

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY APRIL 27, 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 April 13, 2021 regular meeting
6. New Business:
  - A. Architectural authorization for a temporary equipment sales office to be located southwest of the intersection of Highway 14A and Beacon Hill. (Site plan review at a future meeting.)
  - B. Preliminary Plat for the Musser-Beacon Hill 6-lot commercial subdivision, located west of Beacon Hill Road and north of Sheridan Avenue.
  - C. Site plan review for Cody Lock Up Storage buildings, located at 343 33<sup>rd</sup> Street.
  - D. Public Hearing for a special exemption to waive the parking requirements for Trailhead Italian & Wood Fired Pizza at 1326 Beck Avenue.
  - E. Review the special exemption request to waive the parking requirements for Trailhead Italian & wood Fired Pizza at 1326 Beck Avenue.
  - F. Public Hearing for a special exemption to operate a distillery (manufacture spirits) in the General Business (D-2) zoning district at 1221 Alger Avenue.
  - G. Review the special exemption request to operate a distillery (manufacture spirits) in the General Business (D-2) zoning district at 1221 Alger Avenue.
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 April 13, 2021**

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of Cody in Cody, Wyoming on Tuesday, April 13, 2021 at 12:00 pm.

Present: Vice Chairman Richard Jones; Sandi Fisher; Rodney Laib; Carson Rowley; Scott Richard; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Kayl Mitchell; Wade McMillin

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

Sandi Fisher made a motion to approve the agenda, seconded by Rodney Laib. Vote on the motion was unanimous, motion passed.

Sandi Fisher made a motion, seconded by Carson Rowley to approve the minutes from the March 23<sup>rd</sup>, 2021 meeting, with a minor correction.

Todd Stowell reviewed the site plan for the Mountain View Storage, LLC located at 2358 Mountain View Drive. He went over the standard requirement and architectural review.

Project Engineer Frank Paige, said they are planning on completing this project this year (2021) if material is available. If not, it may carry through until 2022. He addressed some of the conditions in the staff report which have been resolved. The gate will be a sliding gate. Lights will be full cut off. The applicant will work with a landscaping company on the feather reed grass. Public Works will review and approve the storm water plan.

Rodney Laib made a motion, seconded by Carson Rowley, to approve the site plan for Mountain View Storage, with recommendations 1-9 in the staff report. Vote on the motion was unanimous, motion passed.

A Public Hearing was opened at 12:25 pm for a special exemption to waive the on-site parking requirements at 1401 Bleistein Avenue. Todd Stowell gave a brief overview of the exemption request. Owner Janet Kempner with Ellia Properties spoke to the Board about her project and the parking. With there being no comments from the public, the hearing was closed at 12:29 pm.

Todd reviewed the special exemption to waive the on-site parking requirements at 1401 Bleistein Avenue. The property contains a single-family residence and has an accessory dwelling unit (ADU) under construction near the alley. The property contained an old garage/shed which was demolished to construct the ADU. There are currently three diagonal parking spaces on the street.

A condition for approval would be that the existing curb cut that used to serve the shed be replaced with standard curb and gutter, and sidewalk be extended across the former driveway. This is a requirement per section 7-1-20 of the City Code.

Sandi Fisher made a motion, seconded by Rodney Laib to approve the special exemption for the on-site parking, with recommendations 1-4 in the staff report, and section 7-1-20 of the City Code. Board Member Scott Richard abstained from voting due to conflict of interest. Vote was unanimous, motion passed.

Todd Stowell discussed a downtown architectural review for Mainstreet KT's (Exxon) to convert an existing building into a convenience store, located at 1502 Sheridan Avenue.

The architectural modifications to the Exxon gas station will remove the auto repair shop from the building and remodeling the building into a full convenience store. Three parking spaces will be developed off the west end of the building. The applicant or the engineer will need to modify the width of the ADA parking space to meet standards.

The downtown sign district allows one freestanding sign per property, with up to 240 square feet per sign face. The property already has two freestanding signs, which are approximately 100 square feet in total area. The applicant said he will place his new sign with the logo on the building.

Owner Kyle Allshouse talked about his project, and answered questions from the Board. He plans to keep the brick on the building with white metal and trim.

Scott Richard made a motion, seconded by Rodney Laib, to approve the site plan for KT's convenience store, with staff recommendations 1-2. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed the site plan for the Ballistic FX dry storage, located at 2633 Big Horn Avenue. Ballistic FX is under contract with the Blessing Family Trust.

The property was divided without going through a subdivision process. The property was not provided with clear access rights for ingress and egress. This, along with boundary line issues will need to be resolved before any building permit can be issued.

Some of the concerns in the staff report were resolved before the meeting.

Sandi Fisher made a motion, seconded by Scott Richard, to approve the site plan for Ballistic FX with conditions 1-3, 5-16 deleting the last sentence in 5. Vote on the motion was unanimous, motion passed.

Staff reviewed a fence height exemption at 2132 Gail Lane. The owner would like to install an eight-foot tall fence for privacy. The fence will need to meet the setbacks. The neighbor next door is agreeable to the fence.

Scott Richard made a motion, seconded by Sandi Fisher, to approve the fence height exemption at 2132 Gail Lane.

Todd Stowell asked the Board for clarification on a motion from the last meeting for Cody Kraft Brewing. Board member Carson Rowley said he had motion that the occupancy would be 140 and the seats per parking space would be three. In order to meet the required 46 parking spaces, the Brewery would need signed agreements with the property owners allowing them to park on their property. All of the Board members agreed that was the motion they approved.

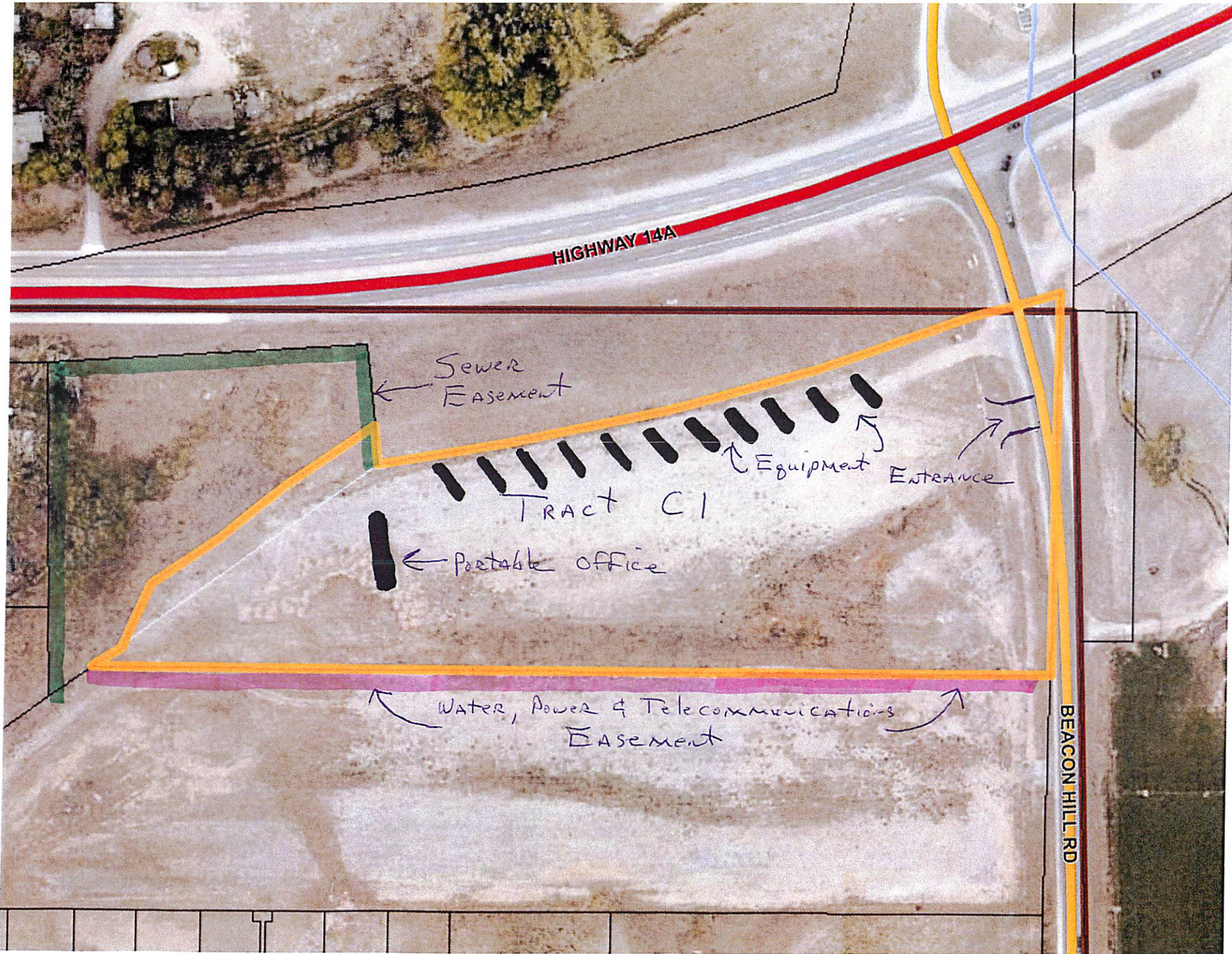
There being no further business to come before the Board, Chairman Kayl Mitchell adjourned the meeting at 1:55 pm.

*Bernie Butler*

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Bernie Butler, Administrative Coordinator





HIGHWAY 14A

Sewer  
Easement

Tract C1

Portable Office

Equipment  
Entrance

Water, Power & Telecommunications  
Easement

BEACON HILL RD















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

<b>MEETING DATE:</b>	APRIL 27, 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**

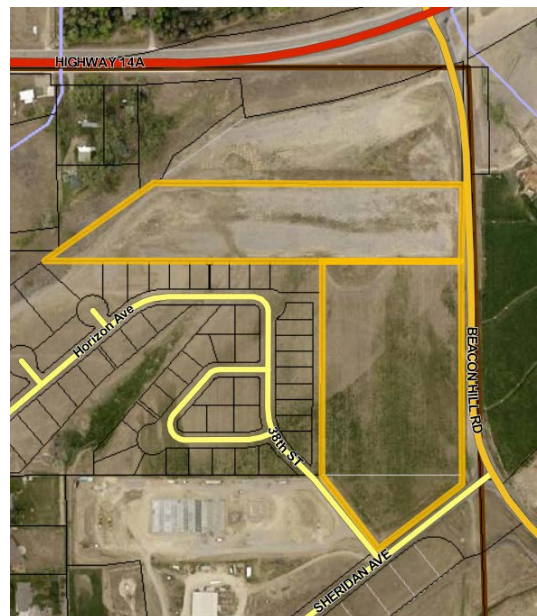
The subdivision ordinance requirements are as follows. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

**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: Not applicable, as there is no adjacent road system to tie into, other than access from Beacon Hill Road.

It is noted, that a 50-foot-wide access easement runs along the north side of Lot 5 and would be available for use by both Lots 5 and 6. For purposes of identifying street improvements, staff views the access easement as a potential shared access rather than a street. This is because the subdivision ordinance does not trigger street improvements for shared approaches when the lot frontages and lot widths are at least 50 feet, as is the case here. As an access, it would be subject to parking lot improvement standards at the time of lot development, and not street improvement standards.





*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 for the commercial subdivision 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 would be consistent with the past application.

The other option is to require the developer to install an asphalt pathway along his frontage, and consider that as sufficient to meet the intent of the requirement, as has been done on the last two plats on 29<sup>th</sup> Street. Admittedly, this portion of Sheridan Avenue and Beacon Hill Road do not have the residential uses or pedestrian traffic that occurs on 29<sup>th</sup> Street.

The applicant requests the frontage improvement waiver and asks for a variance to exclude/remove the future improvement district language from the final plat. (Lots 1-4 are already subject to the note on the Beacon Hill Minor Subdivision plat.) As both

Sheridan Avenue and Beacon Hill Road are classified as major arterials, it is highly unlikely that their improvement would be funded through the improvement district method—major arterials are typically funded through state or federal funding sources, or a local penny tax. Improvement districts are typically used for local access streets, and even then, they rarely occur.

*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 is needed. The applicant needs to discuss options for hydrant location and placement with the fire marshal and add it (and the water main that will feed it) to the plans as needed.

*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. Any outstanding utility planning 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. 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: The corrections needed to the preliminary plat, and which will need to be carried forward to the final plat, include:

- a) Remove "50.00" from the access & utility easement label north of Lot 5 (or otherwise address the 50.08 dimension and nonparallel borders).
- b) Add the lines/plans for telecommunications/cable.
- c) Update the legend to include all types of survey symbols shown on the plat, and the NE corner of subdivision should be marked with a brass cap.
- d) Coordinate the label in Lot 5 with the label in Lot 2 about who the irrigation easement benefits.
- e) The third line of the Certificate of Owner should refer to two parcels instead of three.
- f) Is the flowline easement shown SE of Lot 2 still there? (If not, remove.)
- g) Correct the name in the notary block of the School District's Consent to Vacate (it is not Kip Thiel).
- h) Add a note about the fire hydrant/water main installation occurring prior to or in conjunction with development of the lots that will rely on the hydrant, as necessary to address the fire marshal's requirements.

**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:

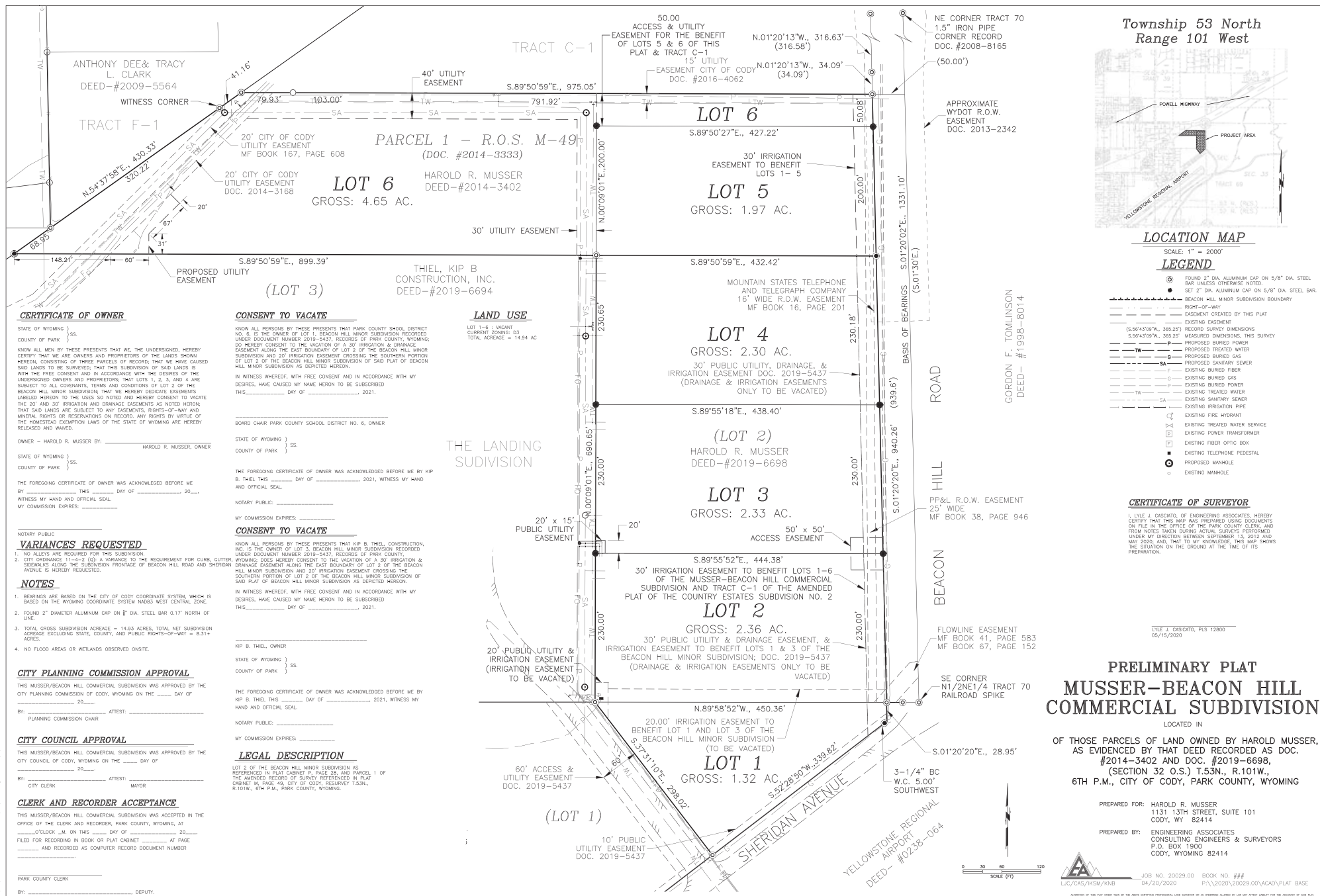
1. Variance to the alley requirement.
2. Variance to the block length requirement.
3. Variance to exclude the improvement district language from the plat.

