

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, MARCH 9, 2021  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call meeting to order
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the February 23, 2021 regular meeting
  - A. Tabled item: Sign Plan reviews for the Cody Cattle Company and the Cody Firearms Experience at 1202 Sheridan Avenue. (Applicants request re-table to next meeting.)
6. NEW BUSINESS:
  - A. Site plan review for the KOA Planned Unit Development expansion for 23 new RV spaces, at 5561 Greybull Highway.
  - B. Preliminary Plat of the Musser-Beacon Hill 6-lot Commercial Subdivision, located on the west side of Beacon Hill Road, north of Sheridan Avenue.
  - C. Downtown Architectural District sign review for Clearwater Properties awning and sign, located at 1349 Sheridan Avenue.
  - D. Minor Commercial Site Plan review for exterior upgrades for Midway Auto & RV, located at 2226 Big Horn Avenue.
  - E. Public Hearing for a Special Exemption request to reduce the required on-site parking spaces to 22, for Cody Craft Brewing, located at 1732 Sheridan Avenue.
  - F. Review the Special Exemption request from Cody Craft Brewing to reduce the on-site parking spaces to 22.
7. P & Z Board Matters (announcements, comments, etc.)
8. Council Update
9. Staff Items
10. Adjourn

The public is invited to attend all Planning, Zoning and Adjustment Board meetings. If you need special accommodations to participate in the meeting, please call the City office at (307) 527-7511 at least 24 hours in advance of the meeting.

**City of Cody**  
**Planning, Zoning, and Adjustment**  
**Board Meeting February 23, 2021**

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held at the Cody Club Room in Cody, Wyoming on Tuesday, February 23, 2021 at 12:00 pm.

Present: Kayl Mitchell, Richard Jones; Sandi Fisher; Rodney Laib; Scott Richard; Carson Rowley; Wade McMillin; City Attorney Scott Kolpitcke; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Kayl Mitchell called the meeting to order at 12:00 pm, followed by the pledge of allegiance.

Richard Jones made a motion, seconded by Wade McMillin to approve the agenda for the February 23, 2021 meeting. Vote on the motion was unanimous, motion carried.

Sandi Fisher made a motion, seconded by Rodney Laib to approve the minutes with corrections, from the meeting on February 9, 2021. Vote on the motion was unanimous, motion carried.

Richard Jones made a motion, seconded by Sandi Fisher to remove two items off the table: 1) Special Exemption for setback and separation requirements for two proposed dwellings at 1322 10<sup>th</sup> Street. 2) Sign plan review for the Cody Cattle Company and the Cody Firearms Experience at 1202 Sheridan Avenue. Vote on the motion was unanimous, motion passed.

The special exemption request for 1322 10<sup>th</sup> Street had submitted an updated site plan. The rear unit will be attached to the main house. The 10-foot rear setback has been met. It will be one unit of a two-family dwelling (a duplex).

The detached dwelling would be located two feet from the alley property line and six feet from the main house. Staff considers this dwelling a principal structure rather than an Accessory Dwelling Unit (ADU). Todd explained setbacks and separation requirement for each.

Applicant Sarah Clark spoke to the Board about the proposed plan. The applicant has considered the neighbors responses, and has an updated site plan. She has visited the neighbors, and submitted a letter to the Board. Neighbor Leslie Bales said she appreciated the change in the plans, but was still concerned about the parking. Staff recommends four on-site parking spaces.

Richard Jones made a motion, seconded by Rodney Laib to approve the special exemption request with recommendations 1-4, and adding a fifth recommendation that the rear unit will be considered a principal structure. The conditions of approval 1-7 in the staff report were included in the motion. Vote on the motion was unanimous, motion passed.

The Cody Cattle Company and Cody Firearms Experience off-premise sign review was a continuation from the August 11, 2020 Planning and Zoning meeting. The signs are located on the west wall of the building at 1202 Sheridan Avenue in the Downtown Sign District and the Downtown Architectural District.

Staff proposes the two signs be permitted as wall signs and not as billboards. This will allow both signs, but require that any future replacement occur in accordance with the sign regulations that exist at that future time. At the current time the sign code is unclear regarding this situation.

Dan Miller addressed the Board stating that allowing these off-premise signs will set a bad precedence for future signs. Applicants Greg Pendley and Paul Brock explained the background on installing the signs. Board members asked for clarification on the City of Cody sign ordinance.

Kayl Mitchell made a motion, seconded by Carson Rowley to table this item. Sandi Fisher, Scott Richard,

Rodney Laib, Kayl Mitchell, Carson Rowley voted in favor of the motion. Richard Jones and Wade McMillin were opposed to the motion. With the majority voting in favor of the motion, motion passed. This item will be tabled until the March 23, 2021 meeting.

Todd Stowell reviewed the Preliminary Plat for the 4-lot Bromley Minor Subdivision, located at 1719 29<sup>th</sup> Street. Staff reviewed the Subdivision Regulations.

Public Works is willing to share the cost with the developer for the pathway. A variance to the alley requirement is requested. Staff supports the variance. Utilities will be coordinated with Public works.

Rodney Laib made a motion, seconded by Carson Rowley to recommend that the City Council approve the Preliminary Plat of the Bromley Minor Subdivision with the alley variance, and recommendations 1-10 in the staff report. Vote on the motion was unanimous, motion passed.

A Public Hearing was opened at 12:54 pm for the addition of 23 new RV spaces in the KOA Planned Unit Development, at 5561 Greybull Highway. As there were no comments from the public, hearing was closed 12:55.

The Site Plan for the KOA Planned Unit Development was not ready for review.

Richard Jones made a motion, seconded by Rodney Laib to adjourn the meeting. Vote on the motion was unanimous, motion passed.

There being no further business to come before the Board, Chairman Kayl Mitchell adjourned the meeting at 12:58 pm.

*Bernie Butler*

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Bernie Butler, Administrative Coordinator

**CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
STAFF REPORT**

|                      |   |                               |   |
|----------------------|---|-------------------------------|---|
| <b>MEETING DATE:</b> | MARCH 9, 2021   | <b>TYPE OF ACTION NEEDED</b>  |   |
| <b>AGENDA ITEM:</b>  |   | P&Z BOARD APPROVAL:           |   |
| <b>SUBJECT:</b>      | KOA PLANNED UNIT DEVELOPMENT<br>SITE PLAN REVIEW. SPR 2021-03 | RECOMMENDATION TO<br>COUNCIL: | X |
| <b>PREPARED BY:</b>  | TODD STOWELL, CITY PLANNER                                    | DISCUSSION ONLY:              |   |

**PROJECT DESCRIPTION:**

Recreation Adventures (Cody KOA) has submitted an application to add 23 RV spaces to the northeast of the existing KOA campground at 5561 Greybull Highway. The area of expansion would be accessed through the existing KOA campground and each site would be served with City sewer, water, and power. The internal roadways would have a gravel surface and each space would have a concrete pad and lawn area. Stormwater runoff from the development is proposed to be collected in an infiltration swale in the southeast portion of the expansion area. The site plan and utility drawings are attached.



**REVIEW CRITERIA:**

The property is a Planned Unit Development. As part of the original Planned Unit Development review, the area of the expansion was identified as an area for permitted expansion of campground facilities. However, there was no site plan submitted or reviewed for that area until now. The PUD review process allows for phased development, such as is now proposed, but the procedure for those future reviews is not clearly outlined, so staff followed the most conservative interpretation for how the expansion should be considered procedurally. That process involved advertising and

holding the public hearing before the Planning and Zoning Board and recognizing the City Council as the ultimate authority for review and approval (per City Code 11-7-9(F) and 11-7-10(B)).

As of the time of this staff report, we have received two written comments. The comments come from the owners directly north and south of the expansion area. Both support the project, yet one notes that they would like a privacy fence built on the north side of the expansion area. The site plan shows a new privacy fence between the expansion area and the Manager's house, but it does not extend all the way to the east property line. The approved PUD plan notes, "It is the land owner's intent to provide a visual barrier screening Arrow Avenue from Guests along the north and east sides. A vegetative barrier is most desirable and will be pursued. At the land owner's sole discretion, a fence may be used if the vegetative buffer is unsuccessful."

The Board held the public hearing at their February 23, 2021 meeting. No one presented any public comments at the meeting. Review of the site plan was delayed to allow some of the outstanding questions and processes to be addressed.

**STAFF COMMENTS:**

This review is based on both the proposed expansion area and the existing KOA campground disconnecting from Northwest Rural Water and connecting to City domestic water, as described herein. That process involves an agreement for such change being approved by the Northwest Rural Water District Board and the City Council, and construction of a new City water main from the intersection of Arrow Avenue to the KOA. The City has had discussions with Northwest Rural Water about the transfer and while they would be losing their largest customer, they will likely see significant savings in infrastructure costs related to downsizing or even eliminating some system improvements that would otherwise be needed.

It is noted that connection to City water was identified at the time the property was annexed to the City of Cody in 2002, and the applicant and City jointly agree that now is the most appropriate time for that transition to occur. The existing agreement with NWRWD requires a 60-day notice to terminate the agreement.

The cost of disconnecting the NWRWD services will be the responsibility of the KOA. If the property owner wishes to have their property fully removed from the Northwest Rural Water District, they will need to work directly with NWRWD.

The extension of the new City waterline to the property is about 350 feet. The cost of that portion of the extension will hopefully be covered by the airport, as they control the intervening property and have significant funds available for improvements to airport property. The waterline would make development of their land east of Arrow Avenue more feasible. The City is meeting with the Airport Board on Wednesday, March 10<sup>th</sup> to present the request. The portion of the waterline extension within the KOA campground

would be done by KOA at their cost.

Public Works still needs to confirm the adequacy of the sewer lift station components, as it relates to the expansion, but it is expected that any adjustments would be relatively minor.

### Site Plan Components

The proposed RV spaces are the "Deluxe" setup, which includes a concrete patio, firepit, 50-amp hookup, sewer and water for each space. The area around the patios and between the drive aisles would be covered in landscape rock, to differentiate the drive lanes from the other areas. They would appear similar to the photo here.



The approved PUD plan does not specify any specific landscaping style or amount within the area of the proposed expansion. If developed like the other deluxe spaces, a tree is included at each site.

The drive aisles are primarily one-way, with the exception of a couple of very short segments that serve as the entries to the two accessible (ADA) pull-thru sites (Spaces 3 and 9). Due to their extremely short length (<60 feet), there is not much point to require those road segments to meet the 24-foot width for two-way traffic, which is specified in the parking ordinance. The intent is that Spaces 3 and 9 would be accessed by a one-way drive aisle that is at least two aisles to the east of the space. It is recommended that that be depicted on the KOA map that will be updated online, and be explained at registration.

As not all campers will understand or remember what they are told, staff is concerned with the lack of large turning radius at the north end of the westernmost row of RV spaces. Campers exiting spaces 1 or 2, or just driving down the wrong aisle will need a way to turn left when they reach the end of the westernmost aisle. The turning radius must be increased in order for this to work, so they don't have to drive the wrong way all the way back through the expansion area. This appears possible by both increasing the interior radius of the turn, and shifting or widening the road segment to the west of the turn.

According to the following chart, somewhere around a 34-foot outside radius and 20-foot inside radius should be provided.

Table 8-1—Turning radii of some common design vehicles, rounded to the nearest 6 inches.

| Vehicle type   | Minimum inside turning radius (feet) | Minimum outside turning radius (feet) |
|--|--------------------------------------|---------------------------------------|
| Passenger vehicle with trailer<br>19-foot vehicle plus 30 feet total trailer length (including tongue)—49 feet combined length | 17.5                                 | 34.5                                  |
| Motorhome with trailer<br>30-foot vehicle plus 23 feet total trailer length (including tongue)—53 feet combined length         | 35                                   | 51.5                                  |
| Garbage truck**<br>Gross vehicle weight (GVW) 20,000 pounds with 25-foot 5-inch wheelbase                                      | 21                                   | 33.5                                  |

\* A Policy on Geometric Design of Highways and Streets (AASHTO 2001)

\*\* Architectural Graphic Standards (American Institute of Architects 2000).

### Exterior Lighting

The only proposed lighting will be incorporated into the electrical pedestals. It is recommended that blue light be minimized by using lights that maintain a soft white, or warm white, color. Soft white is around 4,000 Kelvin and warm white is around 3,000 Kelvin.

### Neighborhood Compatibility, Setbacks and Buffers, and Height Requirements

The required 6-foot privacy fence is already installed along the east property line. A 20-foot setback is required from the east property line, which is also maintained.

### Storm Water Plan:

An engineered storm water plan has provided. While the concept is fine, the calculations were made based on grass camping areas, not landscape gravel. As gravel has a higher runoff coefficient than grass, the calculations need to be redone and the stormwater swale modified as necessary.

Also, to minimize the potential of erosion at the emergency discharge, a cobble outfall, device should be provided to help spread out any overflow before leaving the property. A cobble pad in the range of 10 to 15 feet wide and long should be sufficient.

### Utility Services

The proposed sewer system will require WY DEQ approval and a plumbing permit. The applicant indicates that the WY DEQ application has already been submitted for review.

The extension of the City water main also requires WY DEQ approval. Engineering plans are yet to be developed.

The electric division indicates that the transformer location needs to be more central to the project to avoid having to upsize the lines serving the east side of the expansion. They recommend it be placed between Spaces 15 and 16.

An existing 4" irrigation service runs along the west side of the project to the neighbor to the south. The line has been identified on the plans, so that it can be protected.

Utility fees will be required for electrical service, sewer, water, and raw water according to the adopted schedule. Any private utilities will need to be coordinated with those providers.

### Signage

No new signage is identified.

