



TOWN OF WHEATLAND

PLANNING OFFICE

600 9TH STREET • WHEATLAND • WYOMING
OFFICE 307 • 322 • 2692 FAX 307 • 322 • 2968

Review and Revocation

Applicant: Brinda Foster for Wheatco Sales and Service
Review: Special Use Permit #07-08, to be allowed to operate a vehicle repair shop within a Highway Business District
Location: Town of Wheatland, Part of the NE4SW4, Section 12, Township 24 North, Range 68 West, 1801 9th Street, Wheatland, Wyoming 82201
Meeting: Planning and Zoning Commission – December 7th, 2023

Details

On April 6th, 2023, the Town of Wheatland Planning and Zoning Commission reviewed SUP #07-08 for Wheatco Sales and Service to operate a vehicle repair shop within a Highway Business District for possible revocation. The Commission decided to give Wheatco until the October 5th, 2023, meeting to perform the following.

1. Build a fence to keep all the discarded materials behind it out of view of the public.
2. Put all the vehicles that are allowed to be there in a neat orderly fashion.
3. Remove all abandoned vehicles.

On October 5th, 2023, the Commission decided to give Wheatco until the December 7th, 2023, meeting, to fulfill the requirements they requested. The Commission requested the Planning Office mail a certified letter to Wheatco informing them of their decision. On November 9th, 2023, the Planning Office mailed a certified letter to Wheatco, which Brinda Foster signed for. The certified letter Brinda signed as receiving is attached to this packet.

Planning and Zoning Commission Options

1. Revoke Special Use Permit #07-08 and forward it to the City Attorney for litigation.
2. Allow Special Use Permit #07-08 to remain with no further review.
3. Allow Special Use Permit #07-08 to remain with new stipulations.
4. Postpone to a definite time, continues the request to the next regularly scheduled meeting of the commission to allow further review to be done.
5. 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.

A four-member agreement by the Planning and Zoning Commission for one of the above options is required for a quorum.



Town of Wheatland Planning & Zoning

600 9th Street · Wheatland, WY 82201 · (307)322-2962

November 9th, 2023

Wheatco Sales and Service
Attention: Brinda Foster
1801 9th Street
Wheatland, WY 82201

Greetings,

On April 6th, 2023, the Town of Wheatland Planning and Zoning Commission reviewed SUP #07-08 for Wheatco Sales and Service to operate a vehicle repair shop within a Highway Business District for possible revocation. The Commission decided to give Wheatco Sales and Service until their October 5th, 2023, meeting, to perform the following:

1. Build a fence to keep all the discarded materials behind it out of view of the public.
2. Put all the vehicles that are allowed to be there in a neat orderly fashion.
3. Remove all abandoned vehicles.

On October 5th, 2023, the Wheatland Planning and Zoning Commission reviewed SUP #07-08 and decided to extend making a final decision on this revocation until their December 7th, 2023, meeting. The Commission requested the Wheatland Planning Office send a certified letter informing the owner of their decision and request a representative of the owner be present at the December 7th, 2023, meeting.

As the owner of this property, you are not obligated by any legal measures to send a representative to the meeting. If by the December 7th, 2023, meeting, the Wheatland Planning and Zoning Commission determine SUP #07-08 is in violation, and no representative for the owner of the property is present, the Wheatland Planning and Zoning Commission may choose to revoke SUP #07-08. Should SUP #07-08 be revoked, this matter will be sent to the Wheatland Town Attorney for review of any litigation they deem necessary.

If you choose to send a representative to the meeting, please have them prepared to answer questions regarding this matter to the Wheatland Planning and Zoning Commission. The meeting will be on December 7th, 2023, at 6:00 pm, located at Wheatland Town Hall, 600 9th Street, Wheatland, WY 82201. Please use the east rear entrance. If you have any questions, I can be reached by email at planner@townofwheatlandwy.org, or you may call Wheatland Town Hall at (307) 322-2962.