Conditions:

1. Access for Lots 2 and 3 is limited to the 50' by 50' access easement. Add a note to the final plat indicting these restrictions.
2. 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. Add a note to this effect on the final plat.
3. With the final plat application, provide an irrigation water distribution plan and approval of the plan by the irrigation district.
4. With the final plat, provide verification from Cody Canal that they consent to the vacation of the drainage easement and irrigation easement.
5. 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 on the affected lot(s) that rely on the hydrant to meet code.
6. Make the corrections/edits to the preliminary plat noted in the staff report, and carry them forward to the final plat.
7. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance. Include a title report/search to verify that all applicable easements and other encumbrances are identified.

**ATTACHMENTS:**

Preliminary Plat





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

<b>MEETING DATE:</b>	APRIL 27, 2021	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SITE PLAN REVIEW: CODY LOCK UP STORAGE BUILDINGS SPR 2021-19	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

## **PROJECT DESCRIPTION:**

Tundra General Contractors, representing Cody Lockup LLC, has submitted an application to add a 30' by 120' storage building and a 30' by 76' storage building to the existing storage facility at 343 33<sup>rd</sup> Street. The application and proposed site plan are attached.

## **REVIEW CRITERIA:**

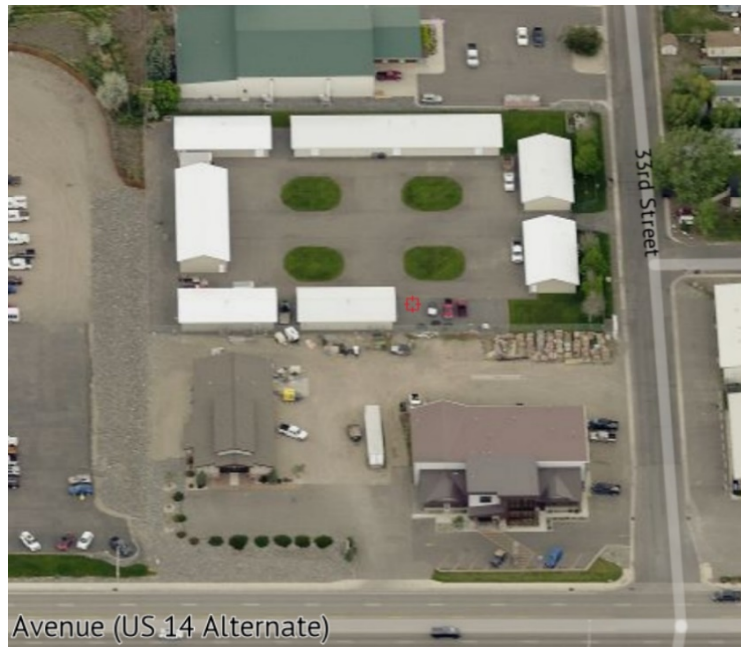
The property is located within the Open Business/Light Industrial (D-3) zoning district, which permits storage warehouse buildings.

Section 10-10C-5 of the zoning regulations states:

*All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.*

Section 9-2-3 is as follows:

*Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall*



Avenue (US 14 Alternate)

*meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.*

**STAFF COMMENTS:**

The subject property already contains seven storage buildings within a fully fenced and gated area.



The surrounding area is as follows:

<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONE</i>
North	Fabrication facility.	D-3
East	Mobile home subdivision.	R2-MH

South	Gail Construction headquarters	D-3
West	Freemont Motors	D-3

**Architecture:**

The two proposed buildings will match the wall height (9 foot), roof pitch (4:12), siding (vertical metal in tan color), and roofing (rolled metal in white) of the existing buildings. Matching the architecture of the existing buildings provides a desirable continuity to the facility. The elevation drawings are attached. The drawings do not indicate that the buildings will be split up into smaller storage units, but that each will be a single "unit". As such, the number of doors is minimized.

The P&Z Board will need to determine if the proposed materials, colors, and architecture are suitable for the situation. Staff has no concerns.

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

The proposal is a permitted use in the D-3 zone in which the property is located. No buffers or height requirements are applicable to this project. The building locations properly avoid existing utility easements on the property. As the buildings will be climate

controlled, please note that any A/C condensers or other utility equipment cannot be located in the easement south of Building 1.

#### Landscaping:

Existing landscaping, which includes trees and grass along the street frontage and grass storm water swales within the property, will be retained.

#### Storm Water Plan:

The prior storm water plan was reviewed and found adequate for the current proposal. It was also verified by calculation that the 100-year storm event would not overflow the existing swales and cause flooding of the middle building (proposed building #2).

#### Access:

No change to the current access situation is needed.

#### Utility Services

No new utility services are requested. The buildings will rely on existing power service. Existing utility lines within the property will need to be protected and/or relocated as necessary.

#### Lighting

Proposed lighting consists of low-intensity, full-cut-off LED wall pack fixtures and floodlights. Building 1 is proposed to have two wall packs and Building 2 is proposed to have seven wall packs. The wall packs come in 12, 18, 24 and 32-watt options and 3,000, 4,000 and 5,000 K color. The wattage has not been indicated. Based on the spacing, the 18 or 24-watt options are likely plenty adequate. New floodlights are proposed at the four corners of Building 2 and the northeast corner of Building 1. They are low-intensity at 12 watts with options of 3,000, 4,000 and 5,000 K. Due to the low-intensity, the micro-prismatic diffusion lens, and screening of the lighting by the perimeter buildings of the site, this may be one of the few situations where floodlights will not cause a glare issue. The options of 3,000 or 4,000 K should be used to minimize blue light.



#### Signage

No additional signage is proposed at this time.

#### Snow Storage

Snow storage area is available in the drainage swales within the property.



**ATTACHMENTS:**

Site plan and elevation drawings.

**ALTERNATIVES:**

Approve or deny the site plan application, with or without changes.

**RECOMMENDATION:**

Approve the application, subject to the following conditions:

1. Keep the utility easement south of Building 1 free of any A/C condensers or similar fixed equipment.
2. The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. This authorization is valid for three years. If building permits have not been obtained for all buildings by that time, the authorization of the remaining construction will automatically expire—requiring reapplication.
3. (Any lighting conditions? Limit to 3,000 or 4,000 K options? Identify wattage of wall packs.)



PRECISION PLAN  
AND DESIGN INC.

A CUSTOM PLAN  
SERVICE

930 12TH STREET  
CODY, WYOMING 82414

307.587.8327 | 307.273.5709

© PRECISIONPLANDESIGN.COM

MEMBER ILSA No. 1271

PROJECT LOCATION  
CODY, WY

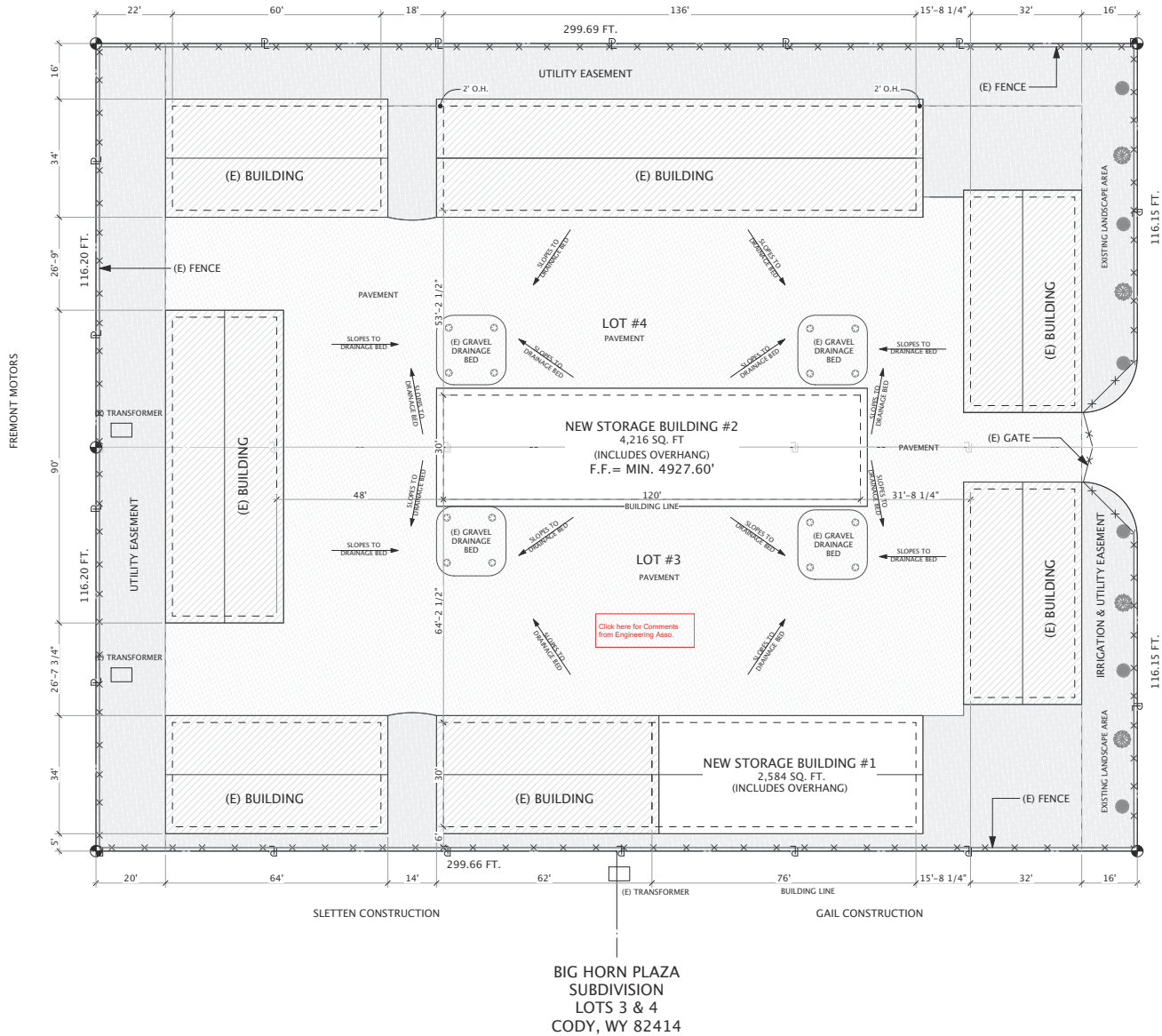
**COLLIER GROUP**  
**BONE YARD STORAGE BUILDING**  
BIG HORN PLAZA, LOTS 3 & 4  
CODY, WY 82414

**NOTE:**  
ALTHOUGH GREAT CARE  
AND EFFORT HAVE GONE  
INTO THIS PLAN TO CREATE  
A PRECISE INTERPRETATION  
OF THE FINISHED PROJECT,  
IT IS IMPOSSIBLE TO  
GUARANTEE THAT THIS PLAN  
IS WITHOUT IMPERFECTIONS.  
THEREFORE PRECISION PLAN  
AND DESIGN INC. AND/OR  
ASSOCIATES ASSUMES NO  
LIABILITY FOR ANY PROJECT  
CONSTRUCTED FROM THIS  
PLAN. THE BUILDER/OWNER  
MUST VERIFY ALL  
DIMENSIONS. THIS PLAN IS  
SUBJECT TO CHANGE PER  
ENGINEER AND/OR LOCAL  
CODES AND STANDARDS.

DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
**1944**

SHEET #  
**C1.0**  
SITE PLAN



1  
C1.0

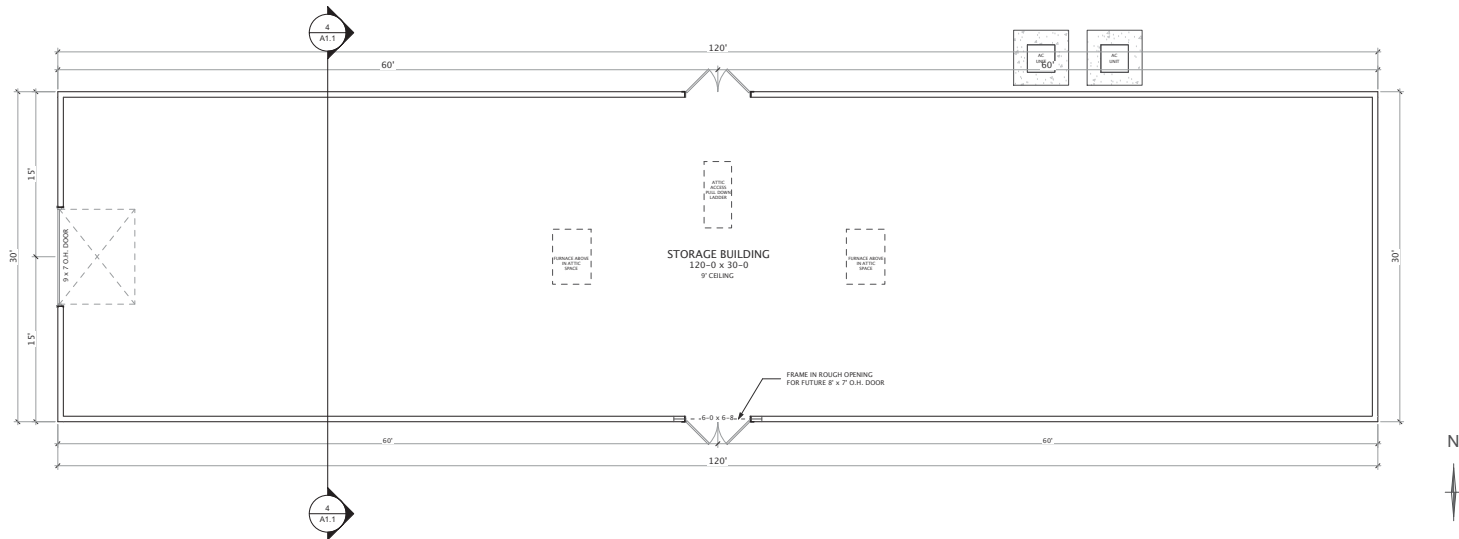
SITE PLAN - BIG HORN PLAZA - LOTS #3 & #4

SCALE: 1" = 15'

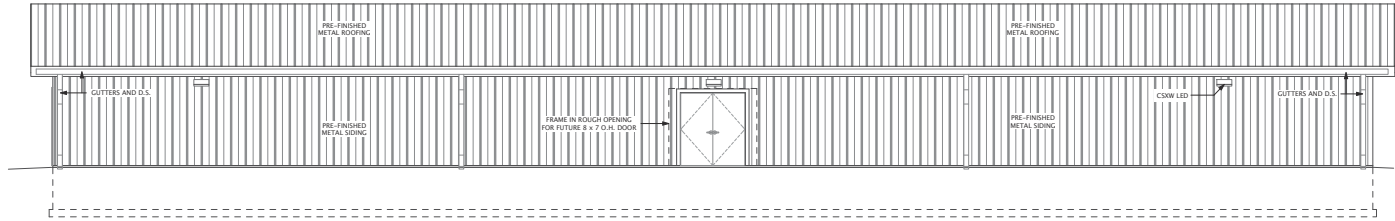
CODE CONSIDERATIONS:	
Building Code: 2018 International Building Code (IBC)	
<b>STORAGE:</b>	
Building Occupancy (chptr 3): S1 (non separated)	
Building Used for: storage	
Construction Type (chptr 6): V - B	
Allowable square footage (table 506.2): 9000	
Sprinklered: Not required, per 903 and 903.2.9	
Allowable stories (table 504.4): (B)-2 (S)-1-1, Actual: 1	
Building Height (table 504.3): 40', Actual: 16'	
Actual square footage:	
Building #1: 4216	
Building #2: 3060	
Setbacks from PL:	
Building #1 N-95'+/- S-95'+/- E-78'+/- (plus street) W-98'	
Fire-resistance for exterior walls based on fire separation distance: (table 602)-0 hours	

SHEET INDEX	
ID	Name
C1.0	SITE PLAN
A1.0	BUILDING #1 FLOOR PLAN
A1.1	BUILDING #1 ELEVATIONS
S1.0	BUILDING #1 FOUNDATION
S1.1	BUILDING #1 ROOF FRAME
A2.0	BUILDING #2 FLOOR PLAN & ELEVATIONS
A2.1	BUILDING #2 EXTERIOR ELEVATIONS
S2.0	BUILDING #2 FOUNDATION & ROOF FRAME
E2.0	BUILDING #2 ELECTRICAL





1  
A1.0 BUILDING #2 FLOOR PLAN = 3,600 SQ. FT.  
SCALE: 3/16" = 1'-0"



2  
A1.0 BUILDING #2 SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"



**PRECISION PLAN  
AND DESIGN INC.**

A CUSTOM PLAN  
SERVICE

930 12TH STREET  
CODY, WYOMING 82414

307.587.8227 | 307.273.5709

@PRECISIONPLANDESIGN@GMAIL.COM

MEMBER ILBA No. 1271

PROJECT LOCATION  
**CODY, WY**

**COLLIER GROUP**  
**BONE YARD STORAGE BUILDING**  
BIG HORN PLAZA, LOSES 3 & 4  
CODY, WY 82414

**NOTE:**  
ALTHOUGH GREAT CARE  
AND EFFORT HAVE GONE  
INTO THIS PLAN TO CREATE  
A PRECISE INTERPRETATION  
OF THE FINISHED PROJECT,  
IT IS IMPOSSIBLE TO  
GUARANTEE THAT THIS PLAN  
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LIABILITY FOR ANY PROJECT  
CONSTRUCTED FROM THIS  
PLAN. THE BUILDER/OWNER  
MUST VERIFY ALL  
DIMENSIONS. THIS PLAN IS  
SUBJECT TO CHANGE PER  
ENGINEER AND/OR LOCAL  
CODES AND STANDARDS.

DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
**1944**

SHEET #  
**A1.0**  
BUILDING #1  
FLOOR PLAN



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SERVICE

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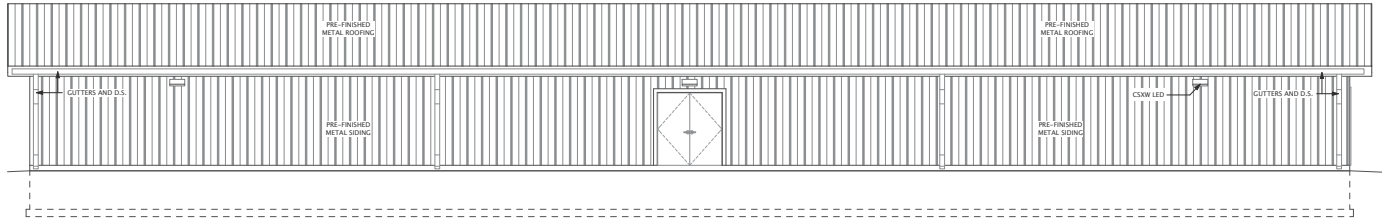
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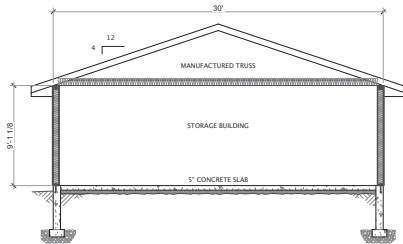
MEMBER ILBA No. 1271

PROJECT LOCATION  
CODY, WY

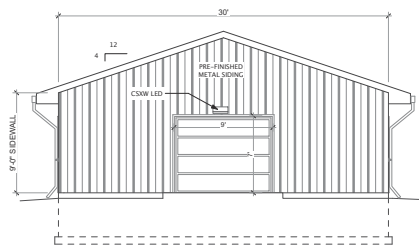
COLLIER GROUP  
BONE YARD STORAGE BUILDING  
BIG HORN PLAZA, LORE 3 & 4  
CODY, WY 82414



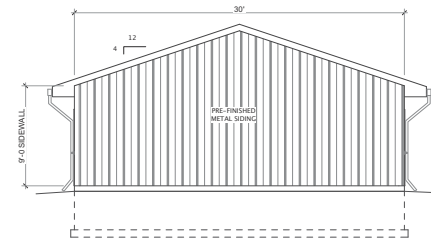
1 BUILDING #2 NORTH ELEVATION  
SCALE: 3/16" = 1'-0"



4 TYPICAL BUILDING SECTION  
SCALE: 3/16" = 1'-0"



3 BUILDING #2 WEST ELEVATION  
SCALE: 3/16" = 1'-0"



2 BUILDING #2 EAST ELEVATION  
SCALE: 3/16" = 1'-0"



NOTE:  
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CODES AND STANDARDS.

DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
1944

SHEET #  
A1.1  
BUILDING #1  
ELEVATIONS



1. FOUNDATION NOT ENGINEERED ALL SIZES SUBJECT TO CHANGE PER ACTUAL SOIL BEARING CAPACITIES AND LOCAL CODES.
2. ALL CONCRETE WALLS TO HAVE STANDARD 1/2" ANCHOR BOLTS 12" FROM ALL CORNERS AND OPENINGS THEN 4' ON CENTER BETWEEN.

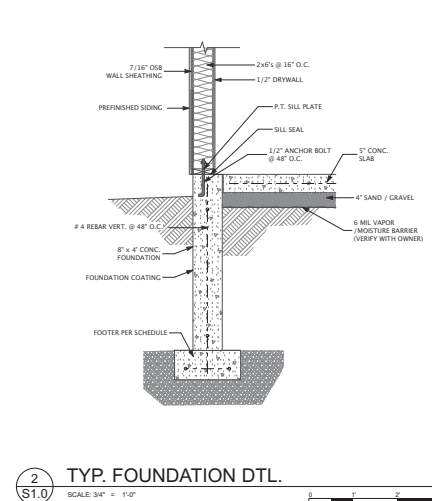
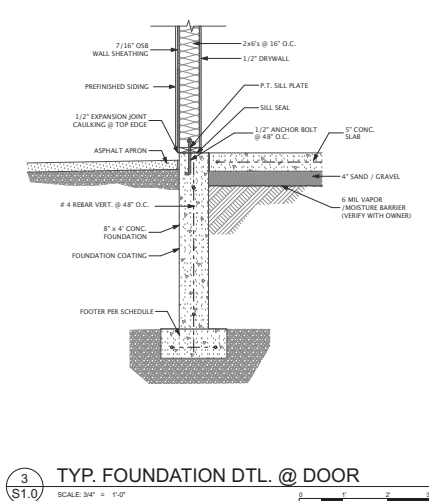
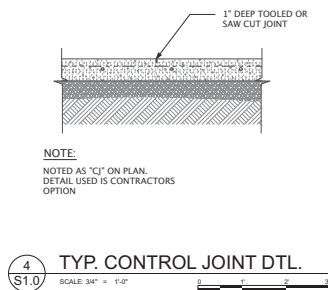
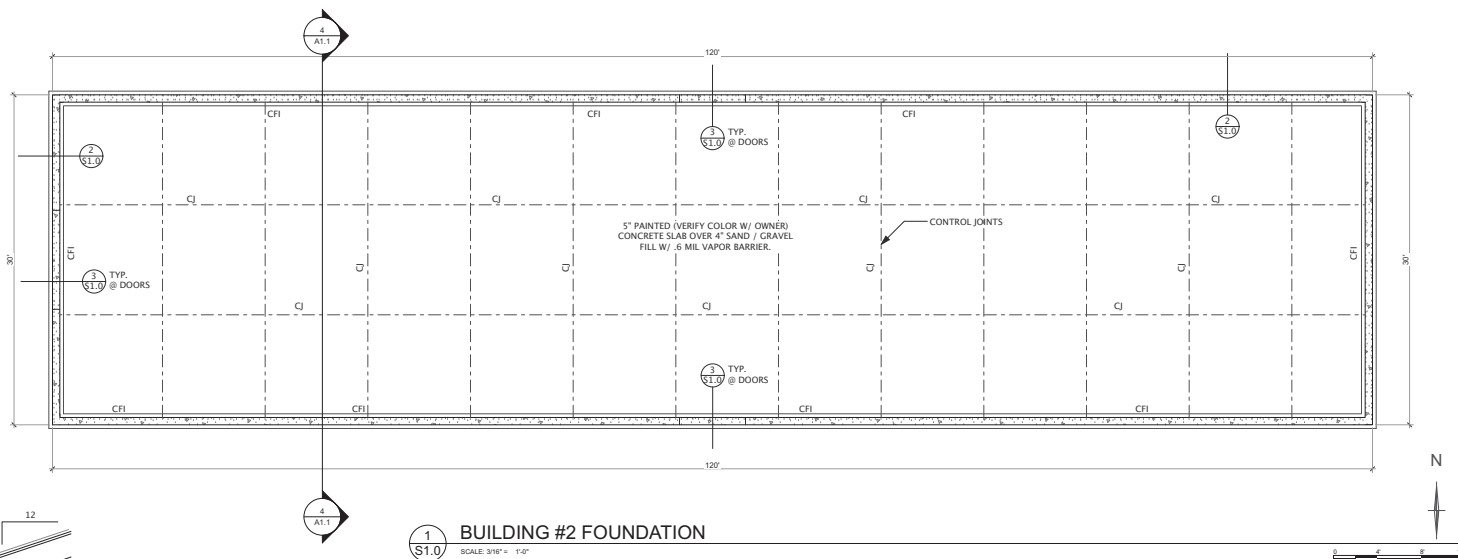
1. NO VERIFICATION OR INSPECTION HAS BEEN MADE REGARDING ACTUAL SOIL BEARING CAPACITIES OR GROUND WATER CONDITIONS AT THE BUILDING SITE.
2. MIN. ALLOWABLE SOIL BEARING PRESUMED OF 2000 psf.
3. ALL CONCRETE TO BEAR ON FIRM, NATURAL, UNDISTURBED, AND / OR COMPACTED SOIL.
4. FOOTINGS TO MEET LOCAL FROST LINE DEPTH REQUIREMENTS. SIZE PER SCHEDULE.
5. SLOPE GRADE AWAY FROM THE FOUNDATION
6. FOUNDATION TO HAVE VENTS PER LOCAL CODE.
7. ALL FOUNDATION WALLS TO HAVE VERT. / HOR. REINFORCEMENT TO MEET CODE.
8. #4 UPR GROUND.

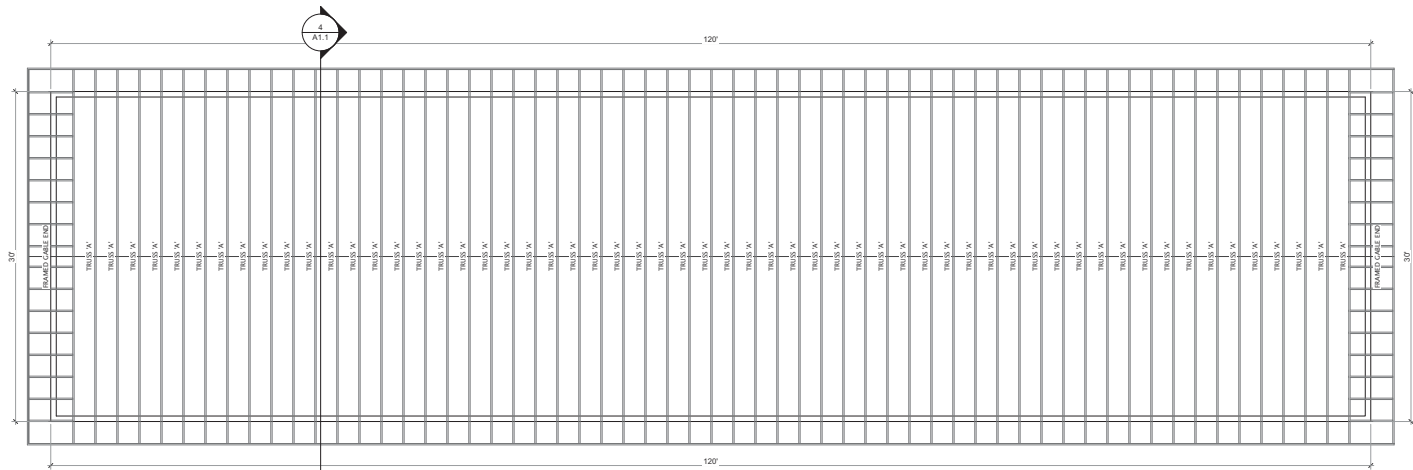
4%-6% AIR ENTRAINMENT FOR ALL CONCRETE EXPOSED TO FREEZING TEMPERATURES MECHANICALLY VIBRATE ALL CONCRETE DURING PLACEMENT ALL GRADE 40 REBAR COMPLY WITH ACI 318 AND ALL APPLICABLE LOCAL CODES AND STANDARDS.

CONCRETE - FOOTINGS AND FOUNDATIONS:  
MINIMUM 3 ksi 28 DAY YIELD STRENGTH  
MIN. 5 1/2 SACK / CY TYPE II CEMENT  
SLUMP: 3" - 5"

MINIMUM 4 ksi 28 DAY YIELD STRENGTH  
MIN 6 SACK / CY TYPE II CEMENT  
SLUMP: 3" - 5"

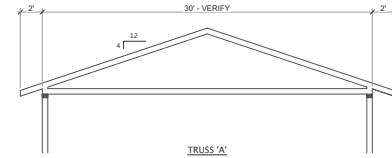
FOOTING SCHEDULE:		
SYMBOL	SIZE	REINFORCING
CF1	16" x 8"	2 # 4 CONT.





**NOTE:**  
PLEASE REFER TO THIS LAYOUT AND TRUSS ELEVATIONS TO MATCH ROOF DESIGN ONLY. THESE DRAWINGS ARE CONCEPTUAL AND ARE MEANT TO AID MANUFACTURER IN ROOF DESIGN. ENGINEER TO MEET ALL LOCAL CODES, STANDARDS, AND APPLICABLE LOADS. VERIFY ALL BEARING LOCATIONS AND ACTUAL DIMENSIONS. BUILDER, REFER TO TRUSS MANUFACTURERS LAYOUT AND TRUSS DESIGN ELEVATIONS FOR BUILDING PURPOSES.

**1 BUILDING #2 ROOF FRAME**  
SCALE: 3/16" = 1'-0"

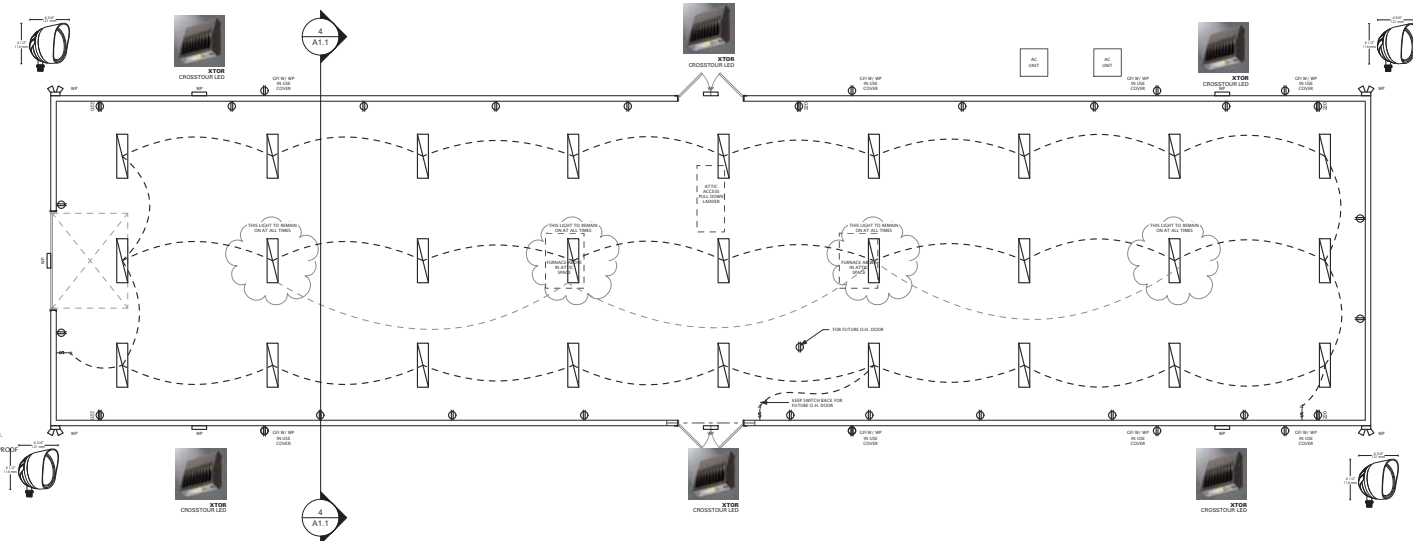


#### SYMBOL LIST

	SWITCH SINGLE POLE
	SWITCH 3 WAY
	SWITCH 4 WAY
	DIMMER SWITCH
	RECEPTACLE 1 POLE FLOOR OUTLET
	RECEPTACLE 220V
	GROUND FAULT CIRCUIT INTERRUPTER
	RECEPTACLE DUPLEX OUTLET
	GROUND FAULT CIRCUIT PROTECTED
	WALL FIXTURE EXTERIOR
	1 x 4 SURFACE MOUNT LED
	FLOOD LIGHT

#### ELECTRICAL NOTES:

- 1.) ALL STANDARD OUTLETS MUST BE AFCI BREAKER PROTECTED.
- 2.) ALL EXTERIOR OUTLETS MUST BE WEATHER PROOF WITH WEATHER PROOF IN USE COVER.
- 3.) PROVIDE LED LIGHTS THROUGHOUT PROJECT.
- 4.) ALL LIGHT FIXTURES SHOWN ARE TO MATCH EXISTING UTILIZED IN ADJACENT UNITS.