### Hydrants

The extension of the City waterline will include at least one hydrant, which will be located near the KOA entrance. Once installed, the property owner should contact their insurance company to adjust their rates based on the new hydrant.

### Garbage

No dumpsters are shown in the expansion area. If increased garbage service is anticipated, coordinate with the sanitation division to determine if more frequent pickups or more dumpsters are needed. All dumpster areas are required to be screened on three sides (p. 14 of Plan).

### Usage in off-season

Per the PUD plan, "During periods of seasonal campground closures, if any, or closures for the purposes of campground maintenance or construction, the property may be used for employee housing, office functions, maintenance, and security purposes."

### **RECOMMENDATION:**

It is recommended that the Planning and Zoning Board recommend approval of the project to the City Council, subject to the following conditions. The recommendation is contingent upon everything working out related to disconnecting from Northwest Rural Water, and connecting to City water, to the satisfaction of both the City and property owner. If that is not the case, the application may be revisited by the City Council.

1. The property owner is authorized to commence construction on any component of the project that has obtained all necessary construction permits (e.g. WY DEQ, plumbing permit), provided, any work completed before all agreements, permits, and authorizations related to the project are obtained, is entirely at the property owner's risk.
2. The entire property is to be served with City of Cody domestic water (includes existing campground, expansion area, manager's residence, and any future projects).
3. The cost of disconnecting the NWRWD services will be the responsibility of the property owner. Coordinate disconnection with NWRWD.
4. Coordinate timing of activating the new City water service, so that the City can provide the 60-day notice to terminate the existing NWRWD agreement.
5. Verify domestic water service line and meter size. Applicable utility fees will be collected before City water is activated.
6. Move the transformer to a more central location, as agreeable to the electric division. Update the electrical plan for electric division review prior to installation of electrical system.

7. Lighting other than the RV pedestals is authorized, provided it is full cutoff and modest in intensity. It is recommended that any exterior lighting not exceed 4,000 Kelvin in color.
8. The access drive at the north end of the westernmost row must be redesigned to provide a minimum 20-foot inside radius and a 34-foot outside radius.
9. Update the stormwater calculations to reflect the gravel surfacing and concrete patios. Modify the size of the stormwater swale accordingly, and provide a dissipation facility for the overflow to minimize erosion and avoid point discharging to the property below.
10. Upon completion of the storm water facilities, they must be inspected and certified by the applicant's engineer that they were completed according to approved plans.
11. Comply with the PUD plan for screening (p. 5-6 of PUD Plan) by either planting a vegetative barrier where fence is lacking along the north end, or extend the 6-foot privacy fence to the east property line.
12. The project must otherwise comply with the project description, site plan and applicable building, fire, and electrical codes.
13. (Public Works still needs to confirm the adequacy of the sewer lift station components. Verify no issues.)

**ATTACHMENTS:**

Site and utility plans.

February 23, 2021 at 12:00 p.m. (noon) or as soon thereafter as practical at 1240 Beck Avenue, in the Cody Club Room portion of the Cody Auditorium.



**Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:**  
(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the Planned Unit Development proposal by Recreational Adventures described above.

I have NO OBJECTION to the Planned Unit Development request.

Name: Sloan + Craig Allen

Address: 9 Bow Blvd Cody

Comments: Except I would like them to build a privacy fence on the north side of the addition.

\*\*\*\*\*

I OBJECT to the Planned Unit Development:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Reason for Objection: \_\_\_\_\_

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: \_\_\_\_\_

Dear Planning and Zoning Board Members:

I am familiar with the Planned Unit Development proposal by Recreational Adventures described above.

I have NO OBJECTION to the Planned Unit Development request.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

I OBJECT to the Planned Unit Development:

Name: DAVE & KAREN MILLER

Address: 5513 GREYBULL HIGHWAY, CODY WYOMING 82414

Reason for Objection: WHAT IS THE PROPOSED DEFENTION POND? HOPEFULLY ITS NOT ANOTHER SEWAGE LAGOON. WILL THIS AFFECT MY ACCESS TO MY IRRIGATION WATER? HOW WILL SEWAGE BE HANDLED?

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: dkmllrtime@yahoo.com



**LOCATION MAP**  
SCALE: 1" = 100'



# CODY KOA NORTHEAST EXPANSION

**137 WY HWY. 120  
CODY, WY**

FEBRUARY, 2021

## DRAWING INDEX

|                          |          |
|--------------------------|----------|
| TITLE SHEET.....         | T1       |
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| PROPOSED SITE PLAN.....  | C2.0     |
| EXPANSION SITE PLAN..... | C2.1     |
| UTILITY PLAN.....        | C2.2     |
| SANITARY SEWER PLAN..... | C2.3     |
| SITE DETAILS.....        | D1.0     |
| <b>TOTAL</b>             | <b>7</b> |



P:\2020\20126.00 - Cody KOA\cody\KOA SITE\_C3D.dwg TITLE 3/2/21 IAN

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| 1/26/2021 | SITE PLAN DRAWINGS | IKSM | RAO     | RAO      | JOB NO. 20126      |
|           |                    |      |         |          | FIELD BOOK NO. 588 |

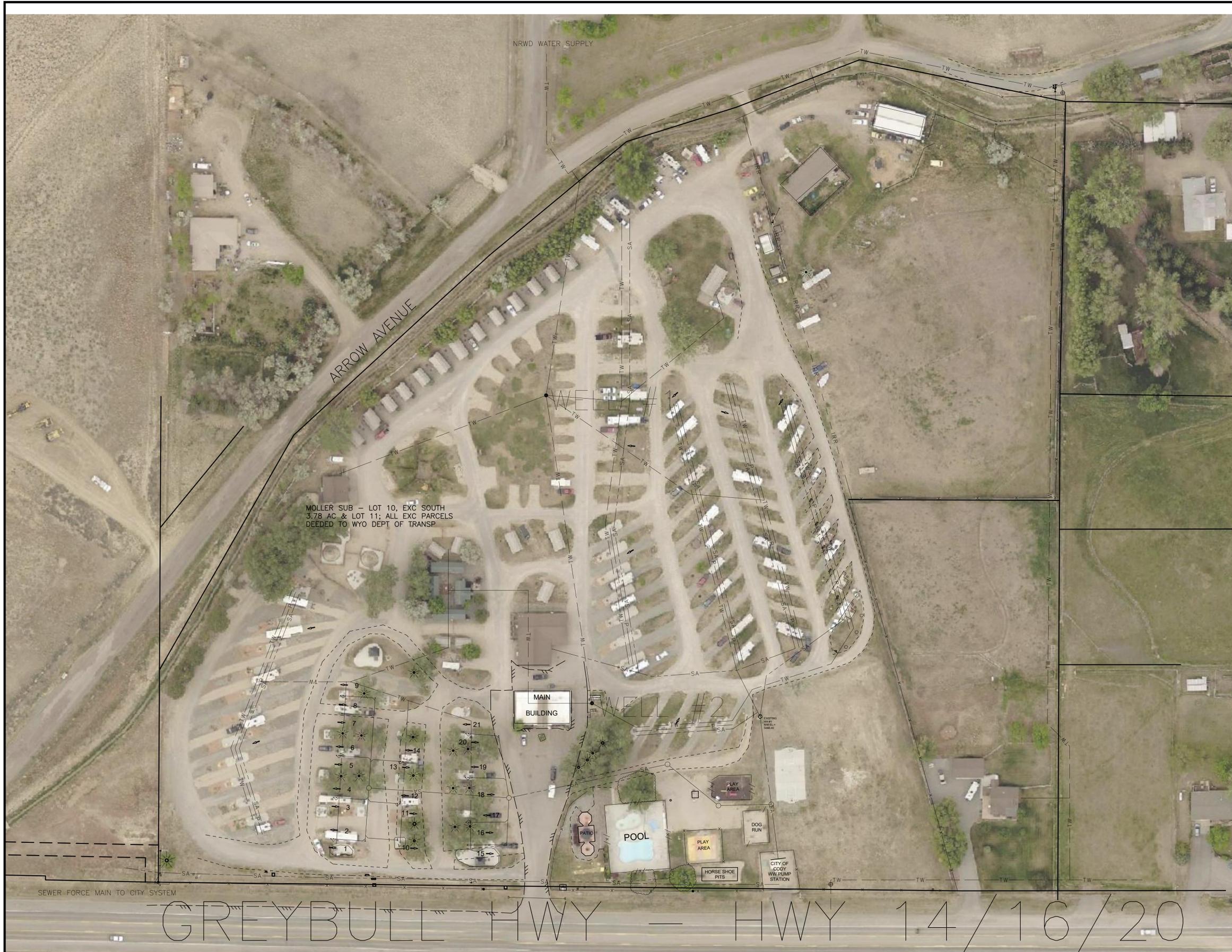


ENGINEERING ASSOCIATES — CODY, WYOMING  
CONSULTING ENGINEERS & SURVEYORS

OWNER:  
RECREATIONAL ADVENTURES

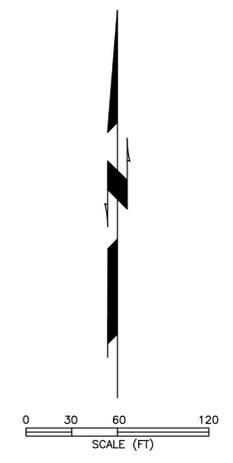
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| PROJECT: | CODY KOA — NORTHEAST EXPANSION |
| TITLE:   | TITLE SHEET                    |

T1  
SHEET 1 OF 7



**LEGEND**

- FOUND ALUMINUM CAP MONUMENT
- SUBJECT PROPERTY LINE
- EXISTING BURIED POWER
- OVERHEAD ELECTRICAL LINE (CITY)
- EXISTING TREATED WATER (NRWD)
- EXISTING IRRIGATION LINE
- EXISTING SANITARY SEWER
- RIGHT-OF-WAY (WYDOT)
- CITY OF CODY EASEMENT LINE
- IRRIGATION DITCH FLOWLINE
- EDGE OF ASPHALT SURFACE
- EDGE OF GRAVEL
- EXISTING FENCE
- MAJOR & MINOR CONTOUR LINES
- EXISTING POWER POLE
- EXISTING GATE VALVE
- EXISTING MANHOLE
- EXISTING PEDESTAL; TRANSFORMER



MOLLER SUB - LOT 10, EXC SOUTH  
3.78 AC & LOT 11; ALL EXC PARCELS  
DEEDED TO WYO DEPT OF TRANSP

SEWER FORCE MAIN TO CITY SYSTEM

GREYBULL HWY - HWY 14/16/20

P:\2020\20126.00 - Cody KOA\cody\KOA SITE\_C3D.dwg EXISTING SITE 3/2/21 IAN

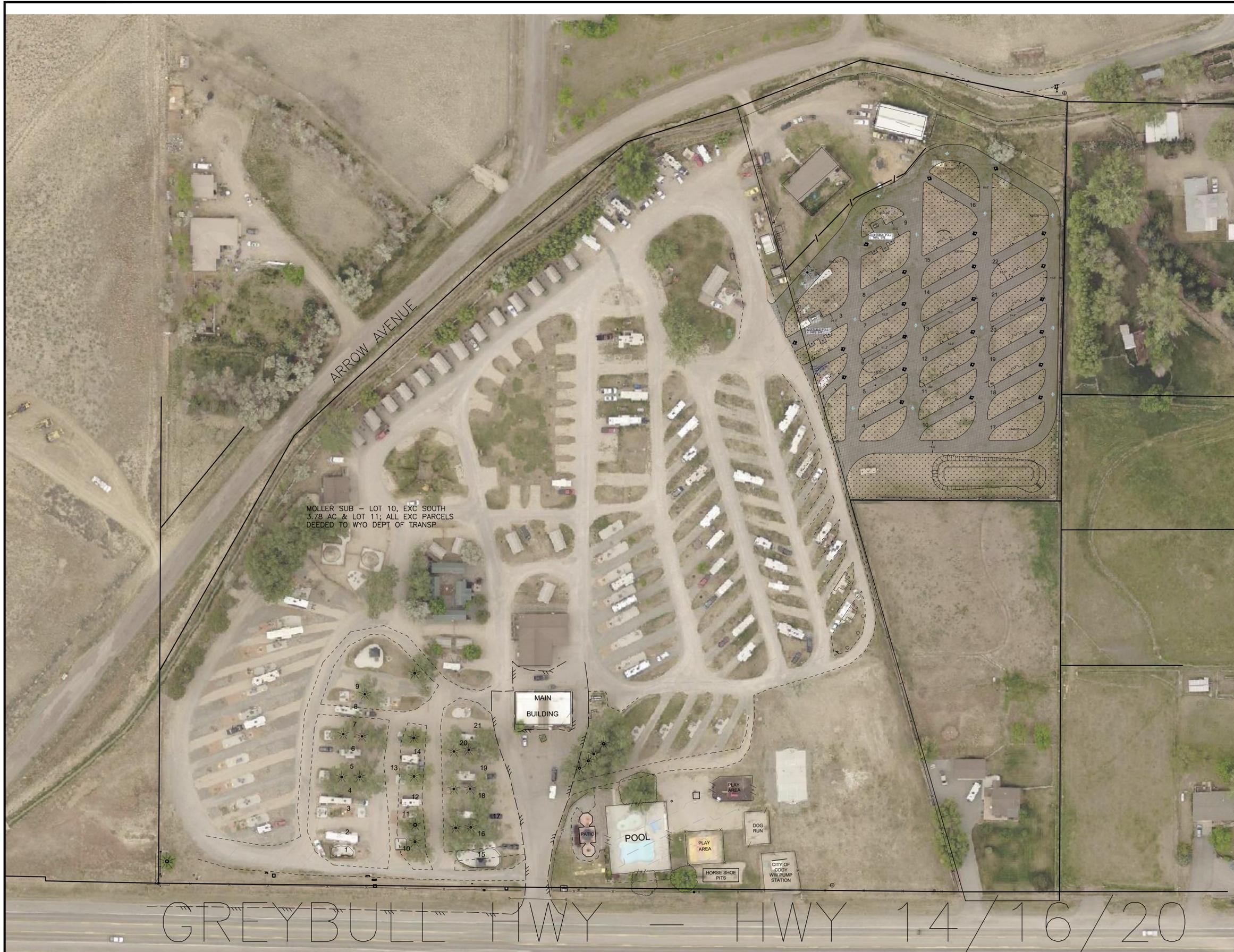
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| 2/02/2021 | P&Z APP EDITS      | RAO  | RAO     | RAO      | JOB NO. 20126      |
| 1/26/2021 | SITE PLAN DRAWINGS | IKSM | RAO     | RAO      | FIELD BOOK NO. 588 |