Thank you,

Douglas R. Dumont
Planning and Zoning
Town of Wheatland



TOWN OF WHEATLAND

PLANNING OFFICE

600 9TH STREET • WHEATLAND • WYOMING
OFFICE 307 • 322 • 2692 FAX 307 • 322 • 2968

Applicant: Bruce and Cynthia Hilty
Request: Boundary Line Adjustment
Location: Part of the SE4NE4, of Section 14, Township 24 North, Range 68 West, 1653 and 1657 West Walnut Street, Wheatland, WY 82201.
Meeting: Planning and Zoning Commission – December 7th, 2023

Proposal Details

Bruce Hilty, owner of 1653 West Walnut Street, and Cynthia Hilty, owner of 1657 West Walnut Street are requesting a boundary line adjustment for their properties. Bruce and Cynthia are requesting approximately 1,362 square feet from 1657 West Walnut Street be removed and added to the southern property line of 1653 West Walnut Street. The reason for this request is because the building at 1653 received an addition which is on the property of 1657 West Walnut Street. Since both properties were in the same family there was no issue. Bruce would like to sell 1653 West Walnut Street and Cynthia would like to retain 1657 West Walnut Street, requiring a boundary line adjustment for the full building to be sold with the property at 1653 West Walnut Street.

According to Wheatland Municipal Code (WMC) 18.95.040, replat, boundary adjustments, and vacations - all petitions to make changes to platted subdivisions, record of surveys, platted lot lines, easements, and/or rights-of-way shall be initiated by filing an application with the planning office; the recommendation of the planning commission shall be transmitted to the town council prior to the council action.

Agency Comments

Water Super Intendent Rick Keck for the Town of Wheatland: I don't see any issues for water and wastewater.

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

No other agency comments were received for this application.

Neighbor Comments

None were received.

Analysis

Pros:

1. **Resolution of Property Dispute:** The boundary line adjustment proposed by Bruce and Cynthia Hilty aims to address a property-related issue resulting from an addition to the building at 1653 West Walnut Street, which encroached on the property of 1657 West Walnut Street. Approving this adjustment can resolve the dispute between the two properties.
2. **Family Continuity:** The properties have a family history, and this adjustment allows for a smooth transition of ownership within the family. By accommodating this request, the Wheatland Planning and Zoning Commission can contribute to maintaining a sense of continuity.
3. **Economic Benefits:** Granting the adjustment can have economic benefits for both parties involved. Bruce Hilty can sell 1653 West Walnut Street more effectively with the entire building intact, and Cynthia Hilty can retain her property at 1657 West Walnut Street without any encumbrances.
4. **Avoidance of Legal Disputes:** Denying the adjustment might lead to potential legal disputes between future property owners. Approving the request can help prevent legal complications, fostering a smoother transition and sale process.

Cons:

1. **Impact on 1657 West Walnut Street:** The proposed adjustment involves removing approximately 1,362 square feet from 1657 West Walnut Street. The Commission should consider the potential impact on the value and functionality of this property, as it may influence future development or use.
2. **Community Aesthetics:** Any adjustments to property lines can impact the visual aesthetics of the community. The Commission should evaluate whether the proposed change aligns with the overall planning and zoning for the future.
3. **Precedent Setting:** Approval of this boundary line adjustment might set a precedent for similar requests in the future. This could mean broader implications for zoning regulations and land use policies.

Possible Stipulations:

1. **Property Assessment:** Conduct a thorough assessment of both properties to determine the fair market value and potential impacts on property taxes.
2. **Architectural Review:** Require an architectural review to ensure that the adjustment aligns with the existing structures and does not compromise the overall aesthetics of the community.
3. **Legal Documentation:** Ensure that all legal documentation regarding the boundary line adjustment is properly executed and filed to avoid any future disputes or complications.

In conclusion, the Wheatland Planning and Zoning Commission should weigh the pros and cons of Bruce and Cynthia Hilty's boundary line adjustment request, considering both the immediate benefits to the family and potential long-term impacts on the properties and the community.

Implementing stipulations can help mitigate potential challenges and ensure a balanced decision.

Attachments

1. Aerial View of both properties
2. Record of Survey for new proposed boundary lines, prepared by a Professional Surveyor

Requirements for Approval

A four-member agreement from the Planning and Zoning Commission from one of the five options is required for a quorum.