**2 BUILDING #2 ELECTRICAL PLAN**  
SCALE: 3/16" = 1'-0"



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MEMBER ILSA No. 1271

PROJECT LOCATION  
CODY, WY

**COLLIER GROUP**  
BONE YARD STORAGE BUILDING  
BIG HORN PLAZA, LOFTS 3 & 4  
CODY, WY 82414

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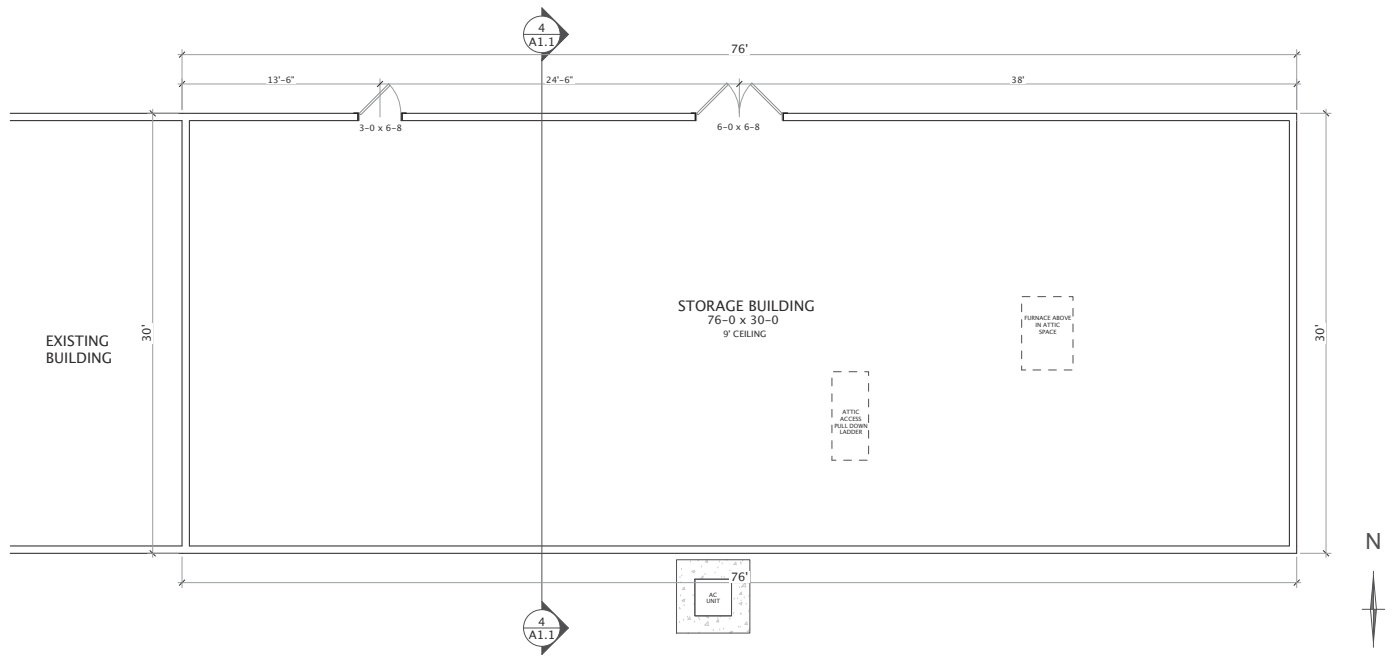
DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
1944

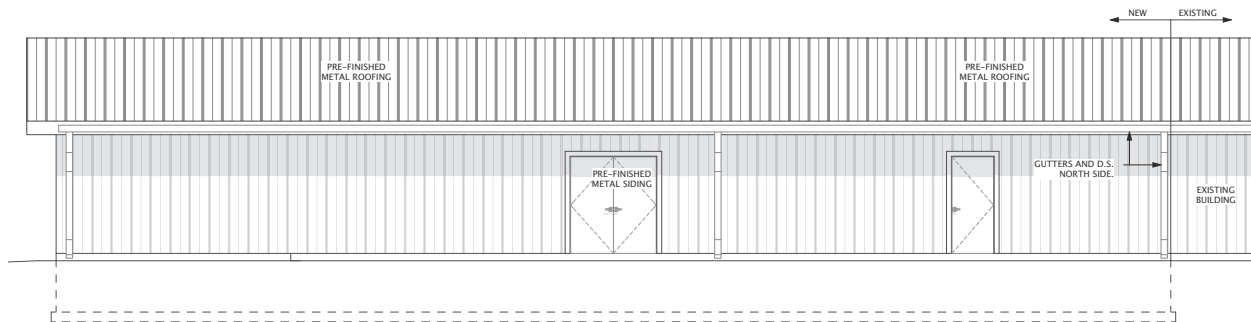
SHEET #

**S1.1**  
BUILDING #1  
ROOF FRAME  
/ ELECT.





1  
A2.0 BUILDING #1 FLOOR PLAN - 2,280 SQ. FT.  
SCALE: 1/4" = 1'-0"



2  
A2.0 BUILDING # 1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



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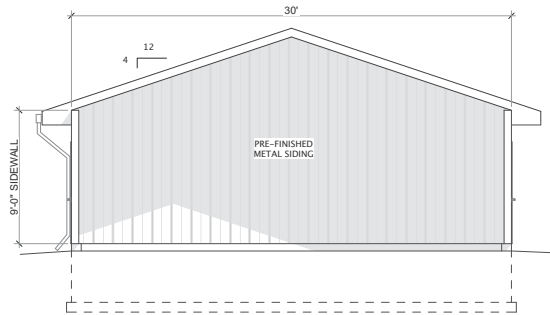
COLLIER GROUP  
BONE YARD STORAGE BUILDING  
BIG HORN PLAZA, LOSES 3 & 4  
CODY, WY 82414

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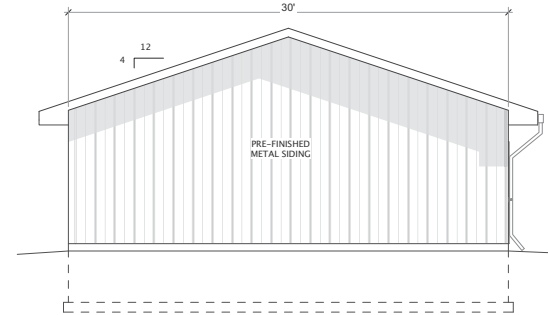
DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
1944

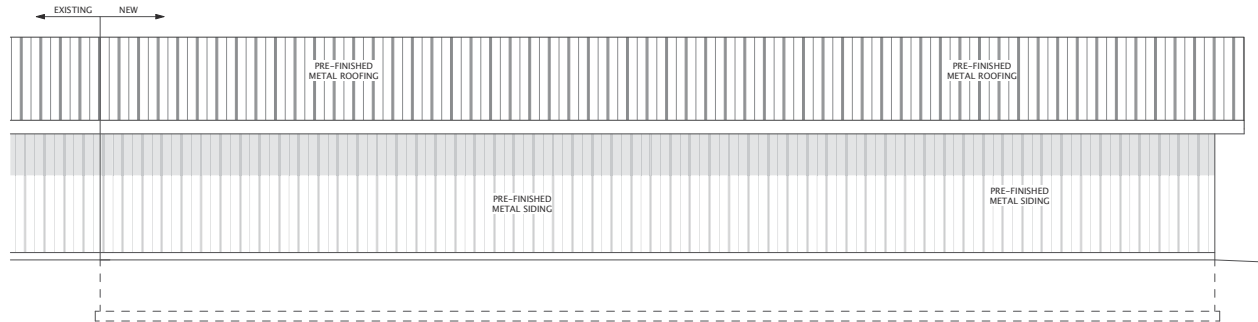
SHEET #  
A2.0  
BLDG. #2  
FLOOR PLAN  
& ELEV.



2  
A2.1 BUILDING #1 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3  
A2.1 BUILDING #1 WEST ELEVATION  
SCALE: 1/4" = 1'-0"



1  
A2.1 BUILDING # 1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



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PROJECT LOCATION  
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COLLIER GROUP  
BONE YARD STORAGE BUILDING  
BIG HORN PLAZA, LOSES 3 & 4  
CODY, WY 82414

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CODES AND STANDARDS.

DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
1944

SHEET #  
A2.1  
ELEVATIONS

# CONCRETE:

4%-6% AIR ENTRAINMENT FOR ALL CONCRETE EXPOSED TO FREEZING TEMPERATURES  
MECHANICALLY VIBRATE ALL CONCRETE DURING PLACEMENT ALL GRADE 40 REBAR  
COMPLY WITH ACI 318 AND ALL APPLICABLE LOCAL CODES AND STANDARDS.

# CONCRETE - FOOTINGS AND FOUNDATIONS:

MINIMUM 3 ksi 28 DAY YIELD STRENGTH  
MIN. 5 1/2 SACK / CY TYPE II CEMENT  
SLUMP: 3" - 5"

# CONCRETE - SLABS:

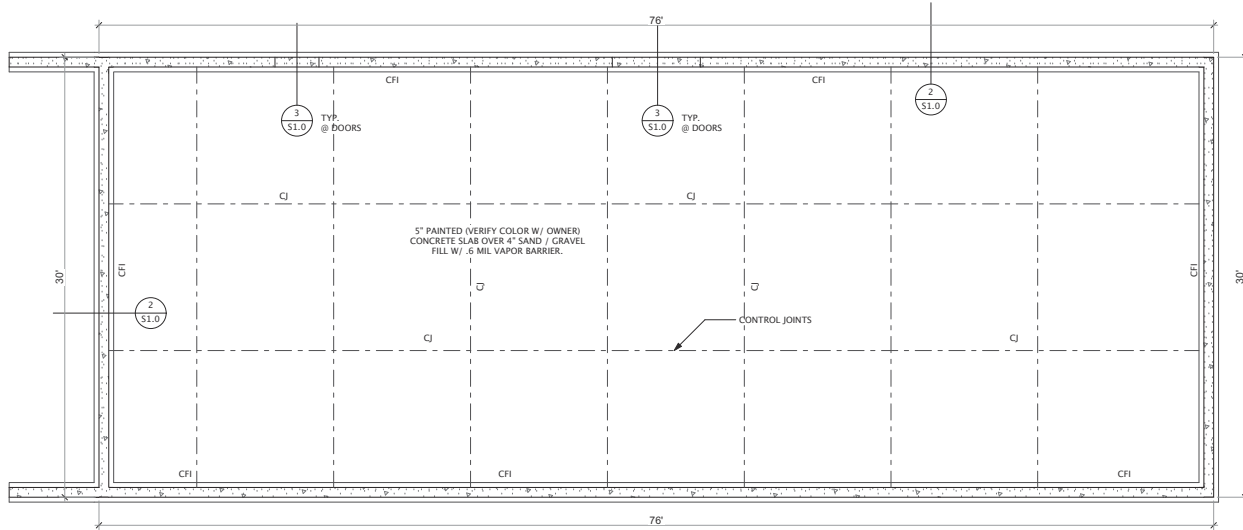
MINIMUM 4 ksi 28 DAY YIELD STRENGTH  
MIN. 6 SACK / CY TYPE II CEMENT  
SLUMP: 3" - 5"

## FOOTING SCHEDULE:

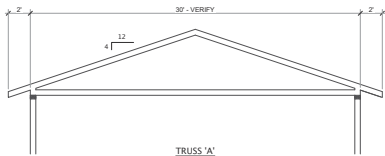
SYMBOL	SIZE	REINFORCING
CF1	16" x 8"	2 # 4 CONT.

## GENERAL NOTES:

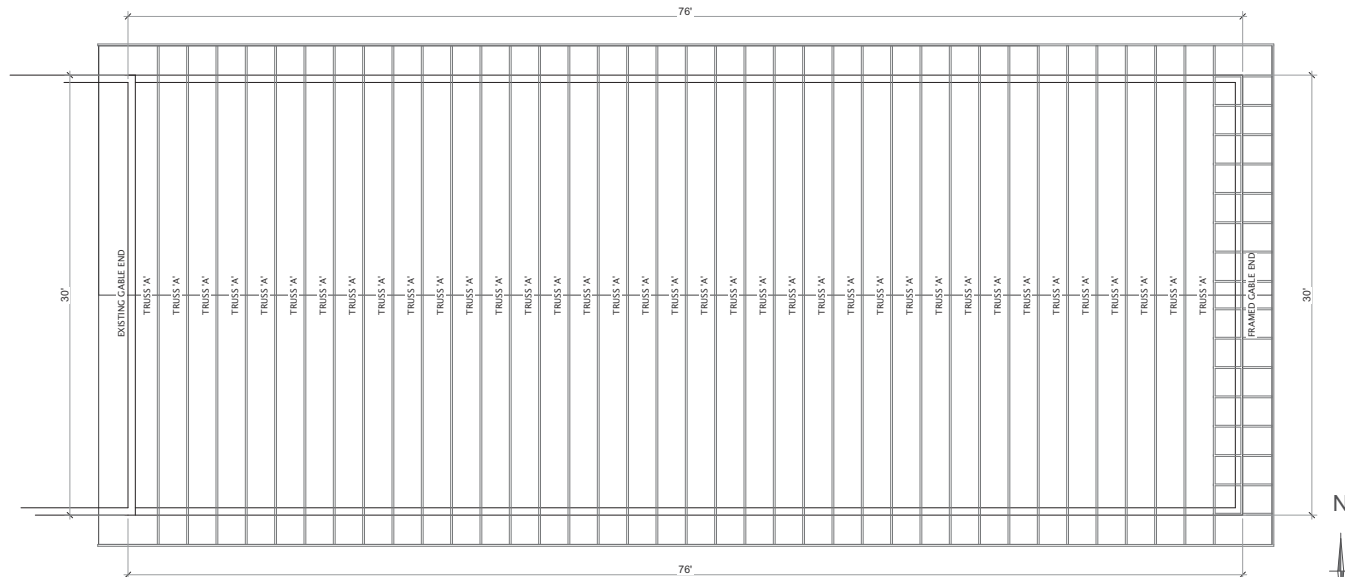
- FOUNDATION NOT ENGINEERED ALL SIZES SUBJECT TO CHANGE PER ACTUAL SOIL BEARING CAPACITIES AND LOCAL CODES.
- ALL CONCRETE WALLS TO HAVE STANDARD 1/2" ANCHOR BOLTS 12" FROM ALL CORNERS AND OPENINGS THEN 4' ON CENTER BETWEEN.
- NO VERIFICATION OR INSPECTION HAS BEEN MADE REGARDING ACTUAL SOIL BEARING CAPACITIES OR GROUND WATER CONDITIONS AT THE BUILDING SITE.
- MIN. ALLOWABLE SOIL BEARING PRESUMED OF 2000 psf.
- ALL CONCRETE TO BEAR ON FIRM, NATURAL, UNDISTURBED, AND / OR COMPACTED SOIL.
- FOOTINGS TO MEET LOCAL FROST LINE DEPTH REQUIREMENTS. SIZE PER SCHEDULE.
- SLOPE GRADE AWAY FROM THE FOUNDATION
- FOUNDATION TO HAVE VENTS PER LOCAL CODE.
- ALL FOUNDATIONWALLS TO HAVE VERT. / HOR. REINFORCEMENT TO MEET CODE.
- #4 UFER GROUND.