**ENGINEERING ASSOCIATES - CODY, WYOMING**  
CONSULTING ENGINEERS & SURVEYORS

OWNER:  
**RECREATIONAL ADVENTURES**

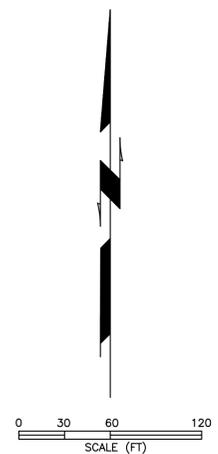
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TITLE: **EXISTING SITE PLAN**

C1.0  
SHEET 2 OF 7



**LEGEND**

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- SUBJECT PROPERTY LINE
- EXISTING BURIED POWER
- OVERHEAD ELECTRICAL LINE (RMP)
- EXISTING TREATED WATER (NRWD)
- EXISTING IRRIGATION LINE
- EXISTING SANITARY SEWER
- RIGHT-OF-WAY (WYDOT)
- CITY OF CODY EASEMENT LINE
- IRRIGATION DITCH FLOWLINE
- EDGE OF ASPHALT SURFACE
- EDGE OF GRAVEL
- EXISTING FENCE
- PROPOSED TREATED WATER
- PROPOSED SANITARY SEWER
- PROPOSED BURIED POWER (SITE)
- PROPOSED PRIVACY FENCE
- MAJOR & MINOR CONTOUR LINES
- EXISTING POWER POLE
- EXISTING GATE VALVE
- EXISTING MANHOLE
- EXISTING PEDESTAL; TRANSFORMER
- PROPOSED LANDSCAPE ROCK
- PROPOSED CONC UTIL CONNECTIONS
- PROPOSED GRAVEL



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CONSULTING ENGINEERS & SURVEYORS

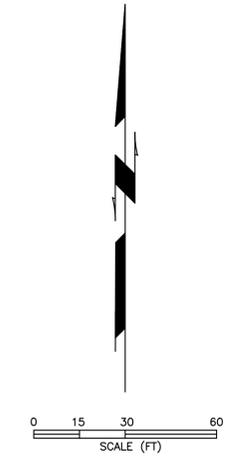
OWNER: RECREATIONAL ADVENTURES

PROJECT: CODY KOA - NORTHEAST EXPANSION  
TITLE: PROPOSED SITE PLAN

C2.0  
SHEET 3 OF 7



| LEGEND |                                |
|--------|--------------------------------|
|        | FOUND ALUMINUM CAP MONUMENT    |
|        | SUBJECT PROPERTY LINE          |
|        | EXISTING BURIED POWER          |
|        | OVERHEAD ELECTRICAL LINE (RMP) |
|        | EXISTING TREATED WATER (NRWD)  |
|        | EXISTING IRRIGATION LINE       |
|        | EXISTING SANITARY SEWER        |
|        | RIGHT-OF-WAY (WYDOT)           |
|        | CITY OF CODY EASEMENT LINE     |
|        | IRRIGATION DITCH FLOWLINE      |
|        | EDGE OF ASPHALT SURFACE        |
|        | EDGE OF GRAVEL                 |
|        | EXISTING FENCE                 |
|        | PROPOSED TREATED WATER         |
|        | PROPOSED SANITARY SEWER        |
|        | PROPOSED BURIED POWER (SITE)   |
|        | PROPOSED PRIVACY FENCE         |
|        | MAJOR & MINOR CONTOUR LINES    |
|        | EXISTING POWER POLE            |
|        | EXISTING GATE VALVE            |
|        | EXISTING MANHOLE               |
|        | EXISTING PEDESTAL; TRANSFORMER |
|        | PROPOSED LANDSCAPE ROCK        |
|        | PROPOSED CONC UTIL CONNECTIONS |
|        | PROPOSED GRAVEL                |
|        | PROPOSED SPOT ELEVATION        |



EXISTING CAMPGROUND AREA

PROPOSED DETENTION POND  
 BOTTOM EL= 5081.0 (110' X 16')  
 HWL EL= 5082.0  
 BERM TOP EL=5083.5  
 EMERGENCY OVERFLOW=5083.0

RIP RAP EMERGENCY  
 DISCHARGE  
 (6" MINUS CLEAN COBBLE - 6"  
 DEPTH, 12" WIDE, 15-FT LONG)

P:\2020\20126.00 - Cody KOA\ood\KOA SITE\_C3D.dwg EXPAN. SITE 3/2/21 IAN

| DATE      | DRAWING LOG        | BY   | CHECKED | APPROVED | DRAWN BY: IKSM     |
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ENGINEERING ASSOCIATES - CODY, WYOMING  
 CONSULTING ENGINEERS & SURVEYORS

OWNER:  
 RECREATIONAL ADVENTURES

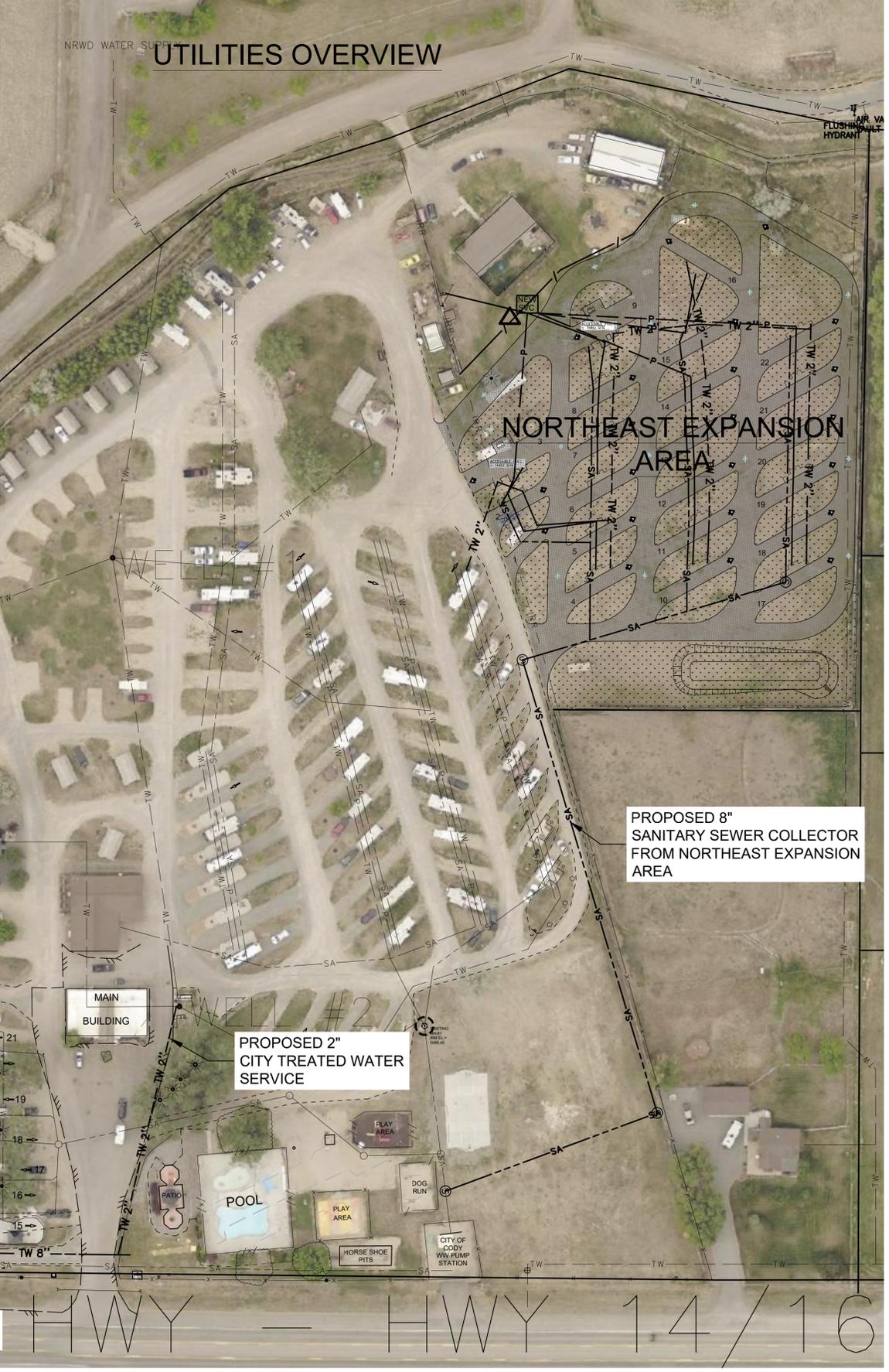
PROJECT: CODY KOA - NORTHEAST EXPANSION  
 TITLE: EXPANSION SITE PLAN

C2.1  
 SHEET 4 OF 7

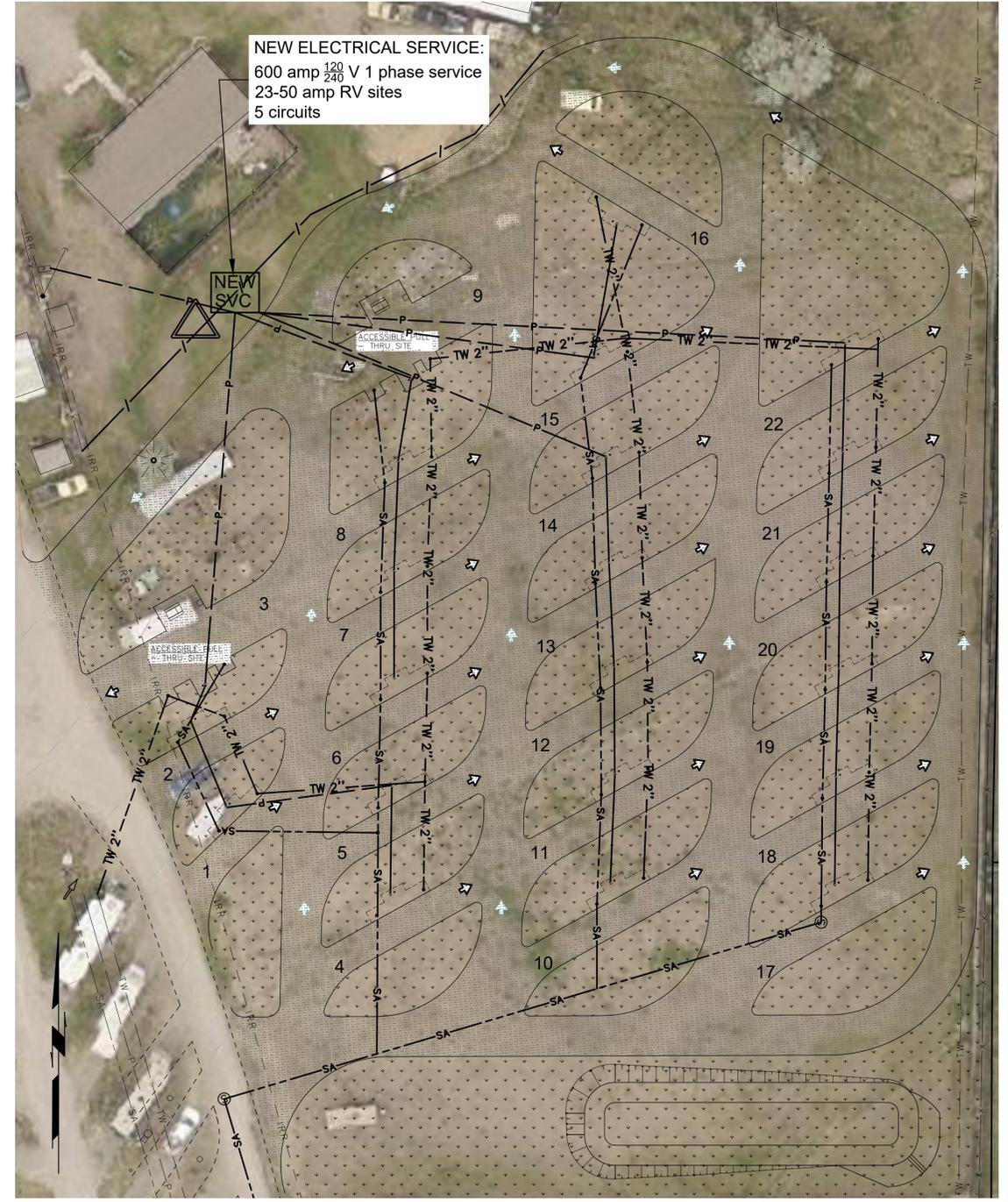
**LEGEND**

- FOUND ALUMINUM CAP MONUMENT
- SUBJECT PROPERTY LINE
- OHP— OHP EXISTING BURIED POWER
- OHP— OHP OVERHEAD ELECTRICAL LINE (RMP)
- TW— TW EXISTING TREATED WATER (NRWD)
- IRR— IRR EXISTING IRRIGATION LINE
- SA— SA EXISTING SANITARY SEWER
- R.O.W.— R.O.W. RIGHT-OF-WAY (WYDOT)
- E/L— E/L CITY OF CODY EASEMENT LINE
- ...— IRRIGATION DITCH FLOWLINE
- /—/— EDGE OF ASPHALT SURFACE
- - - - - EDGE OF GRAVEL
- x—x—x— EXISTING FENCE
- TW— TW PROPOSED TREATED WATER
- SA— SA PROPOSED SANITARY SEWER
- P— P PROPOSED BURIED POWER (SITE)
- /—/— PROPOSED PRIVACY FENCE
- 3795—  
—3794— MAJOR & MINOR CONTOUR LINES
- EXISTING POWER POLE
- ⊙ EXISTING GATE VALVE
- ⊙ EXISTING MANHOLE
- ⊙ EXISTING PEDESTAL; TRANSFORMER
- ▭ PROPOSED LANDSCAPE ROCK
- ▭ PROPOSED CONC UTIL CONNECTIONS
- ▭ PROPOSED GRAVEL

