

Wheatland, Wyoming  
August 11, 2005

RECORD OF PROCEEDINGS FOR THE  
GOVERNING BODY OF THE  
TOWN OF WHEATLAND

A special meeting of the Town Council of the Town of Wheatland, Platte County, State of Wyoming was held on August 11, 2005 in the Council Room of the Town Hall at 7:00 P.M. for the purpose of discussion on a subdivision application for Jim Greer and an abbreviated re-plat of the Johnston Subdivision.

The meeting was called to order by Mayor Dingman and upon roll call it was found that the following were present: Councilmen Wilson and Hensel, Councilwoman Allen, Clerk/Treasurer Cindy Kahler, and City/County Planner, Marlin Johnson.

The agenda was presented for the two items as advertised; Preliminary Plan to subdivide and an application from Bluegrass Developers for an abbreviated subdivision per Town Ordinance No. 670. A motion was made by Councilman Wilson and seconded by Councilman Hensel to approve the agenda as presented. Motion carried 3-0.

Mayor Dingman asked City/County Planner, Marlin Johnson to give the staff report on the preliminary plan to subdivide submitted by James Greer to subdivide approximately eighteen (18) acres located on the south side of Main Drive across from 21 Main Drive in Y-O Ranch Estates. He reported that applicant wishes to create two parcels from a piece split from a larger parcel several years ago. The request is to create one parcel of 13.45 acres for a recreational vehicle park, leaving an undeveloped Residential District parcel of several acres. The undeveloped Residential District includes a buffer of approximately one hundred fifty feet (150') between the proposed Commercial District parcel and the nearest existing residence. The properties will be served by a public water and sewer system. Expansion and installation of any system will require approval from the State Department of Environmental Quality. Access to the properties is from a paved and maintained road. Main Drive is a public road and has been upgraded by the County. The County does some maintenance, such as snow removal, on the street, however, the western part of main drive is probably part of the Y-O Ranch Homeowner's Association. No comments have been received concerning this proposal at this time, however, there were some concerns voiced by homeowners in the Y-O Ranches Subdivision concerning water pressure at the Town Planning and Zoning meeting. Planner, Johnson stated that the advantages to the subdivision are the proposed lot sizes are large, only one additional parcel is proposed and the access to the parcels is adequate. Platting these parcels will clarify the parcel boundaries in this area as boundary line adjustments have previously been done involving some of the bordering residential properties. This parcel should have been platted when it was split from the larger parcel several years ago and this proposal would resolve these matters. The disadvantage is the

parcel that will be Residential District is somewhat awkward shape, however, that already exists. The applicant will own that parcel and the parcel will create a buffer between the proposed commercial development and the exiting residential development. Planner, Johnson stated that staff recommends that this preliminary plan for a Subdivision be approved with the following conditions:

1. That the drainage report requirement be waived.
2. That the eastern parcel be zoned Commercial District upon approval of the final plat.
3. That the western parcel be Zoned Residential District upon approval of the final plat.
4. That the other necessary disclosure statements appear on the final plat and all other pertinent documents; and
5. That the County Planning Commission decide what, if anything, to require regarding the water rights.

Planner, Marlin Johnson reported that the preliminary plan submitted by Mr. Greer has passed both the Town and the County Planning Boards and it will go to the Platte County Commissioners on Tuesday, August 16, 2005. A motion was made by Councilman Hensel and seconded by Councilwoman Allen to approve the preliminary plan to subdivide as submitted by James Greer. Mayor Dingman asked for comment on either the application or the motion, there being none, he requested a vote. Voting Yes- Councilmen Hensel and Wilson and Councilwoman Allen. Mayor Dingman declared the motion passed 3-0.

Mayor Dingman introduced an application from Bluegrass Developers, LLC and Bard Ranch Company for an abbreviated subdivision per Town Ordinance No. 670 and asked City/County Planner, Marlin Johnson to give the staff report. Planner Johnson reported that the applicants have filed an request for an abbreviated subdivision per Town Ordinance No. 670 for Lot 2,3,4, 5,6,7 of the Johnston Subdivision Section 7, Township 24, North Range 67 West. He stated that a two family dwelling is under construction on Lot 2 of the Johnston Subdivision and the other lots are vacant parcels in a Residential District. The proposed land use is Single family residences that do not meet the required side yard setback in a Residential District. The applicants wish to create two parcels from each existing lot, with the north one hundred ten feet (110') of each existing lot to be merged into the unplatted balance left from the original subdivision approval. This will require subdivision of six platted parcels into twelve parcels. The proposal for existing Lot 2 would require a zero side yard setback on the proposed new lot line, which is a only allowed in the Residential High Density District, but could be allowed in a Planned Unit Development District, with an appropriate application to rezone the property and subsequent approval of the Town Council. The tentative plan would be to continue that shared lot line type of development of the other parcels. The governing body of the Town of Wheatland may, but is not required to, accept any previously approved documentation regarding lot size, utilities, etc. under the subdivision regulations and approve an application for re-plat, if, at the minimum the following are met; a. The tract of land or parcel of land is not being subdivided into more than three parcels, and each parcel has at least a minimum dimensions in area, less any easements, as required by the applicable zoning regulations for the Town of Wheatland. b. The tract of land lies within and is part of an existing subdivision which has been approved by the governing body of the Town of Wheatland c. The owner/developer of the parce of land takes all necessary steps to grant unto the appropriate entity any and all necessary easements

