding the meeting packet. Vice Chairman Pile asked why a bar and restaurant at this location was there already if it was zoned a Conservancy District. Planner Dumont explained the bar and restaurant used to be part of the golf course, and a golf course is allowed within a Conservancy District. Planner Dumont further explained at some point in time the restaurant and bar split off from the golf course and were allowed to stay, due to non-conforming or grandfathering rules. Planner Dumont stated the restaurant and bar had been vacant for over a year and had lost their grandfathering use.

A MOTION by Member Kanwisher, with a second by Member Mitchell, to approve the Land Use District Boundary Change as proposed.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Application for a multiple use Special Use Permit in an Industrial District, by Consolidated Rentals of Casper, LLC, represented by Attorney Rex Johnson, located at 1003 16<sup>th</sup> Street, 503, 507, and 509 7<sup>th</sup> Street.

Planner Dumont presented the application to the Commission as written in the meeting packet. Planner Dumont asked the Commission if they had any questions regarding the meeting packet. Member Holst asked if we grant this SUP, can we have measures revoke if Consolidated Rentals does not do what we ask. Planner Dumont explained the steps for revoking a SUP and the timeframe which that can occur in. A member of the public had a question about the engineering aspect of the proposed rock wall, with concerns about the drainage of fluids from

wrecked vehicles seeping out when there is hard rain. Planner Dumont explained to the best of his knowledge that had not occurred but could be a stipulation the Commission can do should they choose to approve this request. A member of the public had a question about the application process and if meeting packets were available to the public. Planner Dumont explained the steps from a submittal deadline to the time of a meeting, all meeting packets are available to the public upon request.

Chairman Holt asked if there were any other general questions or comments. Tiffany Lange who resides at 396 Brookside Road, stated she own's Lee's Towing and runs Platte County Repair. Tiffany stated in 2018 she had requested a similar application and was denied due to big concerns by I different Planner and City Attorney Weaver. Tiffany gave a packet to all the Commission members concerning the meeting she was referencing. Tiffany stated the Town Engineer, John Wetstein, who is still the Town Engineer, had concerns about contaminants running into the aquifer. Tiffany stated she has a complaint of why the same people who had issues with this in 2018, had no issues with it now for the 16<sup>th</sup> Street location and the to be discussed later 7<sup>th</sup> Street location. Tiffany stated Russell McClain used to have a crusher with a SUP and stipulations were not imposed on the crusher like they were in 2018 for their request. Tiffany wanted the two different sets of standards to be addressed by the Planning Commission. Tiffany also wanted the fee schedule for this application to be addressed, why were so many SUP requests being allowed on one application. Tiffany explained the differences between vehicles sitting in Colorado and Wyoming and had objections to the list of pros in the current packet. Tiffany wanted the Commission to address if she couldn't do it, why can Russ McClain.

Member Mitchell asked what the permitting for a towing company with wrecked vehicles. Planner Dumont stated the permitting was through the state and they would have to comply with States regulations, and the Town of Wheatland does not have permitting for a tow company.

A member of the public wanted to know why you would want to put a junkyard on one of the busiest streets in Wheatland, when so many people from out of state go down it. A member of the public stated Lock Trucking was there before the residential homes and were good neighbors, a junkyard with chemicals is not a good neighbor. More comments from different members of the public stating they were not in favor of the junkyard on 16<sup>th</sup> Street and chemicals being leaked from wrecked vehicles.

Rex Johnson spoke for Consolidated Rentals of Casper. Rex stated all the complaints received have been about the 16<sup>th</sup> Street location, none about the 7<sup>th</sup> Street location. Rex went into the history of the property, when owned by Lock Trucking, and how Russ McClain has kept current properties looking good. Rex went over the allowed uses in an Industrial zone which made more of an impact than what they were requesting. Rex stated nowhere in the letter of justification was there a requested use for a junkyard or salvage yard. Rex stated the plans for the uses being requested will be long-term storage of vehicles at the 7<sup>th</sup> Street location, not 16<sup>th</sup> Street. Rex spoke about the construction of a six-foot rock fence and do plan to have the fence engineered. Rex stated if the towing business is not allowed, the fence will not be built. Rex stated they plan to pave a portion of the property to cut down on the dust. Rex went over the complaints made in the 20% signed protest letters and made an argument against the complaints. Rex went over the pros and cons outlined in the meeting packet and made arguments against the cons.