**UTILITIES OVERVIEW**



**NORTHEAST EXPANSION - DETAIL**



MOLLER SUB - LOT 10, EXC SOUTH 3.78 AC & LOT 11; ALL EXC PARCELS DEEDED TO WYO DEPT OF TRANSP

PROPOSED 8" SANITARY SEWER COLLECTOR FROM NORTHEAST EXPANSION AREA

PROPOSED 2" CITY TREATED WATER SERVICE

PROPOSED 8" CITY TREATED WATER MAIN

P:\2020\20126\00 - Cody KOA\KOA SITE\_C3D.dwg SITE UTILITIES 3/2/21 IAN

| DATE      | DRAWING LOG        | BY   | CHECKED | APPROVED | DRAWN BY: IKSM     |
|-----------|--------------------|------|---------|----------|--------------------|
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| 2/02/2021 | P&Z APP EDITS      | RAO  | RAO     | RAO      | JOB NO. 20126      |
| 1/26/2021 | SITE PLAN DRAWINGS | IKSM | RAO     | RAO      | FIELD BOOK NO. 588 |



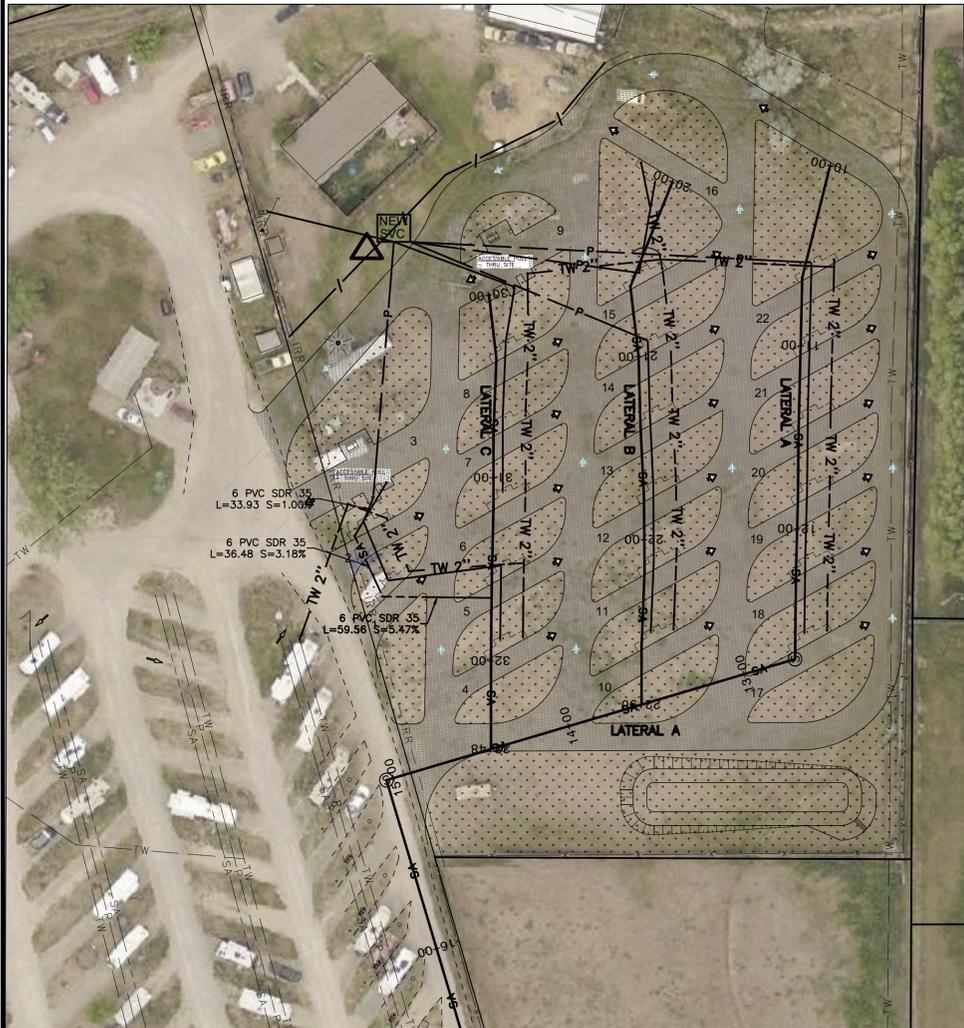
**ENGINEERING ASSOCIATES - CODY, WYOMING**  
CONSULTING ENGINEERS & SURVEYORS

OWNER:  
**RECREATIONAL ADVENTURES**

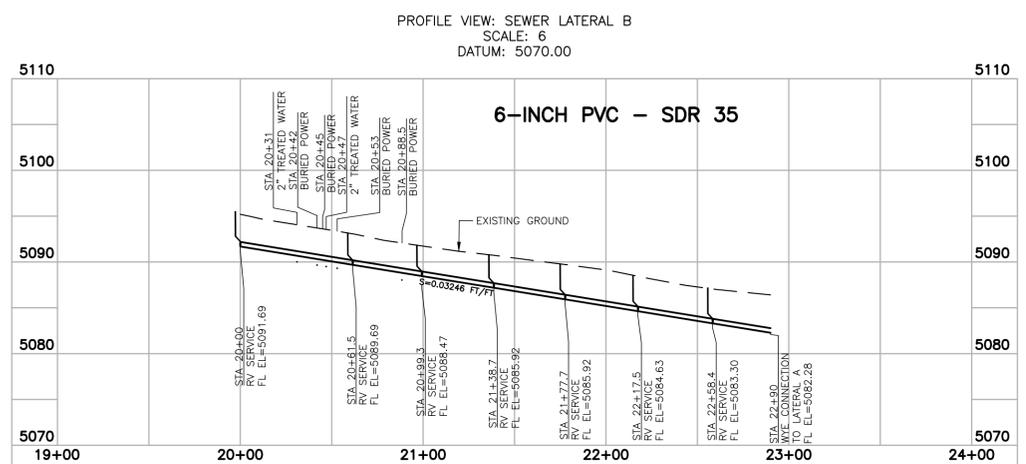
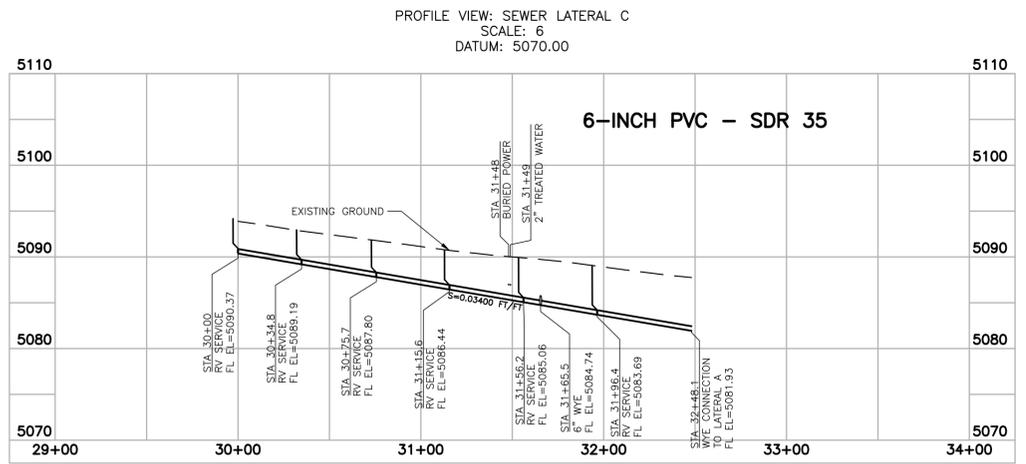
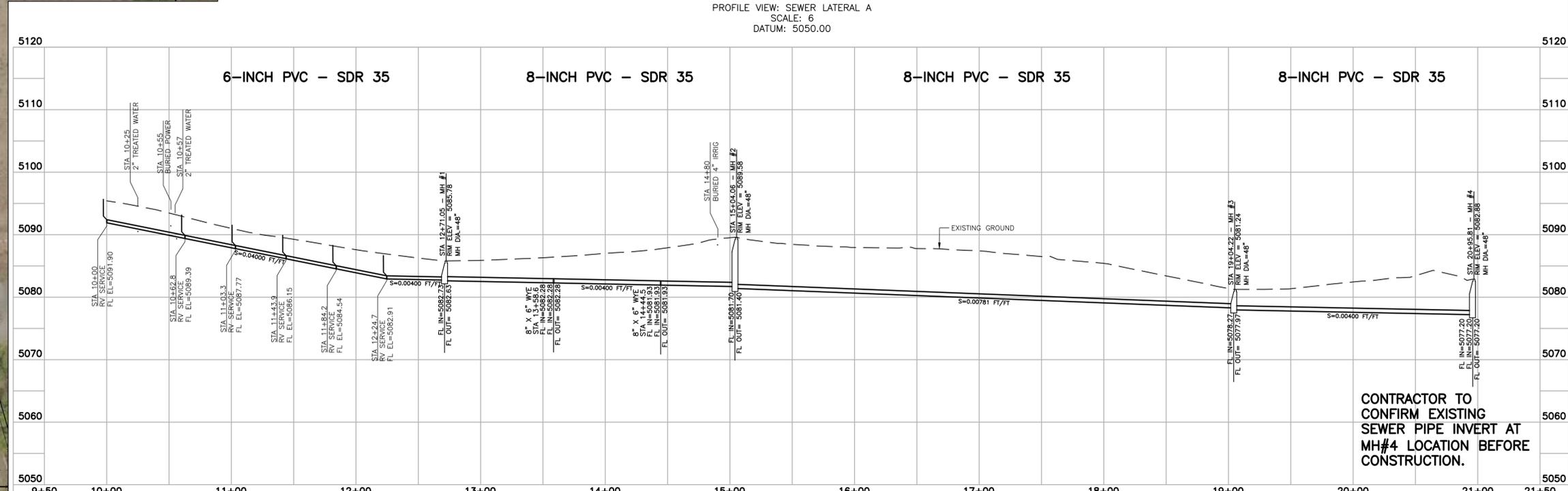
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| PROJECT: | CODY KOA - NORTHEAST EXPANSION |
| TITLE:   | UTILITY PLAN                   |

C2.2  
SHEET 5 OF 7

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| DATE      | DRAWING LOG        | BY   | CHECKED | APPROVED | DRAWN BY: IKSM     |
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| 3/02/2021 | P&Z APP EDITS      | RAO  | RAO     |          | DATE: 1/26/2021    |
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| 1/26/2021 | SITE PLAN DRAWINGS | IKSM | RAO     | RAO      | FIELD BOOK NO. 588 |



**LEGEND**

|  |                                |
|--|--------------------------------|
|  | FOUND ALUMINUM CAP MONUMENT    |
|  | SUBJECT PROPERTY LINE          |
|  | EXISTING BURIED POWER          |
|  | OVERHEAD ELECTRICAL LINE (RMP) |
|  | EXISTING TREATED WATER (NRWD)  |
|  | EXISTING IRRIGATION LINE       |
|  | EXISTING SANITARY SEWER        |
|  | RIGHT-OF-WAY (WYDOT)           |
|  | CITY OF CODY EASEMENT LINE     |
|  | IRRIGATION DITCH FLOWLINE      |
|  | EDGE OF ASPHALT SURFACE        |
|  | EDGE OF GRAVEL                 |
|  | EXISTING FENCE                 |
|  | PROPOSED TREATED WATER         |
|  | PROPOSED SANITARY SEWER        |
|  | PROPOSED BURIED POWER (SITE)   |
|  | PROPOSED PRIVACY FENCE         |
|  | MAJOR & MINOR CONTOUR LINES    |
|  | EXISTING POWER POLE            |
|  | EXISTING GATE VALVE            |
|  | EXISTING MANHOLE               |
|  | EXISTING PEDESTAL; TRANSFORMER |
|  | PROPOSED LANDSCAPE ROCK        |
|  | PROPOSED CONC UTIL CONNECTIONS |
|  | PROPOSED GRAVEL                |