Planning and Zoning Commission Options

1. Approve the request as proposed.
2. Approve the request with stipulations recommended by the Planning Commission.
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 cause.

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.



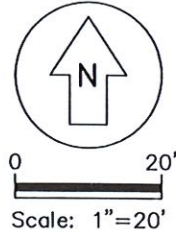
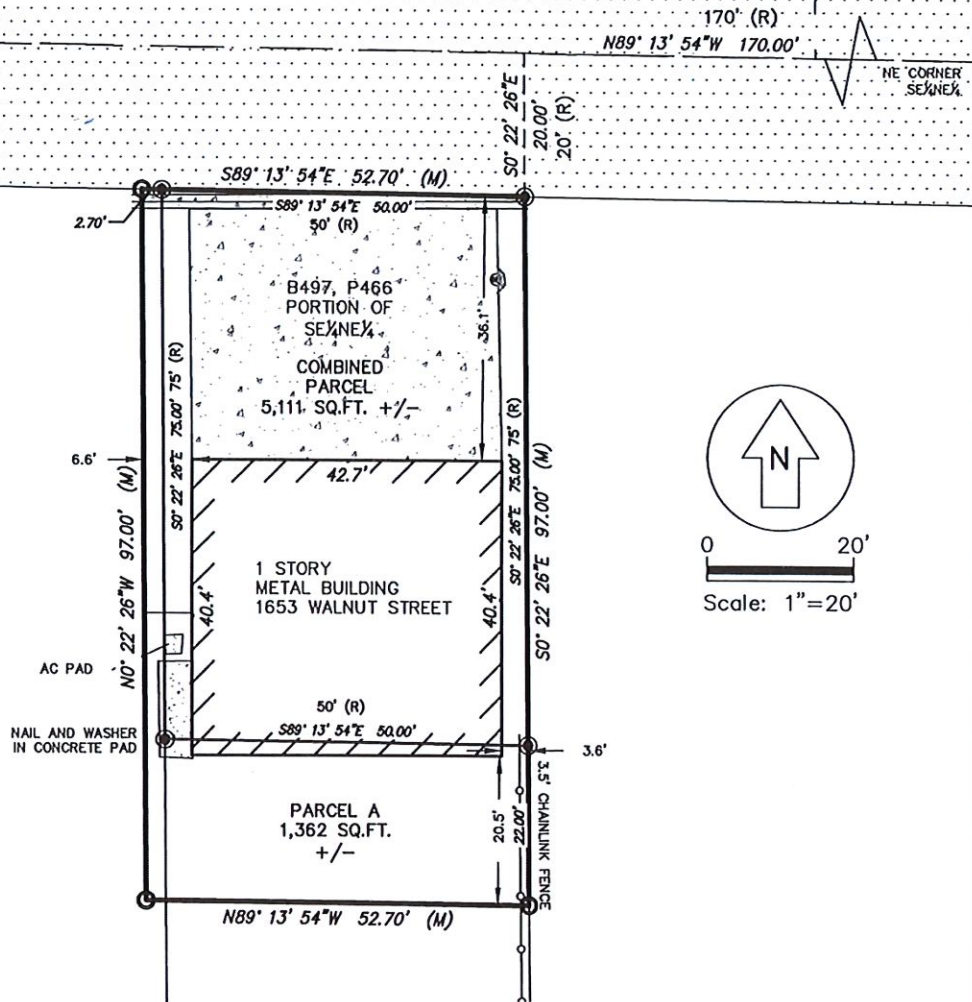
-  Township Line
-  2022 Aerial Photography (hi res, limited areas)
-  Railroad
-  US Highway/Interstate
-  State Highway
-  County Road
-  Municipal Limits
-  Bureau of Land Management

Current Boundary Lines of Properties

This data has been prepared from the best records available in Platts County. It is



Walnut Street (Apparent 40' R/W)



PARCEL A:

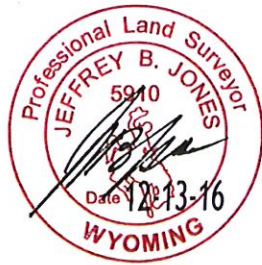
A tract of land being a portion of the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of Section 14, T.24N., R.68W., 6th P.M., Town of Wheatland, Platte County, Wyoming, more particularly described as follows:

Commencing at the Northeast Corner of the SE¼NE¼; thence N.89°13'54"W., a distance of 170.00 feet; thence S.0°22'26"E., a distance of 20.00 feet, to the Northeast corner of that parcel of land described in Book 497, Page 466, Platte County Clerk's Office; thence S.0°22'26"E., a distance of 75.00 feet to the Point of Beginning, being the southeast corner of said Book 497, Page 466; thence S.0°22'26"E., a distance of 22.00 feet; thence N.89°13'54"W., a distance of 52.70 feet; thence N.0°22'26"W., a distance of 97.00 feet; thence S.89°13'54"E., a distance of 2.70 feet; thence S.0°22'26"E., a distance of 75.00 feet; thence S.89°13'54"E., a distance of 50.00 feet to the Point of Beginning. Containing 1362± sq.ft.

COMBINED PARCEL:

A tract of land being a portion of the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of Section 14, T.24N., R.68W., 6th P.M., Town of Wheatland, Platte County, Wyoming, more particularly described as follows:

Commencing at the Northeast Corner of the SE¼NE¼; thence N.89°13'54"W., a distance of 170.00 feet; thence S.0°22'26"E., a distance of 20.00 feet, to the northeast corner of that parcel of land described in Book 497, Page 466, Platte County Clerk's Office, the Point of Beginning; thence S.0°22'26"E., a distance of 97.00 feet; thence N.89°13'54"W., a distance of 52.70 feet; thence N.0°22'26"W., a distance of 97.00 feet; thence S.89°13'54"E., a distance of 52.70 feet to the Point of Beginning. Containing 1362± sq.ft.



RECORD OF SURVEY
FOR
A PORTION OF THE SE¼NE¼,
S14 T24N, R68W,
TOWN OF WHEATLAND,
PLATTE COUNTY, WYOMING.

Date prepared: 12-13-16
Date of survey: 11-02-16

LEGEND

- SET 5/8" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- ⊙ FOUND 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- ⊕ EXISTING WATER METER
- (R) DENOTES RECORD DATA PER WARRANTY DEED
- (M) DENOTES MEASURED DATA THIS SURVEY