Member Chesser asked Rex about the tow company being on the Highway Patrol rotation and asked if they would be on the Sheriff's and Wheatland rotation and how many tow companies

would be at this location. Rex confirmed with Russ McClain that only one tow company would be on the property, and they would have one large tow truck.

Tiffany read the Town of Wheatland Municipal code for the definition of a junkyard. Chairman Holt confirmed the definition was correct with Planner Dumont. A member of the public wanted to note Rex was doing a lot of speculation and why wasn't Russ McClain present to represent himself. Vice Chairman Pile stated Russ was present.

Jermeij Lange stated the speculation of ten to fifteen vehicles a year is insane. Jermeij Lange stated the claim of draining the wreckage before being towed is false, vehicles are never drained.

A member of the public was concerned about the office space creating more traffic congestion, and property values going down.

A member of the public wanted to know how long it has been since any corn or wheat was stored in the existing bins. Rex stated he did not know when they stopped storing wheat at that location. Rex stated one of the allowed activities in an industrial district is nontoxic material storage.

Jermeij Haroldson spoke about business in the Town of Wheatland and how we need to be favorable to businesses coming in. Jermeij Haroldson stated we have pre-existing infrastructure that needs to be allowed to be used.

Debate about the use of the grain bins and their history continued between members of the public.

Member Becker stated he didn't understand how all these uses would work on one lot. Member Becker stated we have too many vacant properties not being utilized, let's beautify Wheatland and clean it up. Member Becker asked the question of what we are focusing on for this location, repairing vehicles and towing them, or is it an agricultural side. Rex disagreed with Member Becker and stated all the uses can be done at the same time and utilizing the property is the goal. A member of the public stated doing a bunch of little things at once creates chaos, which begins the junk yard effect.

Vice Chairman Pile entertained a motion to split the seven uses up and vote on them accordingly. Member Mitchell asked before the Commission gets started why the business was called Consolidated Rentals of Casper when you are not renting anything. Rex stated it was just a name selection, Member Mitchell stated that was deceiving. Rex stated we can change the name to anything, it's just a name.

A MOTION by Vice Chairman Pile, with a second by Member Chesser, to vote on the seven uses separately.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Chairman Holt stated let's talk about the auto repair shop. KC Murphy, owner of Capstone Industries, spoke in favor of Russ McClain and how he kept his current properties and past buildings in excellent condition. A member of the public asked the Commission if they could get the Town Engineer to weigh in on any of this new construction before it begins. Vice Chairman Pile stated he believes an auto repair shop is an excellent idea. Vice Chairman Pile asked Russ McClain what type of vehicles you will be working on. Russ answered any type of vehicle. Russ continued to speak about the fence and how the drainage will not change. Vice Chairman Pile wanted to know how long the vehicles would be sitting there for the auto repair shop. Russ stated he couldn't absolutely put a time frame on how long a vehicle might be there, but he doesn't like things sitting around on his property and suggested people view his other properties. Vice Chairman Pile stated we already had a similar request with Platte County Repair and a 72-hour time. Member Mitchell stated we already have a problem with Wheatco and Best Western we can't get dealt with, are we opening another can of worms? Chairman Holt stated we are dealing with Wheatco. A member of the public asked why Russ McClain bought the property before finding out if he could use it for what he wanted, it appeared something "hinkie" was happening. Vice Chairman Pile assured the public nothing "hinkie" was going on.

A MOTION by Vice Chairman Pile to approve the auto repair shop with a stipulation for a 72-hour time limit for vehicle to be parked outside, failed due to lack of a second.