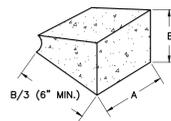
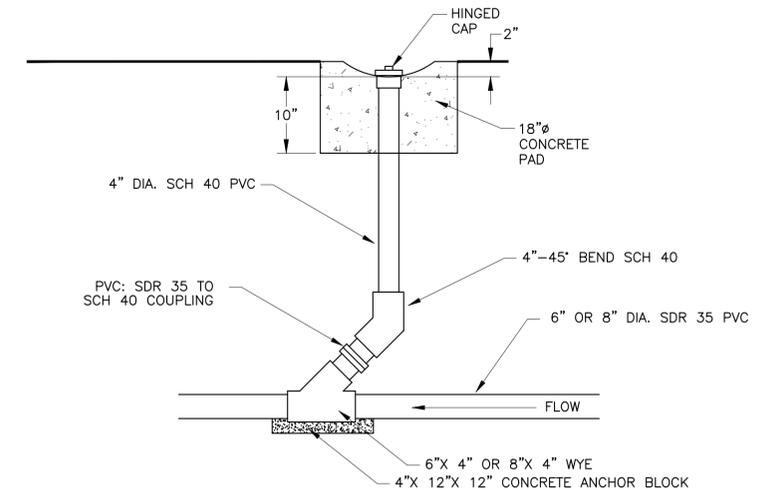
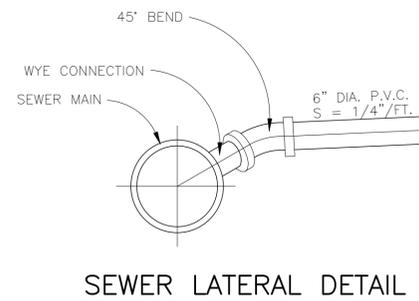
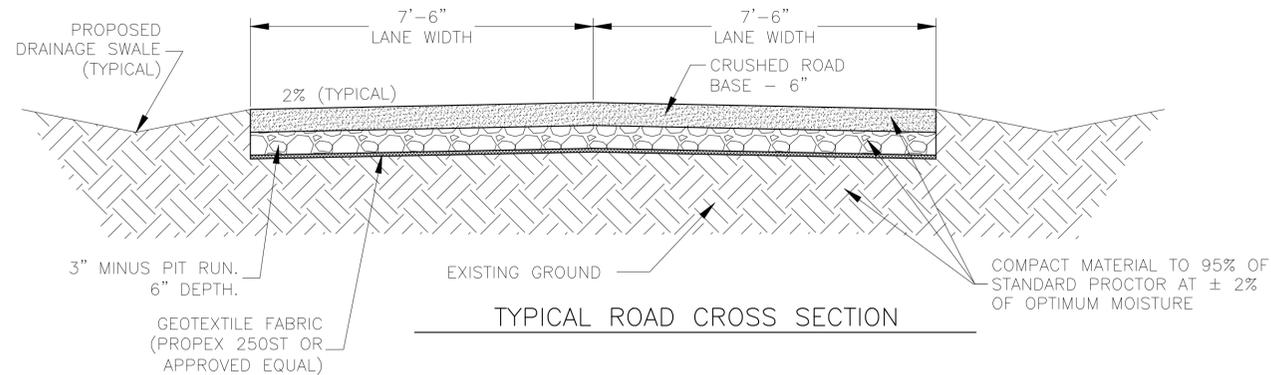
ENGINEERING ASSOCIATES - CODY, WYOMING  
CONSULTING ENGINEERS & SURVEYORS

OWNER:  
RECREATIONAL ADVENTURES

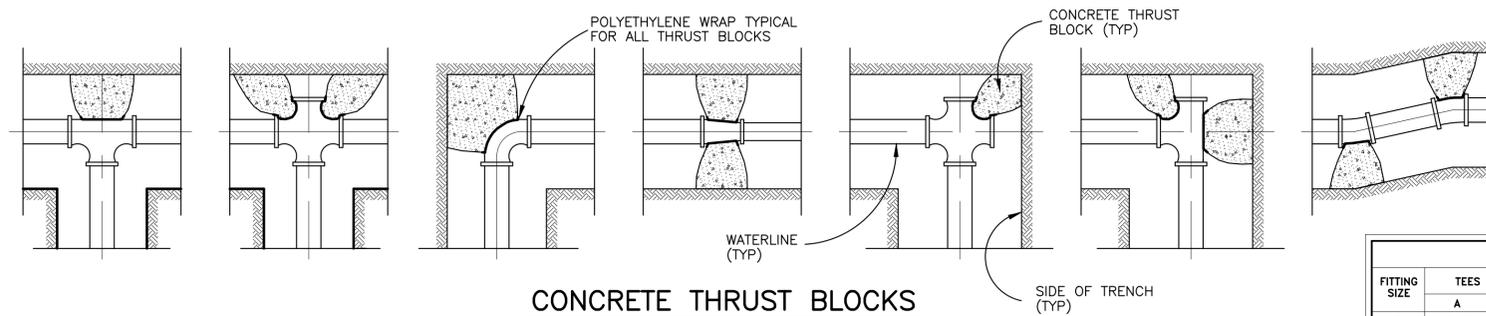
PROJECT: CODY KOA - NORTHEAST EXPANSION  
TITLE: PROPOSED SITE PLAN

C2.3  
SHEET 6 OF 7

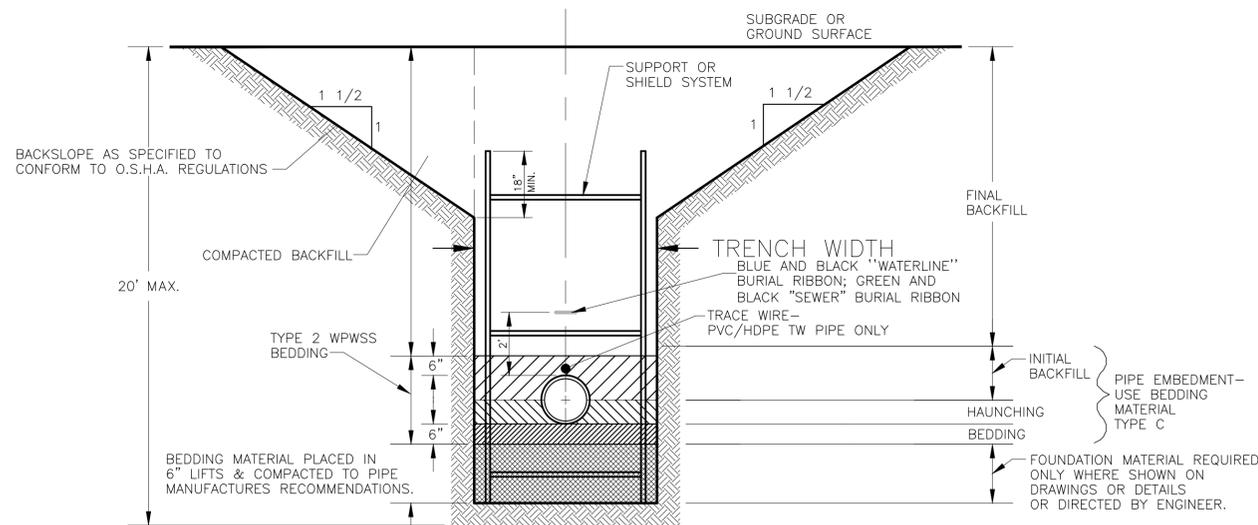
CONTRACTOR TO CONFIRM EXISTING SEWER PIPE INVERT AT MH#4 LOCATION BEFORE CONSTRUCTION.



- NOTES:**
1. FITTINGS TO BE SEPARATED FROM BLOCKS WITH AN APPROVED BOND BREAKER, SUCH AS POLY WRAP.
  2. ALL BLOCKS TO BEAR AGAINST UNDISTURBED MATERIAL.
  3. DESIGN IS BASED ON 150 PSI MAIN PRESSURE AND 2000 PSF SOIL BEARING CAPACITY.



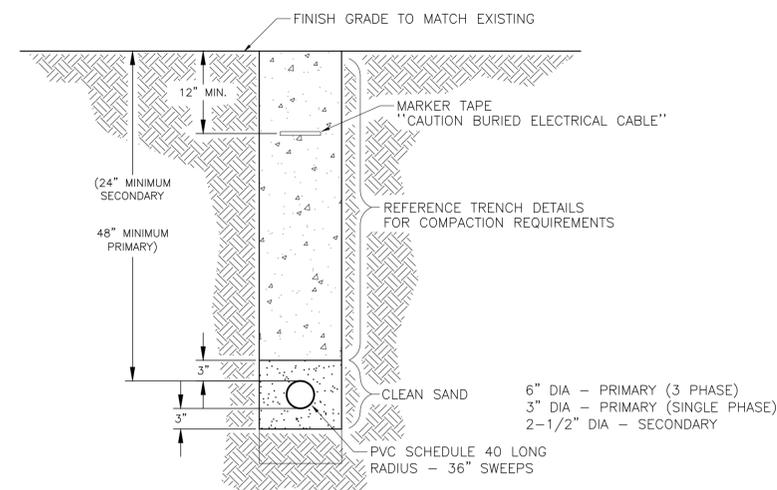
| FITTING SIZE | TEES & PLUGS |        | 90° BENDS |        | 45° BENDS & WYES |        | REDUCERS & 22 1/2° BENDS |        | 11 1/4° BENDS |       |
|--------------|--------------|--------|-----------|--------|------------------|--------|--------------------------|--------|---------------|-------|
|              | A            | B      | A         | B      | A                | B      | A                        | B      | A             | B     |
| 4"           | 1'-7"        | 1'-2"  | 1'-9"     | 1'-6"  | 1'-8"            | 0'-10" | 1'-7"                    | 0'-6"  | 0'-6"         | 0'-6" |
| 6"           | 2'-0"        | 1'-11" | 2'-5"     | 2'-2"  | 1'-10"           | 1'-7"  | 1'-9"                    | 0'-10" | 1'-0"         | 0'-6" |
| 8"           | 2'-8"        | 2'-6"  | 3'-2"     | 3'-0"  | 2'-5"            | 2'-1"  | 1'-9"                    | 1'-6"  | 1'-0"         | 1'-0" |
| 10"          | 3'-4"        | 3'-3"  | 4'-0"     | 3'-10" | 3'-10"           | 3'-0"  | 2'-9"                    | 2'-2"  | 1'-11"        | 1'-0" |
| 12"          | 4'-0"        | 3'-10" | 4'-8"     | 4'-8"  | 3'-8"            | 3'-3"  | 2'-7"                    | 2'-3"  | 2'-0"         | 1'-0" |
| 14"          | 5'-5"        | 3'-10" | 6'-6"     | 4'-11" | 4'-9"            | 3'-5"  | 3'-5"                    | 2'-5"  | 2'-0"         | 1'-6" |
| 20"          | 5'-0"        | 5'-0"  | 6'-0"     | 6'-0"  | 5'-0"            | 4'-0"  | 3'-6"                    | 3'-0"  | 3'-0"         | 2'-0" |
| 24"          | 6'-0"        | 6'-0"  | 7'-0"     | 7'-0"  | 5'-0"            | 5'-0"  | 4'-6"                    | 3'-0"  | 3'-0"         | 3'-0" |
| 30"          | 7'-6"        | 7'-6"  | 8'-0"     | 8'-0"  | 6'-3"            | 6'-3"  | 4'-9"                    | 4'-6"  | 3'-3"         | 3'-3" |



**TYPICAL SEWER TRENCH DETAIL**

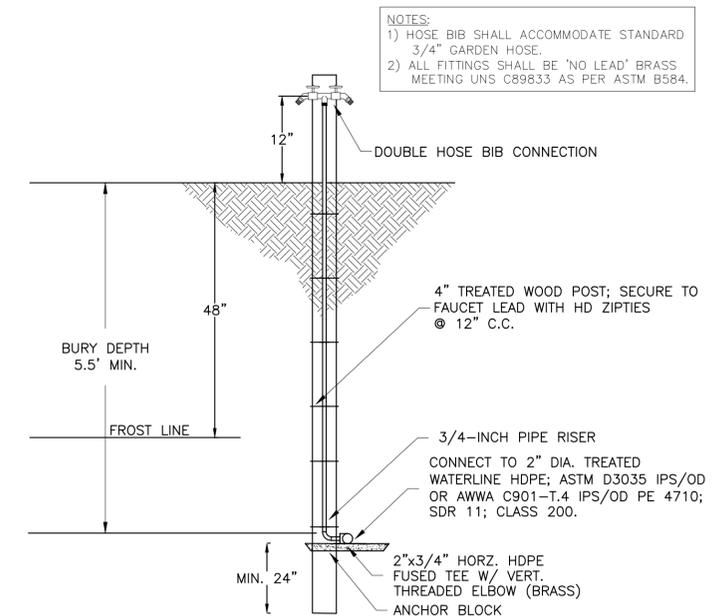
NOT TO SCALE  
IF SUPPORT OR SHIELD SYSTEM IS NOT USED, MAXIMUM ALLOWABLE SLOPE FOR ALL TRENCHES LESS THAN 20 FT. DEEP WILL BE 1.5H : 1V. COMPLY W/ ALL APPLICABLE SAFETY REQUIREMENTS

NOTE: TYPE C BEDDING: WELL GRADED MATERIAL WITH MAXIMUM SIZE OF 1-INCH. 0-10% PASSING NO. 4 SIEVE. AT LEAST 50% OF AGGREGATE SHALL HAVE MINIMUM ONE FRACTURED FACE.



