

BOARD OF ADJUSTMENTS & PLANNING COMMISSION
REGULAR MEETING
May 24, 2007

The Worland Board of Adjustments & Planning Commission met on Thursday, May 24, 2007, at the Worland City Hall Council Chambers. Member Dave Duffy presided with the following members in attendance: Elaine Decker, Bob Michaels and Herm Emmett. Member Tom Harrington was absent.

Also in attendance were City Engineer David Anderson and 13 visitors.

Chairman Duffy called the meeting to order at 12:00p.m. Chairman Duffy moved to the first item on the agenda being the approval of minutes from the April 12, 2007 meeting. Motion to approve the minutes by Member Emmett and Member Decker seconded the motion. The minutes will stand as written.

Chairman Duffy moved to the next item on the agenda being Dorothy Farris. Ms. Farris currently has a camper trailer parked at 211 N 12th Street and wants to live in the camper trailer throughout the summer. This address is an R-3 Zone which does not allow camper trailers. Chairman Duffy read what is allowed in an R-3 Zone and advised Ms. Farris that she would not be allowed to have her camper trailer in an R-3 Zone and that she would have to move the trailer.

Chairman Duffy moved the next item on the agenda being a Public Hearing for the approval of a daycare center at 613 Park Ave. for Donna Kiser. No conflicts of interest were reported by the Board members. Recording Secretary Wendi Dickerson advised that proper notification procedures had been adhered to. No one from the public was present to make any comments but a letter was given to the Community Development Department prior to the meeting which will be kept on file.

Findings:

1. Donna Kiser is the owner of the property described at 613 Park Ave.
2. An application requesting a special exemption to operate a daycare center was submitted by Donna Kiser.
3. A child daycare center is listed as a special exemption use under Section 10©(2) of Chapter 24, Worland City Code.
4. A legal advertisement was published three times in the Northern Wyoming Daily News at least fifteen days prior to the Public Hearing pertaining to this request; immediate adjacent landowners were personally notified by Donna Kiser of the time, place, and purpose of the Public Hearing; a sign was erected on the subject property at least fifteen days prior to said Public Hearing and otherwise, the notification procedures was adhered to.

Member Emmett moved that the special exemption request of Donna Kiser be approved with the following conclusions and conditions:

Conclusions:

1. The BAPC has jurisdiction over the party and the subject matter herein.
2. The special exemption request to provide child daycare within a home or facility is consistent with the spirit, purpose and intent of the City's Zoning Ordinance.
3. Granting the special exemption will not adversely affect the public interest.

Conditions:

1. Donna Kiser shall provide the Community Development Department with the following:
 - a. A copy of an application for certification by the Department of Family Services; and
 - b. Certification from the State of Wyoming Department of Fire Prevention and Electrical Safety; and
 - c. Written approval from the City's Building Official.
2. The special exemption shall apply only to the property specified and shall be valid only as long as Donna Kiser operates or directly supervises operation of said facility.
3. Donna Kiser shall indicate consent to the above-listed conditions by signing the "Statement of Conditions".

Member Michaels seconded the motion.

Chairman Duffy moved to the next item on the agenda being a Public Hearing for Big Horn Enterprises to subdivide. This subdivision is located in Parcel A in the NE1/4SW1/4 of Section 30, T.47N., R.92W. Big Horn Enterprises is selling lots 2, 3, and 4 of Parcel A. No conflicts of interest were reported by the Board members. Recording Secretary Wendi Dickerson advised that proper notification procedures had been adhered to.

Chairman Duffy asked representatives for Big Horn Enterprises to address the merits of their proposal. Gene Warner stated that initially they were going to build several group homes on the proposed subdivision. BHE is now going to sell the 1.6 acres on the south end of their property to raise additional money to help fund future buildings.

Mr. Warner stated that BHE had sent out a letter to all surrounding property owners stating their intent and that they would not sell the land for low-income housing. Mr. Warner also stated that BHE had written covenants for the property. Member Emmett

reminded Mr. Warner that BHE are the only ones that can enforce those covenants and that the City could not.

There being no further comments from the Board, Chairman Duffy opened the Public Hearing for public comment.

Richard Shaw (412 S 23rd St) stated that he would like to know what they were going to build in front of his house. Chairman Duffy reminded him that BHE is not building they are subdividing the land.

Barbara Granberry (400 S 23rd) stated that she is hearing that BHE is selling the property and whomever purchases the property may build whatever they want. Chairman Duffy stated that they cannot do what they want, they can do what is permitted under the zoning requirements. Mrs. Granberry is concerned because BHE is the only ones that can enforce the covenants. Chairman Duffy stated that the purchaser would have to agree to the covenants as a condition of the purchase. Mrs. Granberry is also concerned with mobile homes being allowed to be placed in this area. Chairman Duffy reminded her that mobile homes are not allowed in an R-4 zone.

Brad Horath (324 S 23rd) stated that he is concerned about the width of the lots being subdivided. Mr. Horath asked about alleys and if garbage cans were going to be placed in front of his house. Chairman Duffy stated that those issues will be discussed when the purchaser of those lots comes before the planning commission with a proposed site plan.

Randy Harry (220 S 23rd St) wanted clarification on the requirements of the lots being sold. Chairman Duffy stated that those requirements that he was reading pertained to the size of a warehouse, not a subdivision lot. Chairman Duffy further stated the lot & height requirements in an R-4 Zone.

Marcy Argeris asked if BHE would record/file the covenants with the Court.

Chairman Duffy closed the Public Hearing. Motion to approve and recommend the approval of the subdivision plat of BHE property contingent on filing the covenants, an infrastructure agreement between BHE and the City of Worland and approval of City Council by Member Michaels. Motion seconded by Member Emmett. The motion passed unanimously.

Chairman Duffy moved to the next item on the agenda is the variance application from Wal-Mart. The proposed development requires a vast parking area of approximately 10.0 acres; therefore, adequate lighting for the safety of the public is essential. Wal-Mart is asking to extend their lighting 3 ft, considering the lighting poles, themselves, are 25ft. and require a 3-foot concrete base to protect the pole from motorists. Motion to approve the variance request by Member Emmett and Member Decker seconded the motion. The motion passed unanimously.

At this time, City Engineer Representative David Anderson handed BAPC members the latest site plans from Wal-Mart. Referencing page C-42, Wal-Mart has proposed a 3 lane street with a width of 36ft. which does not meet City Code requirements and does not allow for emergency parking or any parking. The City requires 52 ft. from back of curb to back of curb. Chairman Duffy stated that the BAPC approved the site plan but not the street as the street is part of the infrastructure agreement. Chairman Duffy asked that CER Anderson write a letter to the BAPC, City Council & PacLand and inform everyone that the street is not in compliance with City requirements.

There being no further business, the meeting adjourned at 1:25p.m.

Member Herm Emmett

Recording Secretary Wendi Dickerson