The Commission began asking about the existing fence which is a chain link is already in place for the west and south side of the property. The new rock fence will be placed on the north and east side of the property. Member Mitchell asked about the fence on the south side and if they would be getting a rock fence. Chairman Holt and Vice Chairman Pile brought the discussion back to the motion which failed to garner a second or any other motion.

Chairman Holt brought the discussion to the towing business. Member Becker asked Russ how many tow trucks the business was going to have. Russ stated there would be one large tow truck and two small tow trucks. Jeremy Lange commented on towing in semi-trailers, which can cause large amounts of damage to nearby properties when on tow lot with high winds. Discussion on where the office needed to be in comparison to the tow lot for state regulations between the public and Commission. Chairman Holt asked if there was a motion for the tow company.

A MOTION by Member Becker, with a second by Member Holst, to deny the towing operation at 1003 16<sup>th</sup> Street.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: Member Kanwisher.

MOTION DECLARED CARRIED

Member Becker requested we go back to the auto repair shop request. Member Becker stated we put a 72-hour vehicle stipulation on Platte County Repair. Member Becker asked Russ how many bays were at 1003 16<sup>th</sup> Street. Russ answered six.

A MOTION by Member Becker, with a second by Member Holst, to approve the auto repair shop at 1003 16<sup>th</sup> Street, with the stipulation that only what is to be worked on sits on the lot and only for 72 hours.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Chairman Holt asked if there was motion for short term storage. Member Becker asked if we deny the short-term storage will it effect the auto repair. Jeremy Lange stated there is a difference between towing a vehicle in for auto repair and for storage. Jermey Lange stated if a vehicle breaks down and is towed to the business for repair, at no time are we storing the vehicle. Planner Dumont stated if the vehicle is a bonified use for the repair shop, the storage goes with that repair shop but only for 72 hours because of the stipulation the Commission applied.

Vice Chairman Pile stated when he came in tonight, he spoke with a gentleman who is on the Wheatland Board of Adjustment, about this being a big meeting. Vice Chairman Pile stated the Board of Adjustment Member informed him it doesn't matter what you do, they will overturn it. A member of the public stated they witnessed that. Daryl Tiltrum stated he did not say what he was being accused of. Vice Chairman Pile asked Planner Dumont how the appeal process works. Planner Dumont stated his interpretation of the code is there must be error to appeal. Planner Dumont offered examples of what he considered errors to the Commission. A member of the public asked if something was wrong with the paperwork, would that be an error. Planner Dumont replied that it would be considered an error.

A MOTION by Member Mitchell, with a second by Member Becker, to deny short term storage of vehicles on 1003 16<sup>th</sup> Street.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: Member Kanwisher.

MOTION DECLARED CARRIED

A MOTION by Member Becker, with a second by Vice Chairman Pile, to approve use of the existing scale at 1003 16<sup>th</sup> Street.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

A MOTION by Vice Chairman Pile, with a second by Member Holst, to approve the use of existing grain bins as designed at 1003 16<sup>th</sup> Street.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Member Chesser asked why we need to approve the sale of farm supplies. Planner Dumont explained the wording of the code is open for interpretation so he asked Consolidated Rentals of Casper to add it just so it is covered.

A MOTION by Member Becker, with a second by Member Chesser, to approve the use of sale of farm supplies at 1003 16<sup>th</sup> Street.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

A MOTION by Member Chesser, with a second by Vice Chairman Pile, to approve the use of office space to be used for businesses at 1003 16<sup>th</sup> Street.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Planner Dumont asked for clarification on the approved use of a vehicle repair shop and confirmed there was quorum. Planner Dumont asked if there will be any stipulations on the five approved uses.

A MOTION by Vice Chairman Pile, with a second by Member Holst, to have the stipulation of a building permit review by the Town of Wheatland utility departments for any building permit required.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Member Michell brought up a stipulation for the fence. Rex stated if the tow company is not approved there will be no rock fence. Member Becker stated we can still make it a stipulation. Jeremy Lange stated if you require a fence, there will be snow drifting on 16<sup>th</sup> Street. Jeremy Lange stated you did not require a fence for Platte County Repair so there shouldn't be one for here either. The Commission had discussion with the public and each other about the possible stipulation for a fence. With no further motions, Chairman Holt ended the discussion on stipulations.