**TYPICAL ELECTRICAL TRENCH SECTION (CITY)**

NOT TO SCALE  
(ELECTRICAL MAY BE PLACED IN JOINT TRENCH WITH TREATED WATER)



**RV SPACE WATER SERVICE DETAIL**

P:\2020\20126.00 - Cody KOA\road\KOA SITE\_C3D.dwg DETAILS 3/2/21 JAN

| DATE      | DRAWING LOG        | BY   | CHECKED | APPROVED | DRAWN BY: IKSM     |
|-----------|--------------------|------|---------|----------|--------------------|
| 2/02/2021 | P&Z APP EDITS      | RAO  | RAO     |          | DATE: 1/26/2021    |
| 1/26/2021 | SITE PLAN DRAWINGS | IKSM | RAO     | RAO      | JOB NO. 20126      |
|           |                    |      |         |          | FIELD BOOK NO. 588 |



ENGINEERING ASSOCIATES - CODY, WYOMING  
CONSULTING ENGINEERS & SURVEYORS

OWNER:  
RECREATIONAL ADVENTURES

PROJECT: CODY KOA - NORTHEAST EXPANSION  
TITLE: DETAILS

D1.0  
SHEET 7 OF 7

**CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
STAFF REPORT**

|                      |  |                              |   |
|----------------------|--|------------------------------|---|
| <b>MEETING DATE:</b> | MARCH 9, 2021  | <b>TYPE OF ACTION NEEDED</b> |   |
| <b>AGENDA ITEM:</b>  |  | P&Z BOARD APPROVAL:          |   |
| <b>SUBJECT:</b>      | PRELIMINARY PLAT OF THE MUSSER-BEACON HILL COMMERCIAL SUBDIVISION. SUB 2021-02 | RECOMMENDATION TO COUNCIL:   | X |
| <b>PREPARED BY:</b>  | TODD STOWELL, CITY PLANNER   | DISCUSSION ONLY:             |   |

**PROJECT OVERVIEW**

Harold Musser has submitted a preliminary plat application for a 6-lot subdivision located on the west side of Beacon Hill Road, north of Sheridan Avenue. The zoning of the property is Open Business/Light Industrial (D-3). The property is currently vacant. The preliminary plat drawing is attached.



**SUBDIVISION REGULATIONS**

The subdivision ordinance requirements are as follows. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

**11-4-2: STREETS, ALLEYS AND EASEMENTS:**

*A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.*

Comment: Access for Lots 5 and 6 will be from a shared, 50-foot-wide easement. The subdivision ordinance does not clearly trigger street improvements for shared access easements, when the lot frontages and widths are at least 50 feet, as is the case here. Therefore, it is staff's intent to treat the easement as a shared approach, and not a full street. It is noted that the parking ordinance will trigger a paved approach area off of Beacon Hill Road at the time of any building permit on the lots.

*B. Conform to Master Street Plan: All streets shall conform to the city master street plan for size and approximate alignment.*

Comment: Both Sheridan Avenue and Beacon Hill Road have sufficient right-of-way to accommodate the master plan streets identified for those corridors. However, the streets currently lack the asphalt width, curb and gutter, sidewalk, and streetlights

identified for the corridors. As will be noted in "Q" below, a waiver for construction of the frontage improvements is proposed.

*Items "C" through "O" relate to standards for new streets, which are not applicable to this project.*

*P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys... Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.*

Comment: There is an existing alley on the west side of Lots 2, 3 and a portion of Lot 4, that ties into 38<sup>th</sup> Street at each end. This subdivision uses that land for utilities, but it is not the intent that the alley be utilized by these commercial lots for access. The proposed lots are large enough that dumpster garbage collection can occur within the commercial lots themselves. The alley was provided and constructed for the residential subdivision. A variance to the alley requirement is requested and supported by staff.

*Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and adjustment board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat...*

Comment: A waiver to the frontage improvements was granted with the Beacon Hill Minor Subdivision that created the southern portion of this subdivision. The situation is still the same, and a waiver for both lots is recommended. The language about agreeing to participate in a future improvement district for Beacon Hill Road (Lots 2-6) and Sheridan Avenue (Lot 1) needs to be included on the final plat.

*R. Street Cross Section: The minimum typical street cross section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutter sections may be obtained from the city engineer.*

Comment: See "Q" above.

*S. Valley Gutters: The use of valley gutters in areas where storm sewer facilities exist or are proposed will be discouraged.*

Comment: Not applicable.

*T. Drainage: The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All*

*stormwater systems shall be designed to achieve zero increase in runoff and shall be in compliance with the city stormwater management policy, as amended. They shall be designed and constructed to allow runoff and stormwater to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available, the proposed system shall be designed to connect to it. When an existing storm sewer trunk line is not available, a drainage plan must be developed that is acceptable to the city.*

Comment: As there are no streets proposed, all stormwater retention will be addressed at the time of site development, and will be reviewed through the site plan process. There is no City stormwater system in the area.

*U. Lot Requirements: All lots within a proposed subdivision will meet the following requirements:*

*1. Lots shall be sized to meet the requirements of the appropriate zoning.*

Comment: The D-3 zone does not have any minimum width or other dimensional lot requirements.

*2. Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.*

Comment. All lots have at least 50 feet of frontage on a public street.

*3. Side lot lines shall be at approximate right angles to the street line on which the lot faces.*

Comment: Met.

*4. Strip lots established with the intent of restricting access to streets or alleys will be prohibited.*

Comment: Met.

*V. Blocks: Blocks shall be at least three hundred feet (300') long, normally, not to exceed six hundred sixty feet (660') long. All blocks shall normally be of sufficient width to allow for two (2) tiers of lots of approximately equal width and an alley.*

Comment: This standard is appropriate for residential development, but not large-lot commercial. A variance to the standard is recommended.

**Section 11-5-1, DEVELOPMENT AND IMPROVEMENT** also includes standards for construction. Most of those items are simply verified in the construction plans and/or as part of the final plat review. Those that warrant discussion at this point are noted below.

*I. Fire Hydrants: Fire hydrants shall be installed at intervals not to exceed five hundred feet (500') between hydrants and provided with standard hose connections as specified by the fire department.*

Comment: There are hydrants along the north end of Lots 5 and 6 and at the south end of the alley on Lot 2. The hydrant spacing and coverage does not meet this requirement. The fire marshal has indicated that an additional hydrant appears to be needed. The applicant needs to discuss options for hydrant location and placement with the fire marshal and add it to the plans as needed. As the neighboring developer has plans to pave the alley this spring, which alley is over the water main, if installation of the new hydrant needs to come off of that line, it would ideally occur before the alley is paved.

*J. Open Drains, Irrigation Ditches: All open drains and irrigation ditches shall be buried or, if possible, eliminated.*

Comment: None.

*K. Utilities: All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys. Written agreements between the subdivider and each utility company, copies of which will be presented to the city with the construction specifications, shall be drawn up stating who will install the utilities and how the costs for their installation shall be covered. ... It will be the developer's responsibility to ensure that all utilities necessary or reasonably expected are placed within the proposed subdivision.*

Comment: The applicant coordinated utility installation with Kip Thiel's development, per the Beacon Hill Minor Subdivision agreement, and sewer, domestic water, and power are available to each of the proposed lots. (Lots 5 and 6 do not have water and sewer stub outs, but the mains are accessible for taps when needed.)

Telecommunication access appears available, but needs to be verified. Natural gas access has yet to be designed. Any outstanding utility planning (natural gas, other?) will need to be provided with the final plat application.

*L. Other Improvements: Any other improvements, such as bridges, culverts, etc., not specifically mentioned herein but found necessary by the city due to conditions found on the site shall be constructed.*

Comment: None.

*N. Public Use Areas: There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of one acre per fifty (50) prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. This requirement shall be in addition to lands dedicated for streets and alleys. Prospective commercial development densities shall be determined by developers with approval from the planning and zoning board. Minor subdivisions shall be exempt from this requirement. The dedication of land or cash in lieu of land shall be at the sole discretion of the city council, with recommendation from the planning and zoning board and the*

*parks and recreation department. If subsequent rezoning or resubdivision would result in a higher number of prospective dwelling units, additional land or cash equivalent shall be conveyed to the city. If the city council elects to require cash in lieu of land, the amount thereof shall be the fair market value of the land. If the city and the subdivider cannot agree on that value, each shall designate an appraiser and the two (2) appraisers so selected shall arrive at a recommended market value, which shall be binding upon the parties. This open space requirement shall be waived if the proposed subdivision is located in an area that has been previously subdivided and the above requirement was satisfied at that time.*

Comment: If residential development occurs on the property, it can be calculated at that time. A delay in the requirement, to whenever a residential building permit is submitted (if ever) is recommended.

**OTHER:**

1. Irrigation Water: The applicant apparently desires to retain the surface water rights. That triggers a water distribution plan to be provided and approved by the irrigation district.

2. Vacation of Irrigation and Drainage Easements:

The preliminary plat indicates the desire to vacate unused irrigation and drainage easements, and has necessary "Consent to Vacate" language and signature lines from the affected lot owners. The irrigation easements are now unnecessary that the School District and Kip Thiel have signed an agreement to transfer the surface water rights to the City (no longer going to use Cody Canal water). The drainage easement was a requirement of Cody Canal, based on the prior irrigation distribution plan. Verification that they consent to the vacation of the drainage easement will need to be provided.

3. Utility easement at west end of Lot 6: Kip Thiel's subdivision to the south proposes to vacate a utility easement, which easement would be replaced with the "Proposed 25' utility easement shown in the southwest portion of Lot 6. However, in order for that easement to be vacated, the "Proposed 25' utility easement" needs to extend all the way to the west property line of Lot 6. Either extend the easement to the west property line, or coordinate an alternative solution with Mr. Thiel and Public Works.

4. Easements of Record: The application did not clearly contain a title report or claim to have conducted a title search. A lot of easements have been established, relocated, or moved on these properties. The final plat application will need to include a title report/search results.

5. Plat corrections/edits: There are a number of corrections needed to the preliminary plat, and which will need to be carried forward to the final plat. They include:

- a) Add the legal description.
- b) Add a scale bar and north arrow.

- c) Add language about the easement vacations to the Certificate of Owner.
- d) Add the future road improvement district language to the Certificate of Owner.
- e) Under "Land Use", change "residential" to "vacant", and note the current zoning as D-3.
- f) Correct the name of the subdivision in the P&Z approval block and recording block.
- g) Add the City Council approval block.
- h) In the "Consent to Vacate" blocks, clarify that Lot 2 is referring to Lot 2 of the Beacon Hill Minor Subdivision (not Lot 2 of this subdivision).
- i) Expand the 25' utility easement to 40' along the north side of the main body of Lot 6, by shifting its north line to the north property line. (Current 15' easement that was excluded only clearly includes electric, yet the easement contains other utilities as well.)
- j) Dimension the lengths of the proposed 20' and 25' easements in the southwest portion of Lot 6.
- k) Add "-1" to the Tract F and Tract C labels, to reflect numbering from the prior boundary line adjustment.
- l) Label the adjacent "The Landing" subdivision.
- m) Remove "50.00" from the access & utility easement north of Lot 5. Label the access portion of that easement as specifically for Lots 5 and 6. The owner may want to add a note about Lots 5 and 6 sharing maintenance responsibilities for all portions of the access easement that is shared.
- n) Add the lines/plans for natural gas.
- o) Add survey symbols to the property corners that lack them, and update the legend as needed (some should be brass caps).
- p) Add missing bearings, distances, and record bearings/distances as needed. (Bearing on SE side of Lot 1, west side of Lot 5, etc.)
- q) Add "& Irrigation" to the 30' easement note on Lot 4.
- r) Correct spelling of "easement" at the SW and SE corners of Lot 3.
- s) Is the flowline easement shown SE of Lot 2 still there? (If not, remove.)
- t) Remove "East" from the Sheridan Avenue label.
- u) Add "of the Beacon Hill Minor Subdivision" to the Note on Lot 1.

VARIANCES:

The variances noted are to be reviewed under the following standard of 11-5-2(B):

*If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and*

*purpose of this title, the commission and council may, upon written request and proper justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any such variance will not have the effect of nullifying the intent and purpose of this title.*

Staff would recommend that the Board find that the variances noted in the section below be found to alleviate the "extraordinary hardship" that would result if they were not granted, and that the variances are in line with the intent and purpose of the subdivision ordinance.

**POTENTIAL MOTION:**

Recommend that the City Council approve the preliminary plat and the following variances, subject to the listed conditions:

Subdivision Variances:

1. Variance to the alley requirement.
2. Variance to the block length requirement.

Conditions:

1. As a condition of waiving the frontage improvement requirements, the lots owners agree to participate proportionately in any road improvement district designed to construct Beacon Hill Road or Sheridan Avenue to City standards, including widening, curb and gutter, sidewalk, and streetlights. The final plat will need to include a note to this effect pursuant to 11-4-2(Q).
2. Access for Lots 2 and 3 is limited to the 50' by 50' access easement. Access for Lots 5 and 6 is limited to the access easement north of Lot 5. The existing approach in the middle of Lot 5 shall be removed prior to development of Lot 5. Add a note to the final plat indicting these restrictions.
3. The Public Use Area requirement is delayed until such time, if ever, that residential development is proposed, and shall be in the form of cash-in-lieu. Calculations shall be made for the lot proposed for residential development, based on the land value and City code requirements then in effect.
4. With the final plat application, provide an irrigation water distribution plan and approval of the plan by the irrigation district.
5. With the final plat, provide verification from Cody Canal that they consent to the vacation of the drainage easement will need to be provided.
6. Either extend the "Proposed 25' utility easement" all the way to the west property line of Lot 6, or coordinate an alternative solution with Mr. Thiel and Public Works.
7. Develop a plan for installation of the additional hydrant with the fire marshal. Submit the agreed upon plan with the final plat application. The hydrant must be

installed prior to development of Lot 4, and ideally it would occur before the alley is paved.

8. Make the corrections to the preliminary plat noted in the staff report, and carry them forward to the final plat.
9. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.

