

BOARD OF ADJUSTMENTS & PLANNING COMMISSION
REGULAR MEETING
October 11, 2007

The Worland Board of Adjustments & Planning Commission met on Thursday, October 11, 2007, at the Little Chicago Restaurant. Chairman Duffy presided with the following members in attendance: Herm Emmett, Elaine Decker, Tom Harrington and Bob Michaels.

Also in attendance were Building Official Dale Ellsworth, City Engineer Representative David Anderson and 4 visitors.

Chairman Duffy called the meeting to order at 12:05p.m and moved to the first item on the agenda being the approval of minutes from the September 13, 2007 meeting. Member Decker made a motion that the minutes be accepted. Member Emmett seconded the motion. The motion passed unanimously. The minutes will stand as written.

Chairman Duffy moved to the next item on the agenda being a Public Hearing for the approval to provide a daycare located at 512 S 18th Street. The daycare will be owned and operated by Krista Hansen. Chairman Duffy asked if proper notification procedures had been adhered to regarding the Public Hearing. BI Ellsworth stated that they were. No conflict of interest was declared by the Planning Commission members. Chairman Duffy further asked for BI Ellsworth recommendations and findings.

Findings:

1. Krista Hansen is the owner of the property described as 512 S 18th Street.
2. An application requesting a special exemption to operate a daycare center was submitted by Krista Hansen.
3. A child daycare center is listed as a special exemption use under Section 10(C)(1) of Appendix E, Worland City Code.
4. A legal advertisement was published three time in the Northern Wyoming Daily News at least fifteen days prior to the Public Hearing pertaining to this request; immediately adjacent landowners were personally notified by Krista Hansen of the time, place and purpose of the Public Hearing; a sign was erected on the subject property at least ten days prior to said Public Hearing and otherwise, the notification procedure was adhered to.

Chairman Duffy then opened the Public Hearing. Marcy Hoffman, 508 S 18th Street, stated that she had concerns with the amount of traffic on the streets and wondered where the children will be kept when they are outside playing. Ms. Hansen stated that they would be in the backyard which does have a fence. Maxine Wortham, 518 S 18th Street, stated that she is concerned with the number of children Ms. Hansen is going to

be watching. She feels that 8–10 children are too many. She is concerned about the basement in the house and how steep the stairs are. Mrs. Wortham also has concerns with the amount of supervision that the children are receiving at this time. Mrs. Wortham stated that she feels that a daycare is needed, but should be located at a different location in town due to the amount of traffic on the street currently. She also asked if her property value would decrease. BI Ellsworth stated that it should not decrease her property value because this special exemption will not change the zoning of her property. This special exemption would be granted to Krista Hansen's property only.

At this time Chairman Duffy asked Krista Hansen to address the concerns that have been raised and give the Planning Commission a brief description of her daycare. Ms. Hansen stated that the Department of Family Services (DFS) will not allow a daycare to operate in a basement unless there is an exit, not to include a window, in the basement. Ms. Hansen further gave information about the activities she will provide, discipline procedures and state requirements.

Chairman Duffy closed the Public Hearing and asked if any of the Planning Commission members had any questions or comments. Member Emmett moved that the special exemption request be granted pending on the approval from the State Fire Marshall with the following conclusions & conditions:

Conclusions:

1. The BAPC has jurisdiction over the parties and the subject matter herein.
2. The special exemption request to provide child daycare within a home 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. Krista Hansen 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 Building Official of the City of Worland.
2. The special exemption shall apply only to the property specified and shall be valid only as long as Krista Hansen operates or directly supervises operation of said facility.
3. Krista Hansen shall indicate consent to the above-listed conditions by signing the "Statement of Conditions".

Member Michaels seconded the motion.

BI Ellsworth informed the Planning Commission members that TSP (project managers for the Worland Senior Center) had not submitted their site plan with the revisions that were requested at the September 13, 2007 meeting. BI Ellsworth did state that he would be letting them begin ground work prior to the Planning Commission approving their final site plans.

Member Emmett brought up the concerns he has with Aspen View Subdivision not having curb & gutter along Road 11 and Bomber Peak having them. Member Emmett further stated that this developer was saying that because he had given an extra chunk of real estate to the City for a walking path then he didn't have to put in curb & gutter and that someone from the Planning Commission had told the developer this. Member Emmett would like to know who that Planning Commission member was. BI Ellsworth stated that he never recalled it being discussed at a BAPC meeting. BI Ellsworth further stated that he received information that the Planning Commission shouldn't ask that the developer do this because he has given more for parks and we (the Planning Commission) shouldn't push the issue. Member Emmett stated that he didn't share that view point and that is why he has brought this issue up. After further discussion, Planning Commission members chose to write a letter to Worland City Council and ask them to review the Improvements Agreement between Northstar Development and the City of Worland.

With no further business, the meeting adjourned.

Chairman Dave Duffy

Recording Secretary Wendi Dickerson