**1**  
**S2.0** **BUILDING #1 - FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



**NOTE:**  
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**2**  
**S2.0** **BUILDING #1 - ROOF FRAMING PLAN**  
SCALE: 1/4" = 1'-0"



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MEMBER ILBA No. 1271

PROJECT LOCATION  
**CODY, WY**

**COLLIER GROUP**  
**BONE YARD STORAGE BUILDING**  
BIG HORN PLAZA, LOFTS 3 & 4  
CODY, WY 82414

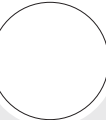
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DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
**1944**

SHEET #  
**S2.0**  
BLDG. #2  
FOUNDATION  
& ROOF FRAME



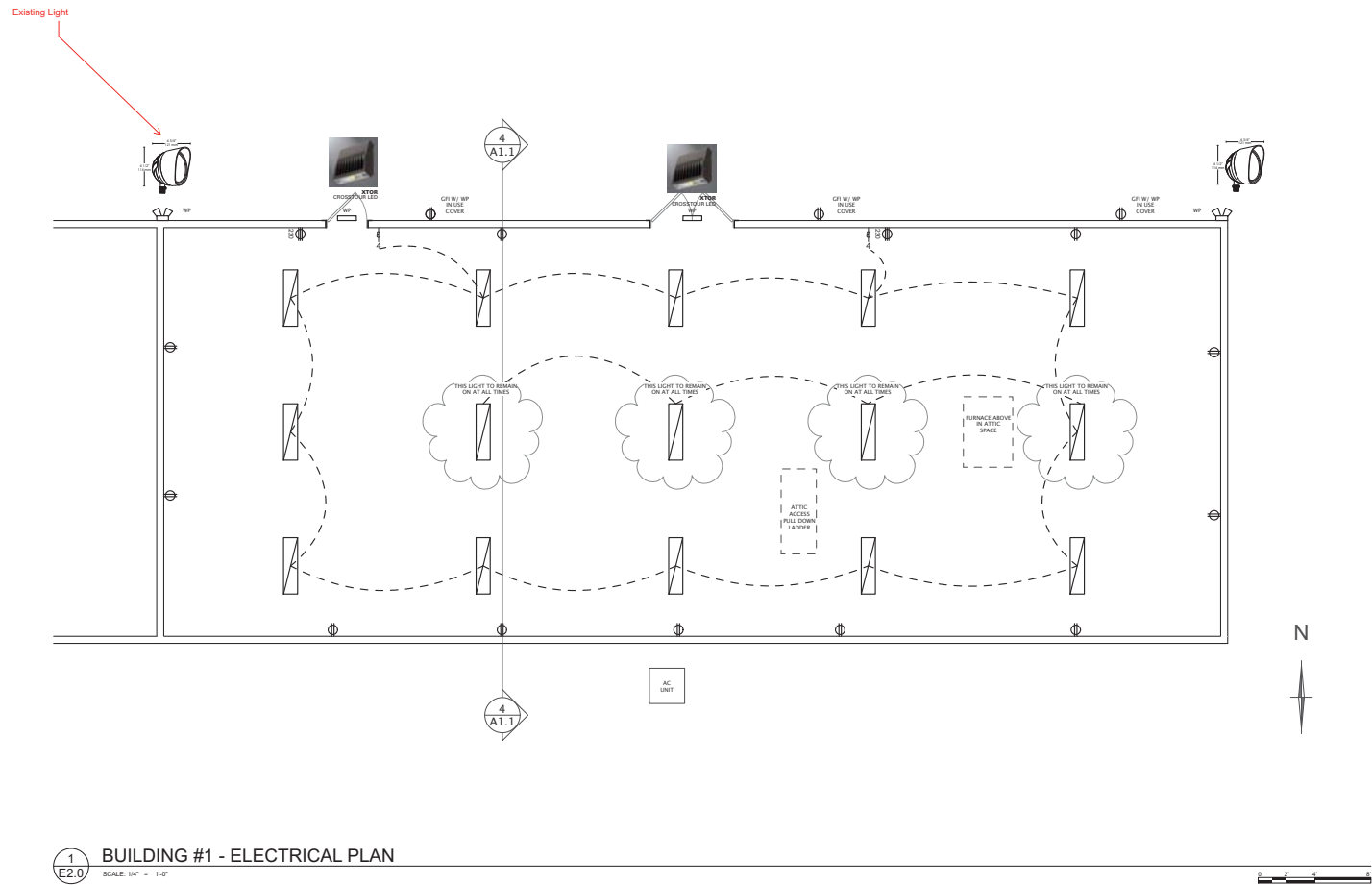


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DATE: 04.14.21  
REVISION: 7

PROJECT NO.  
**1944**

SHEET #  
**E1.0**  
BLDG. #2  
ELECTRICAL



**From:** Travis Conklin <TravisCo@EAengineers.com>  
**Sent:** Tuesday, March 16, 2021 5:31 PM  
**To:** andrew@tundragc.com  
**Subject:** RE: 1380 Collier Group Storage Building.Mapserver.2020.pdf  
**Attachments:** [Site Plan Info.pdf](#); [06011 SITE PLAN With Lawn Area Shown.pdf](#); [100-year Collier Group-Perc Trench Sizing.pdf](#)

Hi Andy,

I reviewed our drainage plan. A 100 year, 5-minute event is the worst-case scenario as the system will infiltrate longer duration 100-year events adequately fast to avoid ponding. We need to be able to pond 464 Cubic Feet of water. The two drainage depressions with inlets in them are approximately 1670 square feet each for a total storage footprint of 3340 SF. The stored water depth from a 100-year, 5-minute storm will be a maximum of  $464/3340 = 0.14$  feet deep. The plans indicate that topsoil should be 0.2 feet below the edge of the asphalt. I recommend the finished floor be at an elevation of at least 4927.60 (3" higher than the edge of asphalt at the drainage depressions), but I guess the pavement the building is matching into is higher than that.

I hope this helps.

Thanks,  
Travis

Travis L. Conklin, PE (WY, MT), COO/CMO

902 13th Street | P.O. Box 1900 | Cody, WY 82414  
Phone: 307-587-4911 | Cell: 307-899-3817 | Fax: 307-587-2596  
[TravisCo@EAengineers.com](mailto:TravisCo@EAengineers.com) | [EngineeringWyoming.com](http://EngineeringWyoming.com)



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---

**From:** [andrew@tundragc.com](mailto:andrew@tundragc.com) <[andrew@tundragc.com](mailto:andrew@tundragc.com)>  
**Sent:** Tuesday, March 16, 2021 8:35 AM  
**To:** Travis Conklin <[TravisCo@EAengineers.com](mailto:TravisCo@EAengineers.com)>  
**Subject:** FW: 1380 Collier Group Storage Building.Mapserver.2020.pdf

---

**From:** Todd Stowell <[todds@cityofcody.com](mailto:todds@cityofcody.com)>  
**Sent:** Monday, January 25, 2021 10:59 AM  
**To:** Andrew <[andrew@tundragc.com](mailto:andrew@tundragc.com)>  
**Cc:** Sean Collier <[scollier@cityofcody.com](mailto:scollier@cityofcody.com)>; [phil@tundragc.com](mailto:phil@tundragc.com); Rick Lambert <[precisionplananddesign@gmail.com](mailto:precisionplananddesign@gmail.com)>  
**Subject:** Re: 1380 Collier Group Storage Building.Mapserver.2020.pdf

Andy,

There was a prior drainage report and plan prepared for this property and the new building needs to be reviewed for impacts to that plan, and we need to be sure the new building is above the 100-year, 2-hour storm elevation of any water ponding in the middle of that property. The prior report was done by Engineering Associates, Job No. 06011. I have a copy, but you can get it directly from them. I suspect that it will be relatively easy for them to analyze the impacts of the new building and give direction as needed.

Thanks,

**Todd Stowell, AICP**

Community Development Director/City Planner

City of Cody, Wyoming

(307) 527-3472

[www.cityofcody-wy.gov](http://www.cityofcody-wy.gov)

On Thu, Jan 21, 2021 at 9:27 AM <[andrew@tundragc.com](mailto:andrew@tundragc.com)> wrote:

Gentlemen, the collier group would like to add some additional buildings to the Cody Lockup property. The first page of the attached documents is a map server view showing the proposed locations. The buildings exterior will match the existing buildings. The design details will match what is shown on the construction documents for the previous project. We are hoping to get started as soon as we can. I intend to have Precision plan provide updated plans for permitting and construction. Our question is can we update the existing site plan as the buildings are going to be built on existing impervious surfaces so should not affect run off. Please let me know your thoughts.

Thanks

Andy

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## KEYED NOTES:

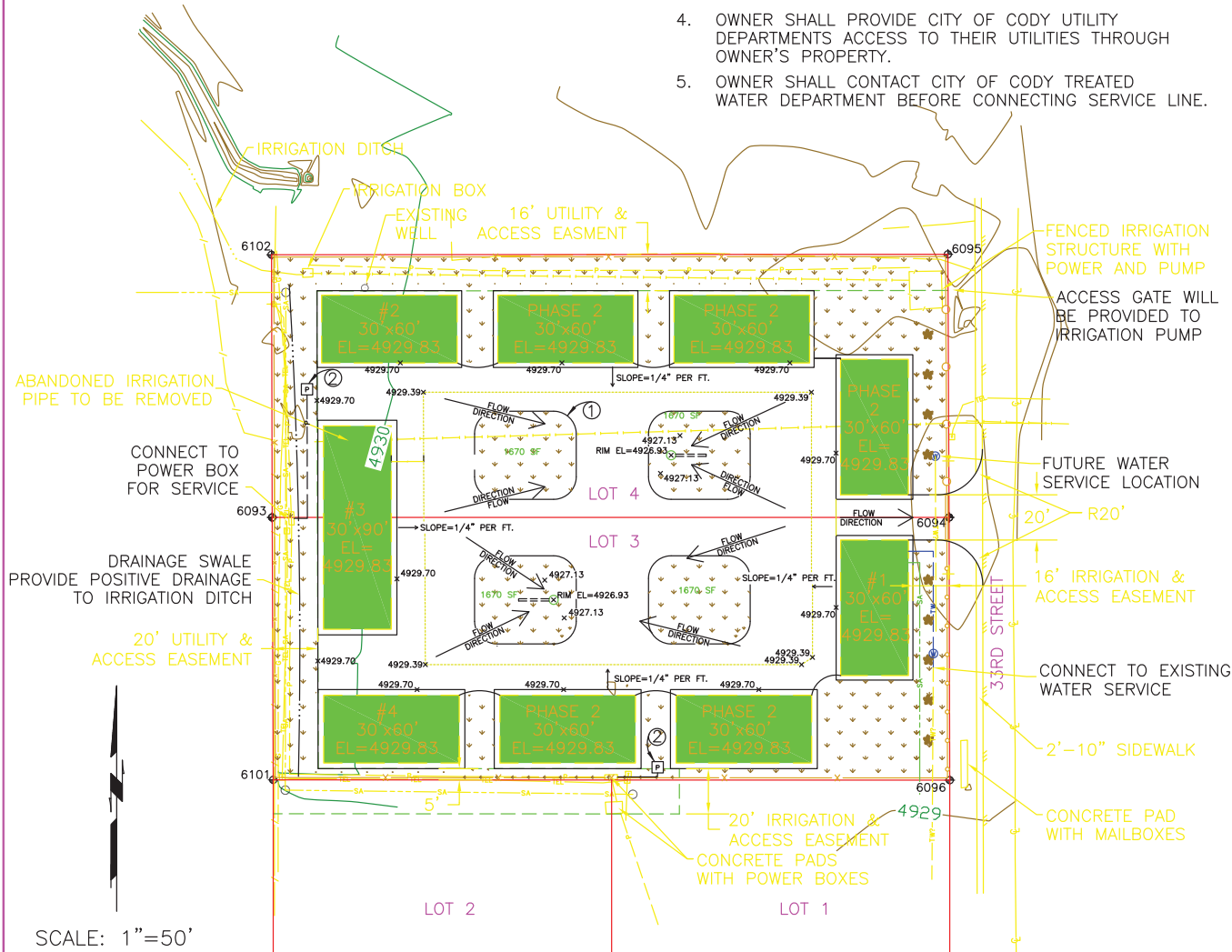
- ① TOPSOIL TO BE 0.2' LOWER THAN ADJACENT ASPHALT.
- ② ELECTRICAL SERVICE SIZE, LOCATION AND VOLTAGE WILL BE PROVIDED TO THE CITY OF CODY PRIOR TO CONSTRUCTION.

## GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF EXISTING CONDITIONS PRIOR TO THE BEGINNING ANY WORK.
2. THIS SITE PLAN REFLECTS FEATURES FOUND DURING A FIELD SURVEY PERFORMED FEBRUARY 9, 2006.
3. LOTS 3 AND 4 ZONED D-3.
4. OWNER SHALL PROVIDE CITY OF CODY UTILITY DEPARTMENTS ACCESS TO THEIR UTILITIES THROUGH OWNER'S PROPERTY.
5. OWNER SHALL CONTACT CITY OF CODY TREATED WATER DEPARTMENT BEFORE CONNECTING SERVICE LINE.

## LEGEND

	PROPOSED BUILDING
	PROPOSED 7' SECURITY FENCE
	PROPOSED 7' ORNAMENTAL FENCE
	PROPOSED TREATED WATER
	PROPOSED SANITARY SEWER
	BURIED TELEPHONE
	TREATED WATER MAIN
	SANITARY SEWER MAIN
	OVERHEAD POWER
	BURIED POWER
	BURIED GAS
	IRRIGATION DITCH
	BURIED IRRIGATION PIPE
	EXISTING FENCE
	CENTERLINE ROAD
	EDGE OF GRAVEL
	EDGE OF PAVEMENT
	LOT LINE
	EASEMENT LINE
	ASPHALT
	PROPOSED GRASS
	SEWER MANHOLE
	CONTROL POINT/ PROPERTY CORNERS
	TELEPHONE PEDESTAL
	POWER POLE
	POTENTILLA BUSH
	PROPOSED SPOT ELEVATIONS
	PROPOSED POWER TRANSFORMER



Point	Northing	Easting	Elevation	Descriptor
6102	470960.873	897083.915	4930.510	CP-AC
6093	470844.636	897084.194	4930.783	CP-AC
6101	470728.487	897084.631	4930.984	CP-AC
6096	470728.334	897384.102	4928.603	CP-REBAR
6094	470844.619	897383.792	4929.218	CP-AC
6095	470961.078	897383.254	4927.751	CP-AC

DATE	REVISIONS	BY	CHECKED	APPROVED	DRAWN BY
06/02/06	EDITS PER STEVE PAYNE	LCS	LCS	LCS	JKSM
05/22/06	EDITS PER CITY'S LETTER	LCS	LCS	LCS	JKSM
05/14/06	NEW FLOOR ELEVATIONS	LCS	LCS	LCS	JKSM
02/09/06	ORIGINAL DRAWING	JKSM	LCS	LCS	JKSM



ENGINEERING ASSOCIATES - CODY, WYOMING  
CONSULTING ENGINEERS & SURVEYORS

OWNER:

CODY LOCKUP, LLC

PROJECT: LOTS 3 & 4, BIG HORN PLAZA SUBDIVISION

TITLE: SITE / GRADING PLAN

SHEET  
2 of 5

**CODY LOCKUP, LLC**  
**CODY, WYOMING**  
**Percolation Trench Sizing**

**Project No. 06011**

**YELLOW - INPUT FIELDS**

Area = 1.6 ac  
 K = 1  
 C = 0.65 weighted average  
 I = 0.66 in/hr (25-yr, 2-hr storm)

Pit Dimensions:

W = 4 ft  
 H = 4 ft  
 L = 26.5 ft      Total percolation trench size to be used = 4 x 4 x 26.5 ft

Percolation Outflow Rate  $Q = k \times H/2 \times (L+W)/2$ :

k = 0.033 ft/sec (hydraulic conductivity)  
 Q = 4.026 cf/sec  
 Porosity = 0.25 Uniform Size Drain Gravel

STORM DURATION (MIN)	100-YR RAINFALL INTENSITY (IN/HR)	RUNOFF VOLUME (CF) <sup>1</sup>	OUTFLOW VOLUME (CF) <sup>2</sup>	VOLUME STORED (CF) <sup>3</sup>	NEEDED TRENCH VOLUME (CF) <sup>4</sup>	NEEDED TRENCH LENGTH (FT) <sup>5</sup>
5	5.36	1672.1	1207.8	464.3	1857.1	116
10	4.16	2594.6	2415.6	179.0	716.0	45
15	3.51	3286.5	3623.4	-336.9	-1347.7	-84
30	2.43	4555.0	7246.8	-2691.8	-10767.4	-673
60	1.54	5765.8	14493.6	-8727.8	-34911.4	-2182
120	0.83	6243.1	28987.2	-22744.1	-90976.3	-5686

<sup>1</sup>Runoff Volume = (K x Cave x I x A) x Storm Duration x 60

<sup>2</sup>Outflow Volume = Q x Storm Duration x 60

<sup>3</sup>Volume Stored = Runoff Volume - Outflow Volume

<sup>4</sup>Needed Trench Volume = Volume Stored/Porosity

<sup>5</sup>Needed Trench Length = Needed Trench Volume/(H x W)

[ based on City's trapezoid area for modified rational calculation. ]

Reference: URBAN RUNOFF QUALITY MANAGEMENT - ASCE - MANUAL NO. 87, 1998  
 Pages 203 - 210



## DESCRIPTION

The patented Lumark Crosstour™ LED Wall Pack Series of luminaires provides an architectural style with super bright, energy efficient LEDs. The low-profile, rugged die-cast aluminum construction, universal back box, stainless steel hardware along with a sealed and gasketed optical compartment make the Crosstour impervious to contaminants. The Crosstour wall luminaire is ideal for wall/surface, inverted mount for façade/canopy illumination, post/bollard, site lighting, floodlight and low level pathway illumination including stairs. Typical applications include building entrances, multi-use facilities, apartment buildings, institutions, schools, stairways and loading docks test.

## SPECIFICATION FEATURES

### Construction

Slim, low-profile LED design with rugged one-piece, die-cast aluminum hinged removable door and back box. Matching housing styles incorporate both a small and medium design. The small housing is available in 12W, 18W and 26W. The medium housing is available in the 38W model. Patented secure lock hinge feature allows for safe and easy tool-less electrical connections with the supplied push-in connectors. Back box includes three half-inch, NPT threaded conduit entry points. The universal back box supports both the small and medium forms and mounts to standard 3-1/2" to 4" round and octagonal, 4" square, single gang and masonry junction boxes. Key hole gasket allows for adaptation to junction box or wall. External fin design extracts heat from the fixture surface. One-piece silicone gasket seals door and back box. Minimum 5" wide pole for site lighting application. Not recommended for car wash applications.

### Optical

Silicone sealed optical LED chamber incorporates a custom engineered mirrored anodized reflector providing high-efficiency illumination. Optical assembly includes impact-resistant tempered glass and meets IESNA requirements for full cutoff compliance. Available in seven lumen packages; 5000K, 4000K and 3000K CCT.