**ATTACHMENTS:**

Preliminary Plat

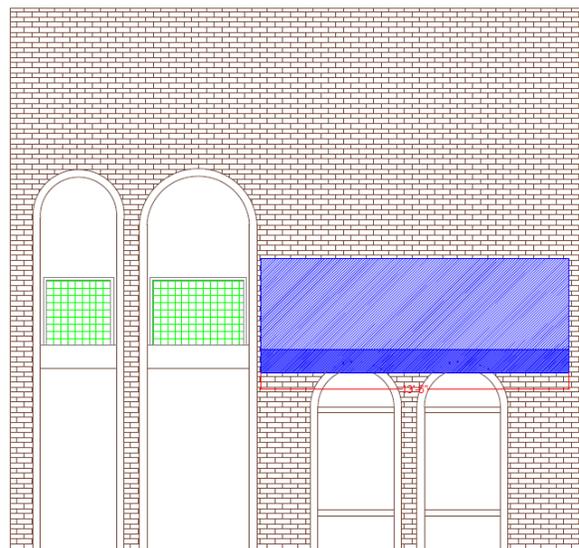
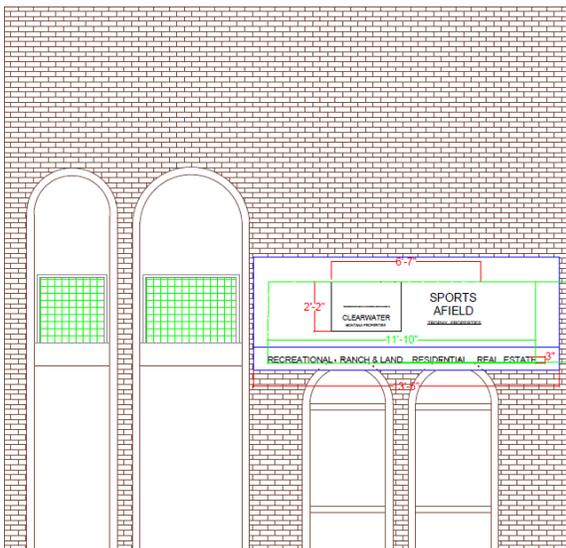
## CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

|                      |  |                               |   |
|----------------------|--|-------------------------------|---|
| <b>MEETING DATE:</b> | MARCH 9, 2021  | <b>TYPE OF ACTION NEEDED</b>  |   |
| <b>AGENDA ITEM:</b>  |  | P&Z BOARD APPROVAL:           | X |
| <b>SUBJECT:</b>      | DOWNTOWN ARCHITECTURAL REVIEW:<br>CLEARWATER PROPERTIES AWNING<br>AND SIGNS. SPR 2021-08 | RECOMMENDATION TO<br>COUNCIL: |   |
| <b>PREPARED BY:</b>  | TODD STOWELL, CITY PLANNER   | DISCUSSION ONLY:              |   |

**PROJECT DESCRIPTION:**

Clearwater Properties has submitted an application to install a new awning and awning signs at their new location at 1349 Sheridan Avenue. The proposal is to install an ocean blue Sunbrella (fabric) awning, measuring 13 ½ feet wide, 5 feet tall, and 4 feet deep. The lower 12" on the front would be a ridged valance.

The following logos (or similar) would be printed on the sloped portion of the awning, and "RECREATIONAL · RANCH & LAND · RESIDENTIAL REAL ESTATE" would be printed on the valance. The proposal is depicted visually below.



**REVIEW CRITERIA:**

Pursuant to 10-10B-4 of the City of Cody Code, all structures within the zoning district are to be architecturally compatible and architectural plans are to be submitted to the planning and zoning commission for approval.

Pursuant to Subsection B of 9-2-2, within the Downtown Architectural District, *“The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.*

**STAFF COMMENTS:**

**Architecture:**

Awnings are a typical feature on buildings along main street, and the proposed awning is a typical style. While staff finds the proposal difficult to fully visualize, there are other blue fabric awnings on main street. The lower photo shows the surrounding area.



**Signage and lighting:**

The signs total are about 14.26 square feet in size, well below the 50 square feet allowed.



**WYDOT permitting and sidewalk clearance:**

As the awning extends over the WYDOT right-of-way an encroachment permit from WYDOT is required. The applicant and city staff are working with WYDOT on that process. The standard for clearance above a State Highway sidewalk is 10 feet. The applicant’s drawing represents an awning clearance of 8 feet. With the exception of the awning to the immediate right of this proposal, which has 8 feet of clearance, all other awnings on this block are at 9 feet. City staff supports a 9-foot clearance for this project. If the Board agrees, please voice that opinion so that it can be shared with WYDOT for their “variance” process.

**ALTERNATIVES:**

Approve or deny the proposal, with or without changes.

**RECOMMENDATION:**

Approve the project as proposed, sharing any recommendations on the project. The clearance will need to meet what WYDOT requires. A building permit is needed.



**CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
STAFF REPORT**

|                      |   |                              |   |
|----------------------|---|------------------------------|---|
| <b>MEETING DATE:</b> | MARCH 9, 2021   | <b>TYPE OF ACTION NEEDED</b> |   |
| <b>AGENDA ITEM:</b>  |   | P&Z BOARD APPROVAL:          | X |
| <b>SUBJECT:</b>      | PUBLIC HEARING AND SPECIAL EXEMPTION REQUEST TO REDUCE THE REQUIRED NUMBER OF ON-SITE PARKING SPACES, 1732 SHERIDAN AVENUE. SUP 2021-02 | RECOMMENDATION TO COUNCIL:   |   |
| <b>PREPARED BY:</b>  | TODD STOWELL, CITY PLANNER  | DISCUSSION ONLY:             |   |

**PROJECT DESCRIPTION:**

Point Architects, representing Brian & Jennifer Walker of Cody Craft Brewing, has submitted a special exemption application pertaining to parking at 1732 Sheridan Avenue. The building was most recently used for a mix of retail and service stores. The proposal is to utilize the entire building for a craft brewery and tap room.



As the land use of the property is changing, it triggers compliance with the current parking standards of the City (City code 10-16-3). Regardless of the method used to calculate how much parking is required, which will be discussed below, the property does not have that many on-site parking spaces available. The special exemption request is to allow 22 on-site parking spaces to be considered adequate for the proposal.

The subject property is 21,000 square feet in size (0.48 acres) and zoned General Business (D-2). The existing building is 8,328 square feet in size, per the County assessor records.

The public hearing for the exemption request was advertised as required by mail to neighboring properties within 140 feet on February 19, 2021; and by publication in the newspaper on February 23, 2021.

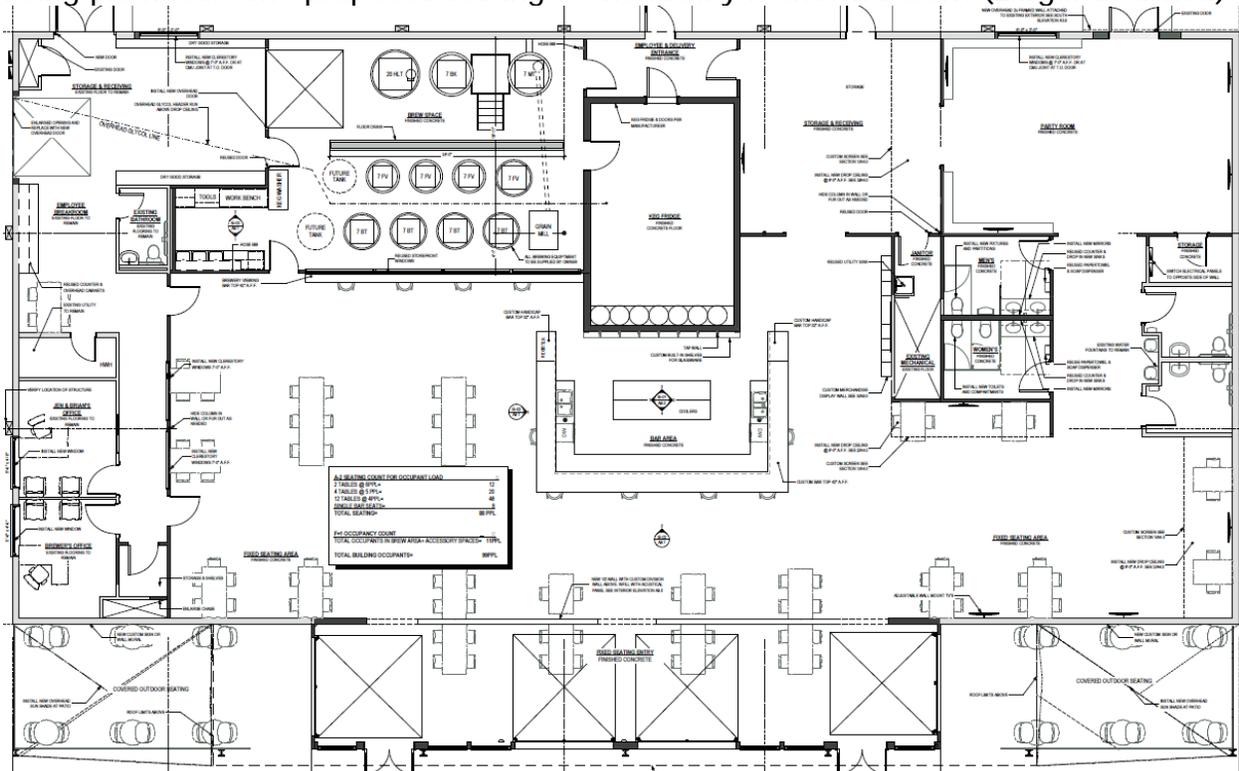
**REVIEW CRITERIA:**

Pursuant to Section 10-14-2(B)(1)(d) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to parking requirements. The standards for

approval of a special exemption are listed later in this report, with staff comments provided. Before reviewing the standards, staff will provide an analysis of the parking situation and ordinance requirements.

The parking ordinance states, "The minimum number of parking spaces required for a use shall be according to Table 1 of this section, unless the planning and zoning board authorizes otherwise based on reliable data, such as parking data from a highly comparable facility or a parking demand study prepared by a qualified parking consultant or engineer, which justifies use of a different parking ratio." The ratios in Table 1 were generally obtained from a publication from the Institute of Transportation Engineers, Parking Generation, 4<sup>th</sup> edition. Table 1 specifies that for bars or lounges, 17.3 spaces per 1,000 square feet, or 0.3 spaces per fixed seat where eating is fixed is the recommended ratio. Indoor and outdoor seating areas are counted. At 8,323 square feet, that would mean 144 parking spaces required for the existing building, and another 13 spaces for the proposed covered outdoor seating, for a total of 157 parking spaces. Staff believes that number to be excessive. The ratio seems to work well for small fast-food restaurants, but not larger eating/bar facilities.

The applicant claims in their narrative an occupancy of 100 seats at the facility, and that by using the ratio of 0.3 spaces per fixed seat, only 30 parking spaces would be required by the ordinance. However, this ratio is only applicable to fixed seating, where tables and chairs do not move. It is also based on the assumption (although not noted in the code) that the maximum number of seats that the area can accommodate is being provided. The proposed seating of the facility is shown below. (Larger attached).



It needs to be pointed out that the 100 seats shown are much, much less than the capacity of the building. For example, the central bar area and the bar area in front of the brewery area only show 10 seats. However, using a realistic spacing of 30" (center to center) for the bar areas, they would have a capacity of 33 seats. The tables also show extra spacious seating. Seating charts used in the restaurant industry are generally broken into "family dining" which provides a comfortable 30" spacing on center, and quick turnover (think fast food) which provide a 24" spacing on center. Using the "family dining" spacing for the tables reveals that the 9-foot-long tables to the left of the main bar actually can each seat 10, not the six shown. The smaller indoor tables can generally accommodate two seats more at each table than shown. The claimed seating capacity also does not include the party room, which would have a capacity of 39 persons based on one person per 15 square feet. Employees are also not considered in that ratio. For these reasons, staff is not comfortable accepting the claim that only 30 parking spaces would be required for this facility.

For purposes of advertising the public hearing, it was identified that the seating capacity of the facility was around 171 persons (99 at tables, 33 at bars, and 39 in the party room). Those numbers represent using the seats shown at the tables on the plan, the 30" spacing at the bars, and the 39 persons in the party room. The number of parking spaces required as purposely not identified in the notice, due to the large discrepancy in calculations.

If the 0.3 parking spaces per seat were applied to 171 seats, it would mean 51 spaces would be needed. 22 spaces are proposed to be provided.

Also note that the proposal expands the capacity beyond the historical use areas by utilizing what was once the entry vestibule for active use, and adding outdoor seating to each side of the vestibule.

*No special exemption shall be approved unless the planning and zoning board finds:*

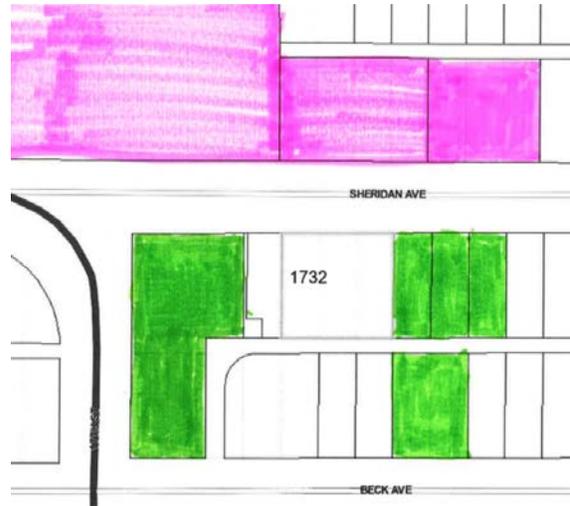
- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*



Staff Comment: The Board has historically considered neighbor comment as one of the primary methods for determining the extent of any undesirable change to the character of the neighborhood. Twelve neighboring property owners were notified of the proposal. As of the time of this staff report, we have received four responses of "no objection", four responses indicating "objection", and one expressing neither but noting a concern about availability of parking during their busy time (tax season). Please review the comments, all of which are attached.

