

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING**

IN THE MATTER OF A CONDITIONAL USE PERMIT)
BY NELTJE) CU-14-011

APPROVAL OF CONDITIONAL USE PERMIT

THIS MATTER came before the Board of County Commissioners ("BOCC") for public hearing on September 2, 2014, upon the application of Neltje ("Applicant") for a conditional use permit ("CUP") pursuant to the Rules and Regulations Governing Zoning in Sheridan County, Wyoming ("Zoning Regulations"). The BOCC heard public comment, considered written submissions, and being fully advised herein, finds as follows:

FINDINGS OF FACT

1. On June 3, 2014, Applicant submitted an application for a conditional use permit ("CUP") on property owned by Applicant. The property is zoned Agricultural (A) and consists of an approximately 2.75 acre business site, with a physical address of 1 Lower Piney Road (CR#149). The property is located in the :

SW¼, Section 11, T53N, R82W
2. Applicant paid the application fee of \$475.00.
3. Applicant requests the CUP be approved for the construction and use of additional retail space on the existing 2.75 acre business site.
4. Notice of a public hearing before the Planning and Zoning Commission was published in the Sheridan Press on July 3, 2014.
5. Property owners within ½ mile of the above described property were notified of this application for CU-14-011 via letters prepared and mailed by Public Works Department Staff ("Staff") on July 2, 2014.
6. Staff mailed Applicant a copy of the Planning and Zoning Commission Staff Report on July 29, 2014.
7. A public hearing was held before the Planning and Zoning Commission on August 7, 2014.
8. The Planning and Zoning Commission recommended that the BOCC **GRANT** the CUP with the following four (4) conditions:
 - a. That, if the type of occupancy being proposed falls within the scope of the IBC as adopted by Sheridan County, that the Applicant obtain a building permit for the new structure, or any subsequent modifications to such.
 - b. That only fully shielded cut-off lighting fixtures may be used for new exterior lighting that minimizes glare to passing motorists or neighboring properties.
 - c. That other than directional signage, no new advertising or business signage be permitted on the site.
 - d. That any of the pertinent conditions of the previous conditional permits be adhered to.
9. Notice of the public hearing before the BOCC was published in the Sheridan Press on August 15, 2014.
10. Staff mailed Applicant a copy of the Board of County Commissioner's Staff Report on August 26, 2014.

11. No comments were received by the BOCC regarding the CUP.
12. At the public hearing held before the BOCC on September 2, 2014, County Planner, Mark Reid, provided a summary of the written staff report dated September 2, 2014.

CONCLUSIONS OF LAW

13. Applicant properly applied for a CUP, proper notice was given, public hearings were properly held;
14. Applicant's proposed conditional use is in conformance with Sheridan County's current land use regulations and is compatible with existing and permitted uses in the area of the request;
15. There will be no significant negative impact from the proposed use in the area;
16. The location, lighting and signage and the relation of signs to traffic control will not have an adverse effect on adjacent properties;
17. The safety and convenience of vehicular and pedestrian circulation and traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area will not be affected;
18. The proposed conditional use is compatible with the health, safety, and general welfare of the community; and
19. To the extent necessary, any conclusion of law herein is also deemed to be a finding of fact.

NOW THEREFORE, THE BOCC HEREBY **GRANTS** the CUP with the following four (4) conditions:

1. That, if the type of occupancy being proposed falls within the scope of the IBC as adopted by Sheridan County, that the Applicant obtain a building permit for the new structure, or any subsequent modifications to such.
2. That only fully shielded cut-off lighting fixtures may be used for new exterior lighting that minimizes glare to passing motorists or neighboring properties.
3. That other than directional signage, no new advertising or business signage be permitted on the site.
4. That any of the pertinent conditions of the previous conditional permits be adhered to.

Pursuant to W.S. 16-3-114 and Rule 12 of the *Wyoming Rules of Appellate Procedure*, any person aggrieved or adversely affected by this decision may seek judicial review in the appropriate district court by filing a petition for review within 30 days of the date of approval of this Permit.

**BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING**

NO. 2014-715460 APPROVAL - BOCC
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
COUNTY PLANNING - ANGIE

BY: _____

Chairman

STATE OF WYOMING)

County of Sheridan)

This instrument was acknowledged before me on the 21st day of October, 2014
by Terry Cram, as Chairman of the Board of County Commissioners for Sheridan
County, Wyoming. Eda Schunk Thompson, Sheridan County Clerk
See Allender, Deputy Clerk

Notary Public



Exp. 1-5-15