### Electrical

LED driver is mounted to the die-cast housing for optimal heat sinking. LED thermal management system incorporates both conduction and natural convection to transfer heat rapidly away from the LED source. 12W, 18W, 26W and 38W series operate in -40°C to 40°C [-40°F to 104°F]. High ambient 50°C models available. Crosstour luminaires maintain greater than 89% of initial light output after 72,000 hours of operation. Three half-inch NPT threaded conduit entry points allow for thru-branch wiring. Back box is an authorized

electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz or 347V 60Hz models.

### Finish

Crosstour is protected with a Super durable TGIC carbon bronze or summit white polyester powder coat paint. Super durable TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

### Warranty

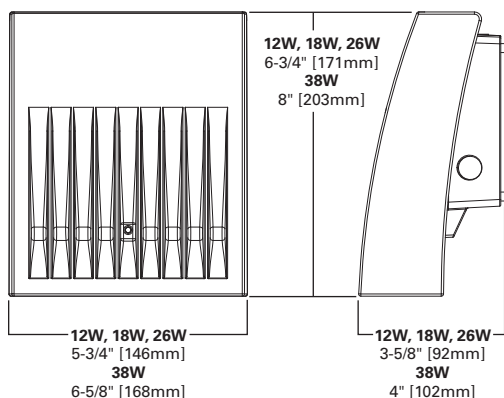
Five-year warranty.



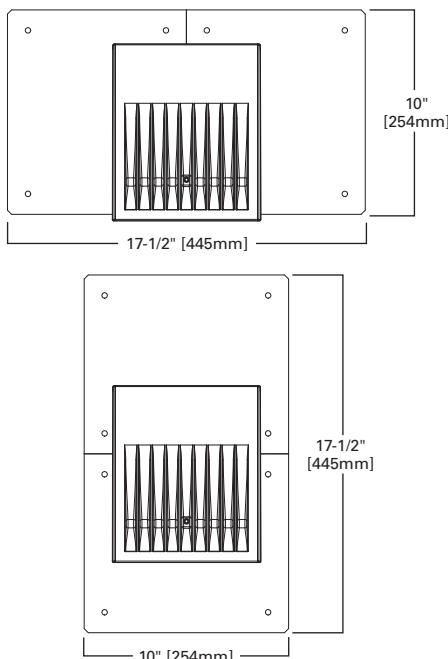
## XTOR CROSSTOUR LED

**APPLICATIONS:**  
WALL / SURFACE  
POST / BOLLARD  
LOW LEVEL  
FLOODLIGHT  
INVERTED  
SITE LIGHTING

## DIMENSIONS



## ESCUTCHEON PLATES



## CERTIFICATION DATA

Dark Sky Approved (Fixed mount, Full cutoff, and 3000K CCT only)  
UL/cUL Wet Location Listed  
LM79 / LM80 Compliant  
ROHS Compliant  
ADA Compliant  
NOM Compliant Models  
IP66 Ingress Protection Rated  
Title 24 Compliant  
DesignLights Consortium® Qualified\*

## TECHNICAL DATA

40°C Maximum Ambient Temperature  
External Supply Wiring 90°C Minimum

## EPA

Effective Projected Area (Sq. Ft.):  
XTOR1B, XTOR2B, XTOR3B=0.34  
XTOR4B=0.45

## SHIPPING DATA:

Approximate Net Weight:  
3.7 – 5.25 lbs. [1.7 – 2.4 kgs.]

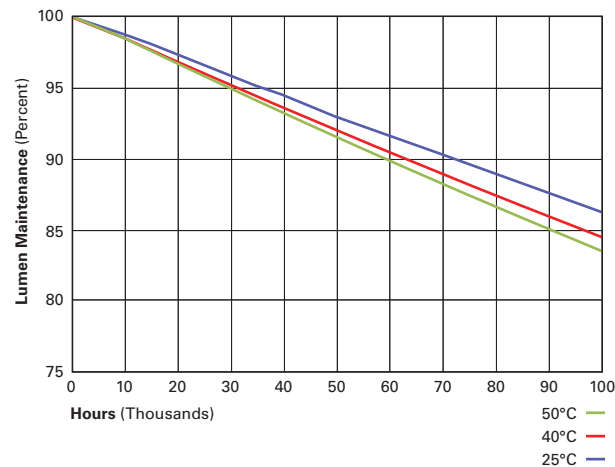
## POWER AND LUMENS BY FIXTURE MODEL

LED Information	XTOR1B	XTOR1B-W	XTOR1B-Y	XTOR2B	XTOR2B-W	XTOR2B-Y	XTOR3B	XTOR3B-W	XTOR3B-Y	XTOR4B	XTOR4B-W	XTOR4B-Y
Delivered Lumens (Wall Mount)	1,418	1,396	1,327	2,135	2,103	1,997	2,751	2,710	2,575	4,269	4,205	3,995
Delivered Lumens (With Flood Accessory Kit) <sup>1</sup>	1,005	990	940	1,495	1,472	1,399	2,099	2,068	1,965	3,168	3,121	2,965
B.U.G. Rating <sup>2</sup>	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B2-U0-G0	B2-U0-G0	B2-U0-G0
CCT (Kelvin)	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000
CRI (Color Rendering Index)	70	70	70	70	70	70	70	70	70	70	70	70
Power Consumption (Watts)	12W	12W	12W	18W	18W	18W	26W	26W	26W	38W	38W	38W

NOTES: 1 Includes shield and visor. 2 B.U.G. Rating does not apply to floodlighting.

## LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (72,000 Hours)	Theoretical L70 (Hours)
<b>XTOR1B Model</b>		
25°C	> 90%	255,000
40°C	> 89%	234,000
50°C	> 88%	215,000
<b>XTOR2B Model</b>		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	196,000
<b>XTOR3B Model</b>		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	196,000
<b>XTOR4B Model</b>		
25°C	> 89%	222,000
40°C	> 87%	198,000
50°C	> 87%	184,000



## CURRENT DRAW

Voltage	Model Series			
	XTOR1B	XTOR2B	XTOR3B	XTOR4B
120V	0.103A	0.15A	0.22A	0.34A
208V	0.060A	0.09A	0.13A	0.17A
240V	0.053A	0.08A	0.11A	0.17A
277V	0.048A	0.07A	0.10A	0.15A
347V	0.039A	0.06A	0.082A	0.12A

## ORDERING INFORMATION

Sample Number: XTOR2B-W-WT-PC1

Series <sup>1</sup>	LED Kelvin Color	Housing Color	Options (Add as Suffix)	Accessories (Order Separately)
<b>XTOR1B</b> =Small Door, 12W <b>XTOR2B</b> =Small Door, 18W <b>XTOR3B</b> =Small Door, 26W <b>XTOR4B</b> =Medium Door, 38W	<b>[Blank]</b> =Bright White (Standard), 5000K <b>W</b> =Neutral White, 4000K <b>Y</b> =Warm White, 3000K	<b>[Blank]</b> =Carbon Bronze (Standard) <b>WT</b> =Summit White <b>BK</b> =Black <b>BZ</b> =Bronze <b>AP</b> =Grey <b>GM</b> =Graphite Metallic <b>DP</b> =Dark Platinum	<b>PC1</b> =Photocontrol 120V <sup>2</sup> <b>PC2</b> =Photocontrol 208-277V <sup>2,3</sup> <b>347V</b> =347V <sup>4</sup> <b>HA</b> =50°C High Ambient <sup>4</sup>	<b>WG/XTOR</b> =Wire Guard <sup>5</sup> <b>XTORFLD-KNC</b> =Knuckle Floodlight Kit <sup>6</sup> <b>XTORFLD-TRN</b> =Trunnion Floodlight Kit <sup>6</sup> <b>XTORFLD-KNC-WT</b> =Knuckle Floodlight Kit, Summit White <sup>6</sup> <b>XTORFLD-TRN-WT</b> =Trunnion Floodlight Kit, Summit White <sup>6</sup> <b>EWP/XTOR</b> =Escutcheon Wall Plate, Carbon Bronze <b>EWP/XTOR-WT</b> =Escutcheon Wall Plate, Summit White

## NOTES:

- DesignLights Consortium® Qualified and classified for both DLC Standard and DLC Premium, refer to [www.designlights.org](http://www.designlights.org) for details.
- Photocontrols are factory installed.
- Order PC2 for 347V models.
- Thru-branch wiring not available with HA option or with 347V. XTOR3B not available with HA and 347V or 120V combination.
- Wire guard for wall/surface mount. Not for use with floodlight kit accessory.
- Floodlight kit accessory supplied with knuckle (KNC) or trunnion (TRN) base, small and large top visors and small and large impact shields.

## STOCK ORDERING INFORMATION

12W Series	18W Series	26W Series	38W Series
<b>XTOR1B</b> =12W, 5000K, Carbon Bronze	<b>XTOR2B</b> =18W, 5000K, Carbon Bronze	<b>XTOR3B</b> =26W, 5000K, Carbon Bronze	<b>XTOR4B</b> =38W, 5000K, Carbon Bronze
<b>XTOR1B-WT</b> =12W, 5000K, Summit White	<b>XTOR2B-W</b> =18W, 4000K, Carbon Bronze	<b>XTOR3B-W</b> =26W, 4000K, Carbon Bronze	<b>XTOR4B-W</b> =38W, 4000K, Carbon Bronze
<b>XTOR1B-PC1</b> =12W, 5000K, 120V PC, Carbon Bronze	<b>XTOR2B-WT</b> =18W, 5000K, Summit White	<b>XTOR3B-WT</b> =26W, 5000K, Summit White	<b>XTOR4B-WT</b> =38W, 5000K, Summit White
<b>XTOR1B-W</b> =12W, 4000K, Carbon Bronze	<b>XTOR2B-PC1</b> =18W, 5000K, 120V PC, Carbon Bronze	<b>XTOR3B-PC1</b> =26W, 5000K, 120V PC, Carbon Bronze	<b>XTOR4B-PC1</b> =38W, 5000K, 120V PC, Carbon Bronze
	<b>XTOR2B-W-PC1</b> =18W, 4000K, 120V PC, Carbon Bronze	<b>XTOR3B-W-PC1</b> =26W, 4000K, 120V PC, Carbon Bronze	<b>XTOR4B-W-PC1</b> =38W, 4000K, 120V PC, Carbon Bronze
	<b>XTOR2B-347V</b> =18W, 5000K, Carbon Bronze, 347V	<b>XTOR3B-347V</b> =26W, 5000K, Carbon Bronze, 347V	<b>XTOR4B-347V</b> =38W, 5000K, Carbon Bronze, 347V
	<b>XTOR2B-WT-PC1</b> =18W, 5000K, 120V PC, Summit White	<b>XTOR3B-PC2</b> =26W, 5000K, 208-277V PC, Carbon Bronze	



The Bullet® flood you love, now in LED.  
Perfect for residential and commercial landscapes.



BULLET12

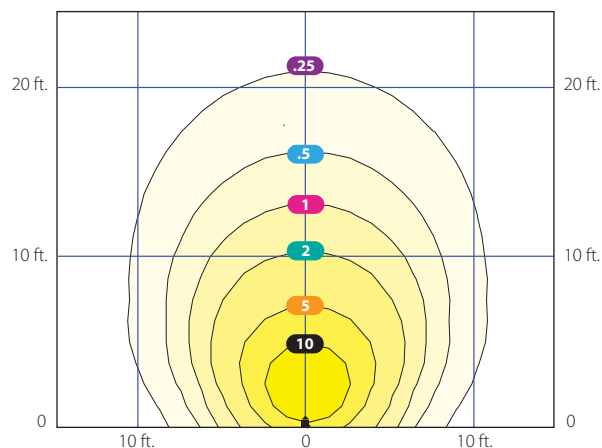
**RAB**®  
LIGHTING  
RABWEB.COM • 888-722-1000

# BULLET12

- Available in single or dual head configurations
- Each equivalent to 75W PAR30
- Professional grade with adjustable heads
- Mount as a downlight or uplight on RAB Mighty Post or junction box
- Available in bronze, white, black and verde green
- Microprismatic diffusion lens for smooth and even light distribution that eliminates glare
- Integrated TRIAC and ELV dimming
- 5-Year warranty
- 100,000-Hour LED Lifespan

## Photometrics

### BULLET12 - At 5 foot setback, 45° above horizontal



Multiples of Mounting Height • Values Shown in Footcandles  
Photometric Report #ITL80692

## Specifications

**UL Listing:** Suitable for wet locations  
Suitable for mounting within 1.2m (4 ft.) off the ground

**LEDs:** Multi-chip, high-output, long-life LEDs

**Driver:** Innovative integrated driver technology with 120V TRIAC and ELV dimming\*

**Lifespan:** 100,000-Hour LED Lifespan based on IES LM-80 results and TM-21 calculation

#### SINGLE BULLET12:

<b>Nominal Watts @120V</b>	<b>12W</b>
<b>Input Watts</b>	13
<b>Output Lumens**</b>	957
<b>Lumens Per Watt**</b>	74
<b>Color Accuracy (CRI)**</b>	84
<b>Color Temperature (CCT)**</b>	4000K

**Thermal Management:** Superior heat sinking with external Air-Flow fins

**Housing:** Die-cast aluminum housing, lens frame & mounting plate

**Reflector:** Semi-specular, vacuum-metalized polycarbonate

**Lens:** Microprismatic diffusion lens for smooth and even light distribution

**Mounting:** Heavy-duty mounting arm with "O" ring seal & stainless steel screws

**Gaskets:** High-temperature silicone gaskets

**Finish:** Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color, and contain no VOC or toxic heavy metals.

**Color Uniformity:** RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2011.

**Color Stability:** RAB LEDs exceed industry standards for chromatic stability

**Green Technology:** Mercury and UV free, and RoHS compliant. Polyester powder coat finish formulated without the use of VOC or toxic heavy metals.

**IESNA LM-79 & LM-80 Testing:** RAB LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80, and have received the Department of Energy "Lighting Facts" label.

**California Title 24: BULLET12** complies with 2013 California Title 24 building and electrical codes as a residential outdoor lighting fixture with no additional hardware required and as a commercial outdoor non-pole-mounted fixture < 30 Watts when used with a photosensor control. Select catalog number PCS900 (120V) to order a photosensor.

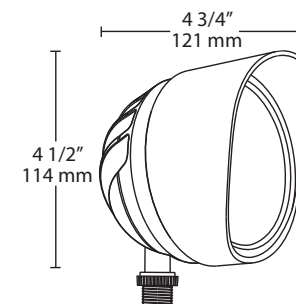
**BULLET2x12** complies with 2013 California Title 24 building and electrical codes as a residential outdoor lighting fixture with no additional hardware required and as a commercial outdoor non-pole-mounted fixture < 30 Watts when used with a photosensor control. Select catalog number PCS900 (120V) to order a photosensor.

\* Visit [rabweb.com](http://rabweb.com) for a complete list of compatible dimmers.

\*\* Values shown for neutral temperature. Visit [rabweb.com](http://rabweb.com) for cool and warm.

## Dimensions & Weight

**BULLET12**  
**Weight:** 1.5 kg.



## Ordering Information

Product Family	Wattage	Color Temperature	Finish
BULLET	12 12W 2X12 24W	Blank 5000K N 4000K Y 3000K	A Bronze W White B Black VG Verde Green

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

<b>MEETING DATE:</b>	APRIL 27, 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 FROM TRAILHEAD BAR GRILL & WOOD FIRED PIZZA TO WAIVE PARKING REQUIREMENTS. 1326 BECK AVENUE. SUP 2021-03	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Nathan Kardos, the Owner/Executive chef of Trailhead Bar Grill & Wood Fired Pizza, has submitted a special exemption application pertaining to parking requirements for his business, located at 1326 Beck Avenue. In effect, the special exemption would waive the parking requirements associated with a 1,600 square foot public assembly area (banquet/party room), the use of an additional 900 square feet for restaurant-related storage, and a permanent outdoor dining area (covered by a pergola) of approximately 1,080 square feet (18' x 60').



The City off-street parking ordinance already exempts the property from providing 100 on-site parking spaces, due to the property location within the downtown parking district. Specifically, the code states, "*Within the downtown parking district, the use of buildings and land shall be exempt from providing up to one hundred (100) off street parking spaces otherwise required by this chapter. Uses in the downtown parking district that exceed this one hundred (100) space threshold shall provide off street parking in the amount required in excess of one hundred (100) spaces.*"

The request is to exceed the 100-space exemption, in order to develop and utilize the areas listed above. Based strictly on the recommended parking ratios of the ordinance, an exemption of 51 parking spaces (151 total) would be needed to authorize the additional areas.

Note that the City has recently authorized a building permit for expansion of the restaurant within the existing building, which allows an increase in occupancy from 99 persons to 266 persons (based on building code). That construction is well underway.

The areas listed above that are associated with the special exemption request would be in addition to the expansion authorized by the current building permit.