The map of the responses is included here, with pink indicating "objection", green "no objection", and white no response. Due to mail delays, additional responses are likely to still be received.

The objections include statements that there is already a shortage of on-street parking in this area, that the proposal would create additional parking problems, that utilizing on-street parking for the facility would further create pedestrian and vehicle conflicts due to lack of established crossings (everybody would jaywalk).



One of the comments notes a rumor that food trucks will be placed on the property. Historically, the City has only allowed mobile vendors (food trucks) on properties that have excess parking capacity. That is not the case here. If food trucks are proposed on the property, they would likely be open to customers independent of the tap room, which would further increase parking demand. That issue should be clarified with the applicant by the Board.

- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;*

Staff Comment: See "a" above.

- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;*

Staff Comment: The application does not fully address this point. The Board can ask the applicant for their reasoning.

It is noted that the parking lot could be modified to add another space, by reducing the width of the 45-foot-wide entrance down to around 30 feet. That would allow another space to be provided and allow some of the existing spaces to be widened out to provide easier maneuvering. The curb cut would need to be replaced with standard curb.

Staff is also not convinced that all other alternatives have been exhausted. It is staff understanding that originally the facility was planning to use the Pinnacle Bank parking lot, but apparently their Board said no. While we do not know the details of the discussion, if the applicant didn't bring their checkbook, why would the bank have an incentive to say "yes"?

Due to the overall situation, it is recommended that the Board ask the applicant the details of any negotiation with Pinnacle Bank for a shared parking agreement. At this point, it appears to be perhaps the only viable solution, without entirely changing the proposal. No other large parking facilities are in the area.

- d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;*

Staff Comment: If the special exemption is not granted, then the building layout and use cannot occur as proposed. There would need to be physical reductions in the capacity, which could have the effect of making the business plan infeasible.

- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use;*

Staff Comment: All utility services are in place and the city has sufficient capacity to serve the additional utility demands.

The existing parking facility encroaches into the Sheridan Avenue right-of-way, and in doing so, precludes pedestrians from having a clear walkway/sidewalk along this property frontage. Properties to each side, all down the block have sidewalk or walking areas behind the sidewalk. To correct this, regardless if the special exemption is granted, the parking blocks along Sheridan Avenue should be required to be move back. Six feet between the back of curb and the parking block would be adequate. As the parking lot is 74 feet deep, and only 64 feet is required to meet minimum parking stall and backup dimensions, there is room for the parking blocks to be moved and the walking path provided.



There will be significant pedestrian activity to and from the facility, and appropriate pedestrian facilities need to be provided.

- f. *The special exemption is consistent with the goals, policies and future land use map of the master plan.*

Staff Comment: The only policy that is applicable is Principle 15.1.A, Parking Requirements, which states:

*"Analyze and consider areas where on-street parking could be permitted to count toward required parking."*

**ALTERNATIVES:**

Approve, deny or approve with conditions.

**ATTACHMENTS:**

Submittal letter, application materials, and neighbor responses.

**RECOMMENDATION:**

The applicant needs to demonstrate that they have exhausted the alternative of obtaining an agreement to utilize all or a portion of the Pinnacle Bank parking lot (approximately 55 spaces). If it is demonstrated that obtaining an agreement is not feasible, the applicant and Board can negotiate an appropriate seating capacity for the facility based on what parking spaces will be available. Staff is not opposed to allowing the six on-street parking spaces along the property frontage to be counted towards the amount provided. Reconfiguring the parking lot to provide the maximum possible would also be an appropriate condition.

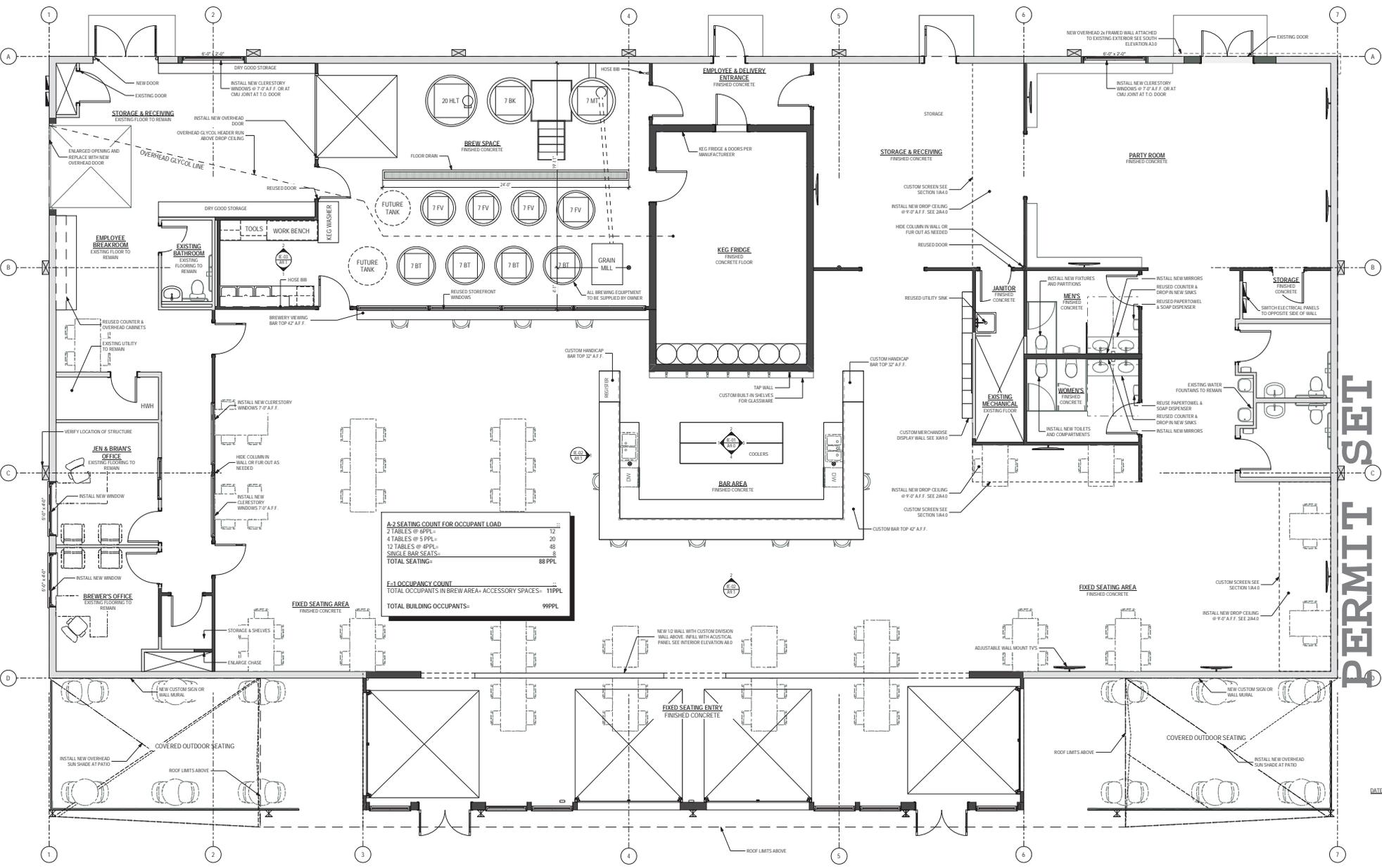
If the Board determines that the capacity of the facility needs to be limited, please provide direction and continue the matter to a future meeting to allow the applicant to provide an updated seating/floor plan. Staff believes that the facility must be self-limiting in capacity, as enforcement would be very difficult otherwise.

If the Planning and Zoning Board desires to approve the request they need to make the following or similar findings, and specify any conditions of approval.

(Draft, subject to information received at public hearing.)

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request;
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(C)(2) are met.

**PERMIT SET**



**A-2 SEATING COUNT FOR OCCUPANT LOAD**

|                       |               |
|-----------------------|---------------|
| 2 TABLES @ 6PPL=      | 12            |
| 4 TABLES @ 5 PPL=     | 20            |
| 12 TABLES @ 4PPL=     | 48            |
| SINGLE BAR SEATS=     | 88            |
| <b>TOTAL SEATING=</b> | <b>88 PPL</b> |

**E-1 OCCUPANCY COUNT**

|   |              |
|---|--------------|
| TOTAL OCCUPANTS IN BREW AREA+ ACCESSORY SPACES= | 11PPL        |
| <b>TOTAL BUILDING OCCUPANTS=</b>                | <b>99PPL</b> |

**FIXED SEATING PLAN**  
1/4" = 1'-0"

**POINT ARCHITECTS**  
208 E. 9th, Ste 101  
Cody, WY 82401  
p. 308.244.2999  
7320 S. 10th, Ste 100  
Cody, WY 82401  
p. 307.272.4886  
www.pointarchitects.com

DATE: 2/10/2021  
SCALE:  
FILE: Cody Craft Brewing.pln  
ENV: C  
**A2.2**

**Response Letter from Owners of Neighboring Properties:**

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Cody Craft Brewing for the special exemption described above.

I have NO OBJECTION to the Special Exemption Request.

Name: Rich Wogoman P/A Bettye Dominick

Address: 1019 Widdoway Ln Coal Cody 82414

Comments: \_\_\_\_\_

\*\*\*\*\*

**Response Letter from Owners of Neighboring Properties:**

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Cody Craft Brewing for the special exemption described above.

I have NO OBJECTION to the Special Exemption Request.

Name: JOHN DAVID BALLING

Address: 1808 SHERIDAN AVE

Comments: \_\_\_\_\_

I have NO OBJECTION to the Special Exemption Request.

Name: C & B Office Properties / Stockhill &

Address: 1814 Sheridan Avenue Richard Tax Service

Comments: We would be concerned of our parking during tax season

\*\*\*\*\*

I OBJECT to the Special Exemption Request:

I have NO OBJECTION to the Special Exemption Request.

Name: Pinnacle bank - Dusty Schutman

Address: 1702 Sheridan Ave

Comments: \_\_\_\_\_

\*\*\*\*\*

I OBJECT to the Special Exemption Request:

Name: \_\_\_\_\_

I have NO OBJECTION to the Special Exemption Request.

Name: KLI Properties Mike Schnell

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

I OBJECT to the Special Exemption Request:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Reason for Objection: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Response Letter from Owners of Neighboring Properties:**

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Cody Craft Brewing for the special exemption described above.

I have NO OBJECTION to the Special Exemption Request.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

I OBJECT to the Special Exemption Request:

Name: Ted Blair - Blair Buildings Inc. 88 Buffalo Bill Village Inc.

Address: 1725 Sheridan Ave Cody WY 82414

Reason for Objection: There is already a shortage of On Street parking in this area. The occupancy of this new business (177) could result in 50 to 75 more cars being parked on the street. This is just a loss of too much on street parking.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: blair\_t@blairhotel.com

I have NO OBJECTION to the Special Exemption Request.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

I OBJECT to the Special Exemption Request:

Name: Ted Blair - Quin Blair Enterprises Inc

Address: 1701 Sheridan Ave Cody WY 82414

Reason for Objection: There is already a shortage of parking on Sheridan Ave in this block. Please do not add to the problem. 22 on site parking spots on property is not enough when you consider employee & patrons parking. With a capacity of 177 patrons plus employees it will affect other business' ability to use on street parking

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: blair\_t@blairhotel.com



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**Fwd: Parking OBJECTION : 1732 Sheridan Ave**

2 messages

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**Bernie Butler** <bernieb@cityofcody.com>  
To: Todd Stowell <ToddS@cityofcody.com>

Wed, Mar 3, 2021 at 8:08 AM

**BRENDA O'SHEA** <awesternrosecody@gmail.com>  
Date: Tue, Mar 2, 2021 at 5:41 PM  
Subject: Parking OBJECTION : 1732 Sheridan Ave  
To: <bernieb@cityofcody.com>

Dear Bernie,

Thank you for taking my call earlier today. Although the letter received today is dated 2/19, it is just being received by us in FL today. (Brenda)

Mark Kearney, is the owner of the motel. His concerns are as follows:

To Whom It May Concern:

A Western Rose Motel has designated parking for the number of rooms we have. I would love to expand, but would be unable to due to lack of parking spaces. This is similar to what THE IVY experienced when they were opening. Thankfully, they have parking at the old Best Western.

This section of Sheridan Ave is already very busy, I refer to it as the speedway. There will be more stress put on the intersection of Sheridan & 19th. The tenants of the Blair building already max out all of the on street parking.

I am 100% PRO BUSINESS, but this business is going to create massive parking problems. Customers are going to park where they please, signs or no signs, whether they're allowed to, or not (notably Pinnacle Bank, Farmers Insurance, Advantage Rehab and our parking lot). Should there be an incident in a parking lot that isn't the Cody Craft Brewing, it will not be their responsibility, but ours.

Where is the food for this establishment? Rumor has it, there will be food trucks. Where is the designated parking for the Food Truck? What if the Food Truck doesn't show up? What about employee parking? A Brewery of this magnitude will require significant employee parking.

I DO NOT agree with the parking. 22 spaces for a capacity of 170 people (not including staff and Food Trucks), if the average car holds 2 people (?) Most, if not all of their customers will arrive by car because of crossing issues at that intersection of Sheridan & 17th.

In closing, it is my great concern about this issue and hope that these people are successful, with their business plan, at a different location unless their capacity is streamed down to what the code requires.

If it is possible to Zoom in on the meeting, please let me know.

Sincerely,

Mark Kearney  
Owner  
A Western Rose Motel, 1807 Sheridan Ave, Cody, WY 8241  
978-531-7977  
www.awesternrose.com