Planner Dumont asked now that everything has been worked through can we get a final motion for 1003 16<sup>th</sup> Street portion of this application.

A MOTION by Member Becker, with a second by Member Chesser, to approve the SUP, located at 1003 16<sup>th</sup> Street, for the following uses: auto repair shop for vehicles rated less than one and one-half ton, use of existing scale, use of grain bins as designed, sale of farm supplies, utilization of the current offices for businesses, with the stipulations of any new construction which requires a building permit through the Town of Wheatland will require the approval of the Town of Wheatland utility Department Heads for easements and access, and vehicles stored outside in conjunction with the auto repair shop shall not remain outside for more than seventy-two hours.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

Planner Dumont read the portion of the meeting packet concerning 503, 507, and 509 7<sup>th</sup> Street and the request by Consolidated Rentals of Casper for long term storage of vehicles for all three lots. Planner Dumont asked the Commission if they had any questions on this part of the application. Member Mitchell requested clarification on the locations for this permit. Planner Dumont explained the location to Member Mitchell's satisfaction.

Chairman Holt asked if there were any questions or comments from the public concerning this request. Tiffany Lange asked the Commission to please review all the comments from the application she applied for five years ago, regarding the concerns of a junkyard being near the well. Jeremy Lange asked Planner Dumont what the word "collachrymate" was in the public notice for this application. Planner Dumont stated he puts an old word somewhere in all his public notices to gain more attention by the public. Jeremy Lange stated he was offended by the word and wanted an explanation for it. Planner Dumont stated the old-time words in the public notice are to gain attention, not to offend. Planner Dumont stated he has the word with the definition in his office but does not know it off the top of his head and would be happy to go over it with Jeremy. Jeremy stated he felt the application fee for the 7<sup>th</sup> Street location was not being charged correctly. Planner Dumont explained his thought process for application fees to the Commission. Jeremy requested the Commission hold off on deciding on the 7<sup>th</sup> Street portion of this application until the Wheatland Town Council can address the application fees and language of the public notice.

Tiffany Lange expressed concerns about the meeting packet for this meeting not being up on the website five working days prior to the meeting. Planner Dumont and Clerk Wright explained there was technical issues with the website. Vice Chairman Pile asked if this application could be postponed. Rex made an argument against the Commission postponing this application. Vice Chairman Pile asked Planner Dumont to over all the options the Commission has for making a motion. Planner Dumont read the options as written in the packet.

A MOTION by Member Mitchell to postpone indefinitely failed due to lack of a second.

A MOTION by Member Kanwisher, with a second by Member Holst, to approve the request as proposed.



Upon roll call the vote on the MOTION was:

YES: Member Kanwisher and Member Holst.

NO: Vice Chairman Pile, Member Mitchell, Member Becker, Member Chesser.

MOTION DECLARED FAILED

A MOTION by Member Becker, with a second by Member Chesser, to postpone to a definite time.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Becker, Member Mitchell, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

### **Approval of Minutes**

Approval of minutes from the September 7th, 2023, Regular Meeting.

A MOTION by Member Becker, with a second by Member Mitchell, to approve the September 7<sup>th</sup>, 2023, Regular Meeting minutes.

Upon roll call the vote on the MOTION was:

YES: Vice Chairman Pile, Member Kanwisher, Member Mitchell, Member Becker, Member Chesser, and Member Holst.

NO: None.

MOTION DECLARED CARRIED

### **Commission Discussion**

Planner Dumont went over the applications for the November 2<sup>nd</sup>, 2023, Regular Meeting. The Commission had no further discussion or questions.

### **Adjournment**

Meeting adjourned at 8:01 pm.

Approve:

Attest:

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Planning & Zoning Commission Chairman

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Town Planner