The applicant has provided a detailed narrative of the benefits of the project—see attached. Staff does not dispute that there would be benefits to the applicant and those that attend the facility, as outlined in the narrative. However, the narrative is primarily an overview of a marketing or business plan, and does not analyze the parking situation in any detail, or the potential community impacts of the requested exemption. The intent of this report is to attempt to provide a more complete analysis of the parking situation in the area, so that the Board can consider as much relevant information as possible in making their decision.

The public hearing for the exemption request was advertised as required by mail to neighboring properties within 140 feet on the 9<sup>th</sup> or 13<sup>th</sup> of April, 2021; and by publication in the newspaper on April 13, 2021. In addition, property owners along the perimeter of the Bob Moore Parking lot were included in the mailed notice.

**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 below, with staff comments provided.

*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. Twenty-five neighboring property owners were notified of the proposal. As of the time of this staff report, we have only received three responses of “no objection”, and one “objection”. The responses are attached. We do not know if the low response rate is related to the slower mail delivery times we have seen lately, or lack of concern. We will see what further comments arrive before the meeting.

It is noted that the use of the property as a restaurant has been the case since 2018. The existing outdoor seating area was authorized as a temporary situation while COVID-19 restrictions were in place. That area, plus about 10 feet to the south, is the outdoor seating area that forms part of this request. The other areas (restaurant storage area and indoor event space) are interior to the existing building. These proposed uses are not anticipated to directly create any undesirable change in the character of the neighborhood. Whether they create any secondary



undesirable changes due to parking needs further analysis. Parking will be discussed in "b" below.

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

Staff Comment: Whether there are significant unacceptable impacts to neighboring properties due to the parking generated from the proposed projects needs to be determined. If there are impacts, methods to mitigate them to acceptable levels should be considered. Only if the impacts cannot be reasonably mitigated should an application be denied.

Fortunately, the facility is located near a significant amount of public parking (Bob Moore parking lot), and on-street parking that is currently rarely utilized by other businesses at the peak busy times of the restaurant.

There are no parking spaces on the subject property. In order to provide any on-site spaces, they would need to demolish a dilapidated storage room. That should be considered in order to provide some ADA (handicap) parking, as none is available in the area. The ADA spaces could be accessed off the alley.

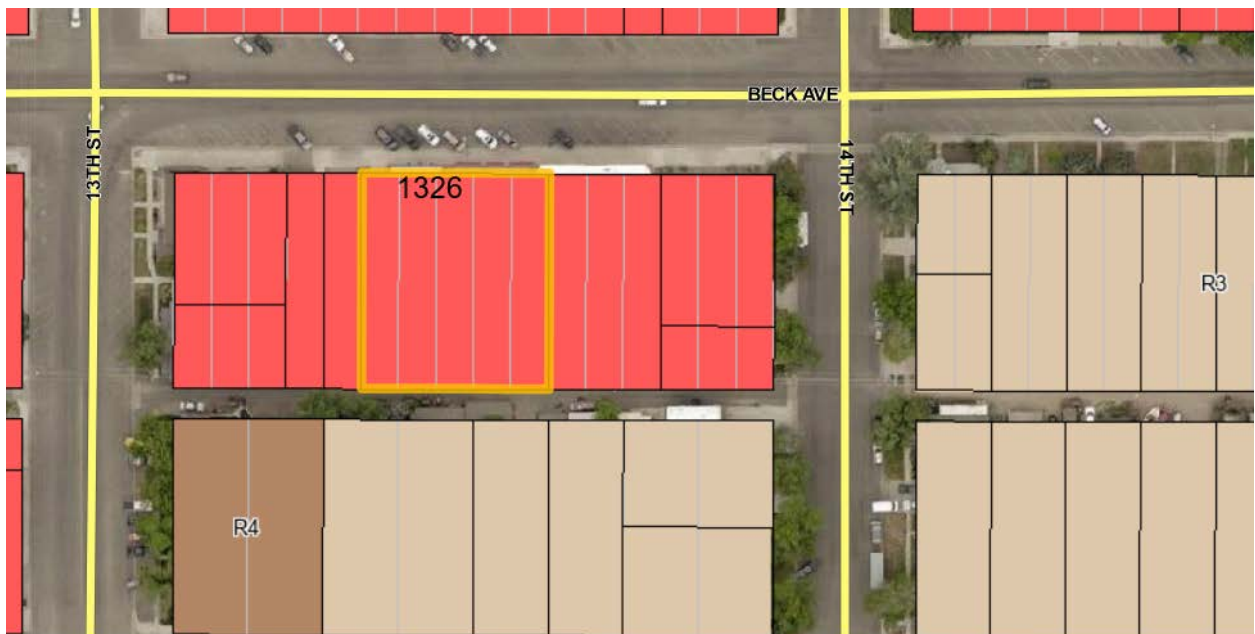
The Bob Moore parking lot has 60 standard parking spaces and 8 RV parking spaces. Along the Beck Avenue frontage of the Bob Moore parking lot are 10 parking spaces.

There are 7 on-street parking spaces along the Beck Avenue frontage of the subject property. Another 23 spaces are within this block of Beck Avenue. Between the Bob Moore parking lot and the on-street parking in this block of Beck Avenue, 108 parking spaces are available.



Another 15 spaces are available in the half block north of Beck Avenue and 13 spaces are available in the half block south of Beck Avenue. If those are considered, that is a total of 136 spaces.

Staff is not counting on-street parking spaces beyond this extent, as to the north, the area is regularly full of vehicles already, and because to the south and further east, the on-street parking is in front of residentially-zoned land. Although the parking ordinance regulations are for off-street parking standards, staff believes the concept in Section 10-16-5 of the City Code should apply to on-street parking as well, as allowing on-street parking to count towards any required parking is already a special exemption to the standards. The concept in Section 10-16-5 is, *"...the zoning of the parking facilities shall either be in the same zoning district, a zoning district that also permits the use served, or a zone that permits public parking facilities (e.g., parking for a commercial use is not permitted in areas zoned residential, parking for multi-family development is not permitted in areas zoned single-family residential, parking for an industrial use is not permitted in an area zoned residential or neighborhood commercial, etc.).*



Other businesses in the area that have similar parking demand times to the applicant's business, and which currently rely on some of those 136 spaces include Zapata's restaurant, The Local restaurant, and events at the Cody Auditorium. Note that this last year provides little reliable parking demand data due to COVID's impact on those other users. The Local restaurant has not even been open, although I believe they do plan to be open this year.

Unfortunately, we do not have good information on usage of the 136 parking spaces noted. Furthermore, we do not have good information on what the actual parking

demands will be from the Trailhead expansion that is already approved and under construction—it may be more or less than calculated. Until we get into the tourist season and the currently authorized Trailhead expansion is up and going, it is extremely difficult to project what even the “existing” situation will be this summer, much less what the impacts of the special exemption will be to that situation.

As of the time of this staff report, I am not convinced that it has been demonstrated that the parking impacts associated with the exemption will be “*compatible with adjacent land uses and the area or neighborhood*”. There are just too many unknowns. It is the applicant’s responsibility to demonstrate how the requirement will be met.

Staff believes the solution is to allow a partial test run, as will be outlined in the recommendation portion of this staff report.

- 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 there is one private parking lot in the immediate area that does not have conflicting demand times—the NAPA parking lot. It has 14 spaces. The Board could require the applicant to attempt to negotiate a parking agreement with that landowner as a method to address part of the parking demand generated by the development.

- 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 uses that the applicant would like to add cannot occur (1,600 sq. ft. event room, permanent outdoor seating area, and use of additional storage area by the restaurant). However, the 100-space exemption would remain in place for the existing restaurant and the expansion that was previously permitted.

- 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. If on-street parking is considered “infrastructure”, then its adequacy is the primary question.

It will also be pointed out that due to the location of the Bob Moore parking lot and its relation to the restaurant, significant jay-walking is expected to occur across Beck Avenue. No solution is proposed, it is just noted that it is a safety concern.

- 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 directly 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."*

In effect that is what is occurring through this special exemption process.

**ALTERNATIVES:**

Approve, deny or approve with conditions.

**ATTACHMENTS:**

Submittal letter and neighbor responses.

**RECOMMENDATION:**

The applicant needs to demonstrate that they have done what they can to accommodate the parking demand generated by their business. Requiring the applicant to attempt to negotiate a parking agreement in good faith with the owner of the NAPA parking lot should be one condition. The parking agreement would need to conform to the requirements of City Code (10-16-7). Providing two ADA spaces on the property by demolishing the old delapidated storage room should be another.

If those two items are completed, planning staff supports allowing use of the outdoor seating area on a temporary basis, and the restaurant storage, but not the establishment of the 1,600 square foot event center at this time. Once the "existing" situation is observed (after the recently permitted expansion is up and running and we are into the tourist season), the Board can determine if the outdoor seating area and the establishment of the event center is appropriate. The deciding factor will be whether or not the parking from the downtown area is able to be contained within the commercially-zoned area, or if it spills over into the residentially-zoned areas.

If the Planning and Zoning Board desires to approve part or all of the request they need to make the following or similar findings.

(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 sufficiently met to allow the temporary situation recommended by staff. Further analysis will occur later this summer as to whether it can be permanent, and whether the event room can be established.

Trailhead Bar Grill & Wood Fired Pizza  
1326 A & B Beck Avenue  
Cody, Wyoming 82414

## Parking Exemption Proposal

To whom it may concern (Cody Planning and Zoning Board):

Hello, I am writing this proposal because since the inception of our restaurant and bar, we have had massive support within our community. We have become very busy showing us that Cody is ready for growth and change in the dining and entertainment areas and in turn has allowed us to save money in preparation for utilization of the incredible building we are leasing. We have been issued a building permit to expand to the space next door (approximately 3,500 square feet) and plan to use it for more bar seating, a stage and dance floor, ventilated cigar lounge with a card table and a game room with multiple pool tables and games. We have been issued our building permit for that area and the existing space of the restaurant that is already being used but have much more space to utilize that we think would be very beneficial to our great community.

As most of you I'm sure know, alcohol is no longer allowed in the Cody auditorium and even without the massive growth our community is seeing since covid, our community is in need of spaces that can cater to community events like fundraisers for non profits, concerts and weddings as well as receptions (especially indoor venues for winter time) and the 2,500 sq. ft. area not included in our allowed usage behind the kitchen in our restaurant space as well as our new expansion will be an incredible space to utilize for such events. Another area proven to be popular with our community and one in need is the outdoor patio we temporarily constructed to the west along side our building and on our private property during this last summer during covid. We have plans for a covered pergola with seating, a double sided fireplace and small stage add the end will make for another option for even more great entertainment within our community including a singer songwriter festival that is in the works for this coming summer. Without this parking exemption neither the outdoor patio will be able to be used by our community members and tourist alike nor the incredible space behind our kitchen (which attaches to our new expansion next door and would allow for large events and fundraisers.

We at Trailhead all love this community and are committed to making our community more attractive and adding more amenities and options for locals and tourists alike. We already have two big name musicians booked for concerts in our new venue and with selling tickets for standing room will cater to 100-150 or so patrons. Our busiest times are always from 5pm on until we close that night leaving most of the large amount of parking on our block open for the few business neighbors that close around that time during the day. With diagonal parking on both sides of the street on the entire block and Bob Moore parking lot across the street

we have I would say more than enough parking for day to day use of our facility as well as when the occasional event takes place at Trailhead.

We are humbly asking for this exemption so we can continue to grow and offer the best we possibly can to this incredible, very quickly changing and growing community. Thank you for your consideration and look forward to seeing each and everyone of you at a dining table, pool table, fundraiser or community event in the future.

Thanks so much,

Nathan Kardos  
Owner/Executive Chef  
Trailhead Bar Grill & Wood Fired Pizza

**NOTICE OF PUBLIC HEARING**

**Please return this letter by April 21, 2021 to:**

Date: April 8, 2021

Cody City Planner  
P.O. Box 2200  
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.**

Applicant Name: Trailhead Italian & Wood Fired Pizza (Nathan Kardos)

Address or Location: 1326 Beck Avenue, Cody

Description of Request: To waive the parking requirements associated with a 1,600 square foot public assembly area (banquet/party room), the use of an additional 900 square feet for restaurant-related storage, and a permanent outdoor dining area and stage (covered by a pergola) of approximately 1,080 square feet (18' x 60').



The City parking ordinance exempts the property from providing 100 on-site parking spaces. The request is to exceed the 100-space exemption for the areas listed above. Note that the City has just authorized a building permit for expansion of the restaurant within the existing building, which allows an increase in occupancy from 99 persons to 266 persons (based on building code). The areas listed above that are associated with the special exemption request would be in addition to the expansion authorized by the current building permit. Based strictly on the recommended parking ratios of the ordinance, an exemption of 51 parking spaces (151 total) would be needed to authorize the additional areas. Information is available at the Community Development Dept. or by calling (307) 527-3472.

**The request will be considered by the City of Cody Planning & Zoning Board at a public hearing at their regularly scheduled meeting on Tuesday, April 27, 2021 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Avenue.**

**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 Trailhead Italian & Wood Fired Pizza 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: \_\_\_\_\_

Address: 1400 Block of Beck

Reason for Objection: Beck is still very much a residential area. Where are all the extra cars going to park? I applaud Nathan doing a good business, but adding so much new traffic is a concern. Going from occupancy of 99 to 266! Extreme!!! Beck is not suited for this volume. As well as Alger.



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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:** \_\_\_\_\_

**NOTICE OF PUBLIC HEARING Please return this letter by April 21, 2021 to:**

Date: April 8, 2021 Cody City Planner P.O. Box 2200  
RE: **SPECIAL EXEMPTION REQUEST** Cody, WY 82414

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.** Applicant

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Address or Location: 1326 Beck Avenue, Cody

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☒ I have NO OBJECTION to the Special Exemption Request.

Name:

Address:

Comments:

\*\*\*\*\*

\*\*\*\*\* ☐ I OBJECT to the Special Exemption Request:

Name:

Address:

Reason for Objection:

1286 Sheridan

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Date: April 8, 2021 Cody City Planner P.O. Box 2200

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(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 Trailhead Italian & Wood Fired Pizza for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Teresa Muhic - 307 Ventures, LLC

Address: 4311 Monaghan Ln - Building Address 1350 Sheridan

Comments: City lot is across street. There is no way businesses can expand + follow parking space ordinance.

\*\*\*\*\*

\*\*\*\*\* ☐ I OBJECT to the Special Exemption Request:

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:



**NOTICE OF PUBLIC HEARING Please return this letter by April 21, 2021 to:**

Date: April 8, 2021 Cody City Planner P.O. Box 2200

RE: **SPECIAL EXEMPTION REQUEST** Cody, WY 82414

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(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 Trailhead Italian & Wood Fired Pizza for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Newsome Investments (Bob + Sandy Newsome)

Address: P.O. Box 575, Cody, WY 82414

Comments:

\*\*\*\*\*

\*\*\*\*\* ☐ I OBJECT to the Special Exemption Request:

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:

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

<b>MEETING DATE:</b>	APRIL 23, 2021	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SPECIAL EXEMPTION PUBLIC HEARING FOR SINGLE TRACK SPIRITS DISTILLERY AT 1221 ALGER AVENUE SUP 2021-05	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Single Track Spirits is an existing distilling company that operates off Sage Creek Road, in Park County. They want to relocate to the property at 1221 Alger Avenue with the intent of operating a distillery, tasting room and alcohol salesroom. Their current products are wheat whisky, rye whisky, and vodka. In addition to the distillery and tasting room, they plan to have food trucks and an outdoor gathering area. In the future, the building in the southwest corner of the property may be converted into a restaurant or retail use.



**PROCEDURE:**

The Cody zoning ordinance does not have distilleries listed. In such cases, the zoning ordinance in Section 10-14-(B)(2) states:

*2. Exemption for Use Similar to Permitted Uses: Special exemptions may be granted to allow uses not listed in this title when the Planning and Zoning Board determines that such use is similar to a permitted use within the zoning district of the subject property. The determination on similarity shall be made in consideration of the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question.*

The application now under review is the special exemption request. If approved, a detailed site plan review would be conducted at a future time.

In addition, the city code sets forth six specific approval standards for Special Exemptions, which are also addressed below. If the special exemption is approved, the board "*may impose any reasonable conditions or modifications pertaining to operational or physical features of the proposal to ensure conformance with the approval standards of subsection C2 of this section. The board is further authorized to set time limits for renewal or expiration of special exemptions and to require financial guarantees, such as a performance bond or irrevocable letter of credit, to ensure completion of required improvements.*"

In staff's view, the review should be focused on the distilling and immediately-related impacts, not on the components of the project that would already be clearly permitted by the current zoning regulations for the property. Specifically, the General Business (D-2) zoning of the property clearly permits the tasting room component (under the classification of bars and lounges) and the food truck and outdoor eating/entertainment component (under the classifications of restaurants and amusement parks/stadiums—interpreted broadly to include all forms of outdoor events).