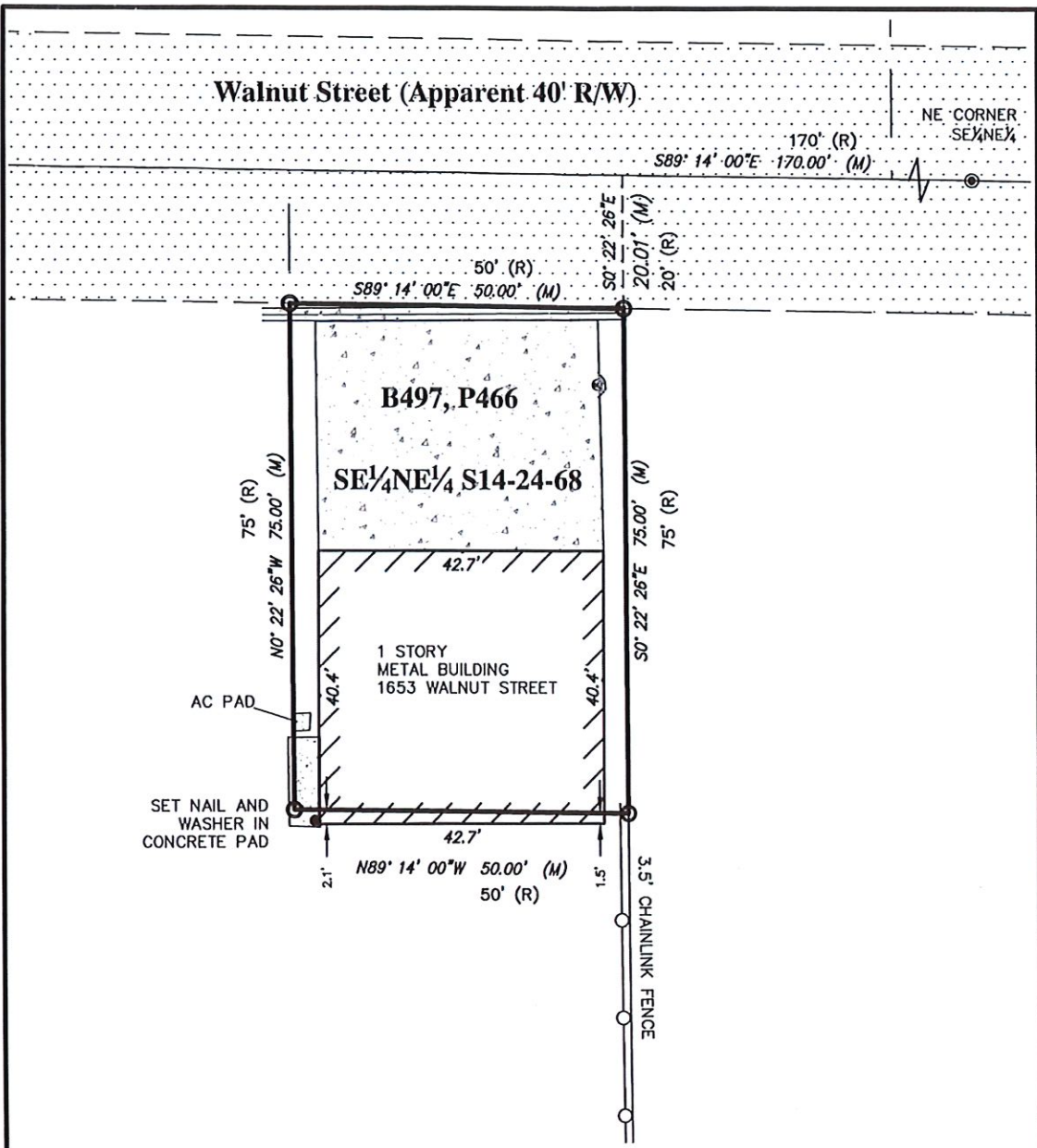


EXISTING CONCRETE SURFACE REVISED: 12-13-16
2016DWG\W16029 HILTY S14-24-68.DWG



STEEL SURVEYING SERVICES, LLC
PROFESSIONAL LAND SURVEYORS

1102 W. 10th ST. CHEYENNE, WY. 82001 (307)634-7273
750 GILCHRIST ST. WHEATLAND, WY. 82201 (307)322-9789



LAND DESCRIPTION:

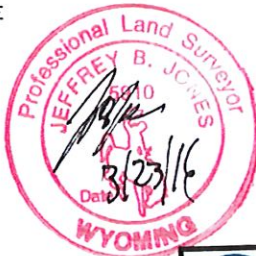
Section 14: That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:
 Beginning at a point 170 feet West and 20 feet South of the NE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence 75 feet South; thence 50 feet West; thence 75 feet North; thence 50 feet East to the Point of Beginning.

- (M) EXISTING WATER METER
- (R) DENOTES RECORD DATA PER WARRANTY DEED
- (M) DENOTES MEASURED DATA THIS SURVEY

 EXISTING CONCRETE SURFACE



0 20'
 Scale: 1"=20'



RECORD OF SURVEY
 FOR
 A PORTION OF THE SE $\frac{1}{4}$ NE,
 S14 T24N, R68W,
 CITY OF WHEATLAND,
 PLATTE COUNTY, WYOMING.

Date prepared: 2.25.2016
 Date of survey: 2.24.2016



STEEL SURVEYING SERVICES, LLC
 PROFESSIONAL LAND SURVEYORS
 1102 W. 19th ST. CHEYENNE, WY. 82001 (307)634-7273
 766 GILCHRIST ST. WHEATLAND, WY. 82201 (307)322-9789