necessary for the following; 1. all utility service, including but not limited to water, telephone, electric and cable television 2. Every parcel has frontage (min of 35 feet) on a dedicated public street 3. All necessary fire protection facilities. d. The owner/developer of the parcel of land shall prepare an application for the exemption setting forth all necessary facts and provide to the governing body a detailed plat of said property. The application will be distributed to the Town staff for review and comment. f. The owner/developer of the parcel of land will be required to meet all other zoning and building requirements within the Town of Wheatland. g. Property owners of record within one hundred forty feet (140') excluding street, from the parcel in question shall be notified of an application at least ten days prior to the council meeting when the application will be considered. Planner, Johnson stated that the Town Engineer has expressed strong concerns about the drainage issues, street improvement requirements and the need to consider a north-south street right-of-way for future development to the north of Oak Road. He also presented two letters from other property owners in opposition to the subdivision. A letter from Town Attorney, Rex Johnson was introduced stated that it was his recommendation that the application be denied as submitted because it does not meet the requirements as set forth in Ordinance No. 670. Planner, Marlin Johnson stated that Bluegrass Developers had submitted a drainage plan at the Town's Planning and Zoning Board, that neither he nor the Town's Engineer had any prior knowledge of. Mr. Johnson stated that the staff strongly recommends that the abbreviated re-plat request be denied because it does not meet the minimum lot dimensions in a Residential Zoning District.

Planner, Johnson stated that the Town's Planning and Zoning Board had approved the application with the stipulation that Lot 7 be a single family dwelling only. Ben Connolly representing Bluegrass Developers LLC presented a letter requesting the re-plat of Lot 2 of the Johnston Subdivision to fit the need of the proposed property owners. The duplex construction on this property is being built with senior citizens in mind. The reduced area to maintain will make this property much more salable to persons who want reduced exterior maintenance. The rear 110' of Lot 2 will be returned to agricultural use. The same request is being made by Mike Johnston on lots 3-7. By making this change these lots will better meet the town lot size requirements. Norb Olind explained that the lots are presently 140' by 250' and the proposed plan would bring them into compliance with the existing Town Codes. Planner, Johnson indicated that is a false statement as they are 50' X 140' now. Mr Olind stressed that any run off would be diverted to the north and will be dispersed into the agricultural area. Mr. Olind stressed that construction has been done to minimize the set back issues. Amy Johnston stated that when the original plat was done, they felt that the larger lots might be more appealing than the smaller ones for single family dwellings, however, they have found that there is more demand for the smaller lots. Councilman Wilson asked why they had not considered simply doing a re-plat of the entire Johnston subdivision and Ben Connolly stated that they had discussed that possibility at great length with both the Planner and the Engineer and Bluegrass Dev. LLC were not prepared to do everything that was being recommended at that time for a re-plat.

Mayor Dingman stated that he did not feel that the application as being presented under Ordinance 670 met the intent or the criteria as stated in the Ordinance. He asked Bard Ranch representative Mike Johnston if he would be willing to consider dropping his

portion of the application, vacating the original plat and submitting a re-plat. Mr. Mike Johnston agreed to drop the application for lots 3-7, vacate the original plat and re-plat those lots. Mayor Dingman stated that the Council could then address the application for Lot 2 from Bluegrass Developers LLC to split the lot into three parcels. Planner Johnson stated that Lot 2 does not meet the minimum requirements for set backs or lot size. Mayor Dingman stated that Lot 2 qualifies under the zoning of "Planned Unit Development" rather than "Residential" as it is being proposed. Norb Olind stated that there is presently no "Planned Unit Development" in the Town of Wheatland and there is some "gray" area in the requirements for it. Michael Bland was present and asked how Bluegrass Developers got so far ahead of the zoning regulations? Town Building Inspector, Tom Allen was present and stated that the original building permit was issued for a duplex in a Residential Zone, which is legal. Later, it came to light that the building would be sold to two separate owners and he had required the building to be constructed to meet those requirements, however, that did not address the zoning issues. There was a lengthy discussion concerning the size and side yard set back requirements should the property be allowed to be split into two Residential properties. Planner, Johnson stated that Bluegrass Developers LLC have an application into the Board of Adjustment for a variance on side yard set backs, however that does not resolve the lot size issue. Mayor Dingman stated that if the abbreviated re-plat for Lot 2 is to be approved at the minimum the Town would expect that the original Johnston Plat be vacated and a re-plat submitted with the north portion of the lots to be zoned "Conservancy". After further discussion, a motion was made by Councilman Wilson and seconded by Councilwoman Allen to approve the abbreviated re-plat application as submitted under Ordinance No. 670 for Lot 2 only, under the conditions that the side yard set backs are approved by the Board of Adjustment, and the north parcel is merged with the unplatted balance from the original Johnston Subdivision and that an application to rezone to "Conservancy" be submitted. Motion carried 3-0.

With no further business to come before the Governing Body, Mayor Dingman adjourned the meeting. The next regular meeting of the Town Council of the Town of Wheatland will be held on September 12, 2005.

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Mayor, Joel Dingman

Attest:

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Town Clerk/Treas. Cindy Kahler