As the applicant points out their narrative, there is also some level of argument that the warehouse use that is listed as "permitted" in the D-2 zone would allow the alcohol storage to occur. Staff is somewhat conflicted on this because the alcohol storage triggers fire and building code requirements that are not provided in a typical warehouse. Nevertheless, those requirements will be imposed on this facility. Planning staff is just concerned that the current fire and building code requirements (2018 version) are not adequate to mitigate the hazards of the alcohol storage—the 2021 version that should be effective later this year will apparently have better standards (e.g. fire sprinklers for storage areas). See attached article, "*Fire Hazards in Distilleries and Tips on How to Mitigate Them.*"

Notice of the special exemption request was provided as required, including publication in the newspaper at least 10 days before the public hearing (April 15) and by certified mail to all landowners within 140 feet (April 8).

### **REVIEW CRITERIA:**

#### **Similar-Use Determination:**

As per Section 10-14-(B)(2) of the City code, "*The determination on similarity shall be made in consideration of the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question.*"

**Size:** The portion of the building that would house the distillery operation is 35' by 55', or 1,925 square feet. The applicant has a 250-gallon still, and indicates that the area of the building planned for distillery operation would really not accommodate anything larger. They do not plan to get a larger still. The still would be able to produce 10 to



12, 53-gallon barrels per month, at full capacity. However, they plan to operate full-time for just eight months of the year, and only part-time the rest.

The barrel storage area is approximately 743 square feet. The plan is to have the barrels stacked on racks in the storage area. They expect it will be able to accommodate 150 to 200 barrels.

The size described is definitely towards the “craft” scale of production. The “craft” scale of production, when combined with tasting rooms, has blurred the zoning lines of what constitutes a primary manufacturing use and what constitutes a commercial use. In the context of beer, Cody, like many jurisdictions has unofficially put craft breweries into the same zoning category as bars. However, there are components of distilleries that make them different than beer breweries.

*Intensity:* The D-2 zone has no height limit, no limits on hours of operation, and no setback requirements—provided the property is not immediately next to residentially-zoned land. In this case, there is no residentially-zoned land immediately next to the property, only across the street. If intensity is viewed simply as size of buildings, amount of traffic, and hours of operation, it can be concluded that the intensity of the proposal is not any more than what otherwise could occur in the zone.

Intensity also relates to the use and intent of the zoning district. The General Business (D-2) zone in which the property is located has the stated intent of, *“It is the intent that the General Business D-2 District shall provide retail commercial and business service.”* A retail commercial or business service intensity does not include the intensity associated with industrial activity. That is reserved for the Open Business/Light Industrial (D-3) and industrial zones. The stated intent of the D-3 zone is, *“It is the intent that the Open Business D-3 District shall provide a zone for the conduct of commercial and business services not permitted within the D-2 Zone, and certain small light industrial uses.”*

If you believe “intensity” includes noise, glare, vibrations, odors, or similar impacts, then refer to the discussion in the following items.

For information purposes, the initial plan is to operate the tasting room from 1:00 to 10:00 p.m., five days a week. The manufacturing would likely start around 9:00 a.m. each day.

*Noise:* Noise is undesirable sound, and is therefore an individual judgment. The City of Cody has only a general noise ordinance that prohibits unreasonable noise, which in reality has little enforcement. For purposes of this review, it is assumed that about any sound from the facility that is outside of what occurs in a typical residential neighborhood is undesired by the neighbors.

The sound associated with the facility with the production process includes a milling machine within the building, which would run about 10 minutes a day, likely between 9 and 10:00 a.m. It has been compared to the sound level of a lawnmower. The augers that transfer grain from the bins to inside the building would also run at the same time and generates some noise as well. An air compressor, located within the building would provide air to circulate the mash. It would run three times a day for about 20 minutes. No other sounds have been identified that are not otherwise typical for the zoning district. The Board will need to consider the information on sound in their decision.

*Traffic:* Based on the size of the facility, the applicants are planning to provide about 22 on-site parking spaces to meet the City requirements. Provided the parking meets City standards, the facility would not be generating more traffic or parking impacts than any use otherwise permitted in the D-2 zone. Note that this property is within the downtown parking district and therefore is required to provide on-site parking in the amount required by the parking ordinance.

*Burden on infrastructure:* The facility will utilize a fair amount of water. The City has capacity to provide the water needed. The sewer situation is much more complex. In effect, the waste is very acidic and has high BOD levels (solids), and therefore cannot be simply washed down the drain without consideration. The waste by-product, and the alcohol itself, can kill off the bacteria and other “bugs” in the city wastewater treatment system, to the point that a large enough untreated dump could affect the City wastewater treatment system for several days. If there is concrete sewer pipe in the system, it could also eat away at that pipe relatively quickly, causing the need for replacement. The applicant will need to work out pre-treatment and/or dilution methods with public works, if the distillery is established. That would be the case anywhere in the City it occurs.

Other needs, such as power, gas, telecommunications, streets, sidewalks, and emergency services all appear adequate for the use.

*Purposes of the use:* The Board can ask the applicant about the purposes of this proposal. Obviously, allowing the distilling to occur on this property instead of elsewhere reduces total production and operation costs. However, distilling would not need to occur at this property in order for the other activities to happen. Distilleries are a tourist attraction, and therefore need to consider the overall experience and presentation. Yet, that presentation can likely occur just as well with inoperable grain bins, a few strategically placed empty barrels, and other decorations. That is what has occurred in Casper with Backwards Distilling—their distilling occurs in Mills in an industrial area and they have a satellite tasting room in downtown Casper. In other words, it is likely possible for the business to still be successful if the distilling were to occur in a traditional industrial location (D-3, E, or HI zoning).

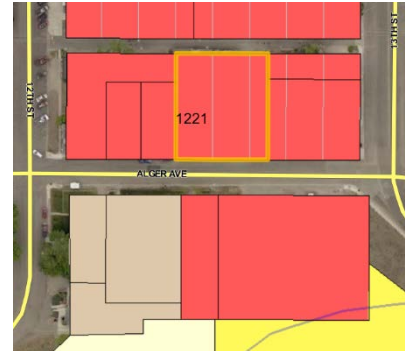
### ADDITIONAL CRITERIA

*10-14-2(C)(2) Approval Standards: 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;*

The neighboring area is as follows:

NORTH	Cody Auditorium and Elks Lodge.	D-2
EAST	The Bargain Box (2 <sup>nd</sup> hand clothing store).	D-2
SOUTH	Vacant and Single-family Residential.	D-2 and R-3
WEST	Single-family residential.	D-2



Comment: The property is towards the perimeter of the Cody downtown, which places it in an area of mixed commercial and residential uses. Some of those residential uses are commercially zoned. The residential R-3 zone is just southwest of the property. The edges of the zoning districts are where there is typically the most potential for conflict.

Neighbor comment is typically a good indicator of compatibility. Eleven neighboring property owners were notified of the exemption request. Six written responses were received from those notified by mail, and two others wrote comments after seeing the notice in the newspaper. Out of the responses received there were three of “no objection” (one from the next block to the east) and five objecting (one from the next block to the west). All responses are attached for your review. The locations of those responses are shown on this map, with green indicating “no objection” and pink “objection” Any additional comments received at the hearing will also need to be considered.



The concerns include the smell of grain fermenting, noise, hours of operation/evening operations, barrel storage (hazard?), and on-street parking. Staff would add concerns for explosion or fire.

Relating to determining any “detriment to neighboring properties”, it is necessary to identify potential adverse impacts and determine whether those impacts can be sufficiently mitigated or minimized to the point of being insignificant, or avoided entirely. Unless additional impacts are identified in the public hearing, it appears

that they have been property identified—primarily noise, odors, sewer impacts, and fire safety concerns. If the proposal is approved, the methods of mitigating those potential impacts to avoid detriment to nearby properties will need to be clearly identified.

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

Comment: This requirement is almost identical to 'a' above, but speaks to the actual design of the project, as well as how it will be operated. Staff believes the applicant when they say they have every intent to "do it right", as far as complying with applicable fire codes, addressing sewer system issues, and otherwise trying to minimize impacts to the neighborhood. However, that may or may not be enough to appease the neighbors, and therefore staff.

Unfortunately, due to a heavy workload, staff has not had as much time as they would like to look into mitigation strategies. We believe noise from the manufacturing components within the building can be minimized through standard sound-reduction techniques. One of two primary concerns for planning staff is odor impacts to neighboring properties, whether from the fermenting grain mash or the alcohol itself. (Would charcoal air filtration work well enough to mitigate odors?) The concern with odors may necessitate a field trip by staff and/or the Board to the existing distillery on Sage Creek.

The second primary concern is with fire hazards and damage to surrounding properties if an explosion or fire were to occur. There is an explosion hazard with the milling operation (fine dust), and a fire hazard with the alcohol storage. The fire and building code requirements attempt to minimize that hazard, but accidents can happen, leading to the question of whether the hazard should be allowed to be established in the first place, at a particular location.

As far as neighborhood sound levels, it is noted that the hours of operation, and therefore noise, from the Cody auditorium and the Elks lodge can extend into the late hours, but typically only one or two nights a week at most. The Bargain Box and the residential area is typically quiet evenings and weekends.

- 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;*

Comment: The distilling operation would not be able to occur on this property if the special exemption is not granted. The other uses would likely be permitted (alcohol storage being the only questionable other use.)



- 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;*

Comment: The special exemption is the only feasible option to establish a distillery in the D-2 zone. The use is not listed in any other zone—however, it would be much easier to justify in a light industrial or industrial zone.

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

Comment: See “Burden on Infrastructure” on Page 4.

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

Comment: Sections of the master plan that may be applicable are noted as follows.

Page 32, Objective 8.1: Support year-round entertainment and events for residents and visitors to maintain a high quality of life and encourage a sense of community.

Page 62, DESIRED FUTURE CHARACTER: Central Cody’s character should represent the retail, service, governmental, social and cultural heart of Cody. Residential, office, retail, entertainment and civic uses should be balanced in a way that allows for easy access to destinations and services by all modes of transportation. Downtown should be accessible and pedestrian-friendly, a welcoming place for both residents and visitors, and the central hub for shopping, dining, lodging, entertainment, gathering, and socializing. There should be abundant opportunities for outdoor dining, plazas, public art, cultural and special events, live entertainment, and places to congregate. Public investment and land use decisions should be consistent with the long-term economic health of the downtown core.

The Future Land Use Map of the Master Plan identifies this location as immediately outside the Downtown Mixed Use area (alley is the boundary), and within in the Neighborhood Mixed Use Area, which is described as follows: *“Neighborhood Mixed Use: The neighborhood mixed use designation is intended to provide a mix of residential and low-intensity neighborhood support services, including small-scale professional office, personal service, child care, educational, business service, and other daytime, weekday-only services that do not interfere with adjacent residential uses. Extended hours or days of operation may be appropriate in some locations. Retail and manufacturing uses are not intended for the neighborhood mixed use zone, but may be considered through a conditional use process when the scale of the use is comparable to a home-based business and the daytime/weekday-only limitation will be followed. Neighborhood mixed use areas may also include single-family detached, attached or mixed-use housing types. Mixed use areas should be pedestrian and bicycle friendly and directly linked to surrounding neighborhoods.”*



That being said, the zoning overrides the master plan when it comes to details of specific uses. In other words, the D-2 zoning allows much more intense retail and service uses than contemplated by the master plan designation of the property, and uses cannot be denied based solely on master plan language. However, the language can be considered in the overall decision.

**ALTERNATIVES:**

Approve or deny all or part of the special exemption application. The Board is authorized to attach conditions to the granting of the special exemption.

**ATTACHMENTS:**

Application materials, neighbor responses.

**RECOMMENDATION:**

Due to the neighborhood controversy and potential need for more specific mitigation measures, staff does not have a recommendation at this time. If the Board is totally opposed to the exemption, then make that known now. Otherwise, view this as an opportunity to hear from all of those involved and have conversation with the intent of finding solutions. Then direct the applicant and staff accordingly.

Single Track Spirits  
63 Sage Creek Rd  
Cody, WY 82414

23 March 2021

Cody City Planner  
P.O. Box 2200  
Cody, WY 82414

Dear Planning and Zoning Board Members,

This letter is written to request a special exemption to operate a small distillery within a D-2 District in Cody, WY, specifically at 1221 Alger Ave. The distillery consists of a Manufacturing Facility, where grain is milled, mashed, fermented, and distilled and finished spirits are bottled; a Warehouse/Storage Facility, where distilled spirits are aged in barrels; and a Satellite Tasting Room, where cocktails and package liquor are tasted and sold pursuant to W.S. 12-2-203(g)(ii). Alcohol not produced or blended in-house is not permitted to be served or sold at the Satellite Tasting Facility. The distillery has been in operation outside the Cody city limits at 63 Sage Creek Rd since 2011, but we wish to relocate the business into town to take advantage of pedestrian and bicycle traffic and enhanced visibility. On average, small distilleries of our size make 47% of their sales through an on-site tasting room, making it essential that we establish a tasting room in a more central location.

Allowing a distillery to operate within a D-2 District will not produce any undesirable change in the character of the neighborhood nor be a detriment to neighboring properties. On the contrary, the special exemption will allow us to improve the property with landscaping and general building improvements and allow us to highlight some of the original character of the historic buildings. It will also provide a new downtown gathering spot and give more off-main-street depth to the city center. Our vision is that the distillery will enclose a green courtyard, where people can congregate to enjoy food trucks, locally produced spirits, and, on occasion, live music, fitting in well with the Cody Master Plan.

While the Warehousing/Storage Facility and Satellite Tasting Room can be considered a warehouse and bar, respectfully, as permitted in D-2 Districts (City of Cody Code 10-10B-2), there is no reference to Distilled Spirits Manufacturing Facilities in the Code. We note that Geyser Distilling was allowed to operate in a D-2 District on Beck Ave before going out of business. In addition, many distilleries in the region are located in city centers, such as Chronicles Distilling in Cheyenne, WY, Steamboat Whiskey Company in Steamboat Springs, CO, Gulch Distillers in Helena, MT, Montgomery Distilling in Missoula, MT, and Willie's Distilling in Ennis, MT. Distilleries that choose to operate outside of city centers often do so because of space and cost constraints rather than permitting or zoning restrictions.

**Nuisances** such as light, sound, and smell arising from the Manufacturing Facility are addressed sequentially in the following:

**Lights:** No additional exterior lighting is needed other than that required for a retail parking area (approved use for a D-2 District). The majority of manufacturing will occur during standard business hours indoors so additional exterior lighting is not needed. The exterior lighting plan will be reviewed during the Commercial Site Development Application phase, should this Special Exemption be approved.

**Noise:** The loudest operations that will occur are running an air compressor and milling grain. Grain milling lasts for ~1 hr/day and has a noise level comparable to an air compressor or lawn mower. Both operations will only occur during regular business hours (8 AM – 5 PM). Both the milling and air compressor will be run inside the Manufacturing Facility so the noise will be largely attenuated before reaching the building exterior. Additional noise suppression such as mineral wool insulation will be installed to further bring down the exterior noise levels. The noise will not exceed the noise levels previously experienced while the site was used as an automobile repair garage employing similar noise generating equipment.

**Odor:** Spent grains, a waste product from distilling, do not have a strong smell initially but tend to pick up an odor after a few days. It is therefore in our best interest and our intent to dispose of them immediately. They are of high value as animal feed when fresh and also have high value as compost. We will work with local farmers and ranchers to dispose of the waste quickly so that our tasting room

traffic and the surrounding neighborhood are not affected. We are also in discussion with Public Works to determine what can be safely disposed of in the municipal sewer.

The hours of operation of the Manufacturing Facility will largely occur between the hours of 7 AM and 6 PM. During the production of vodka, which requires longer run times, the operating hours may be extended to later hours, but will not generate any spent grain odors nor require the use of the noise-producing machinery (air compressor or grain mill). Light, sound, and smell nuisances from a Distilled Spirits Manufacturing Facility are similar to those arising from a Brewery, of which there are several in D-2 Districts in Cody.

**Safety.** While breweries and distilleries generate similar nuisances, the concentrated ethanol produced during alcohol distillation is an additional safety hazard that must be addressed. We have begun discussions with the fire marshal and will continue to work closely with him for the duration of the project to ensure the safe operation of the distillery. There are many safety controls that will be engineered in to make the manufacturing facility safe, including but not limited to, using totally enclosed motors, adding fire-rated separation walls, and installing fire sprinklers in the Manufacturing Facility.

**Utilities.** The current Manufacturing Facility is serviced by a 3/4" treated water main and 200 Amp electrical service which are more than adequate to meet our utility needs. We have begun the conversation with Public Works to ensure that our utility needs can be met.

**Conclusion.** Our business model is centered around building a sustainable company that puts our product quality, local community, and employees first. Part of this goal will be accomplished by providing employees with competitive wages and profit-sharing opportunities. In addition to directly providing good employment opportunities to the local community, we believe the downtown location also has the potential to assist in attracting new companies and individuals to the area, as many people look at the diversity of downtown activities and hangouts when searching for places to relocate. We believe that moving the distillery and tasting room to downtown Cody will fit in well to the Cody Master Plan by allowing us to help bring further economic diversity to the town, update an underutilized lot aesthetically, and provide an additional gathering space for the community. Thank you for considering our proposal.

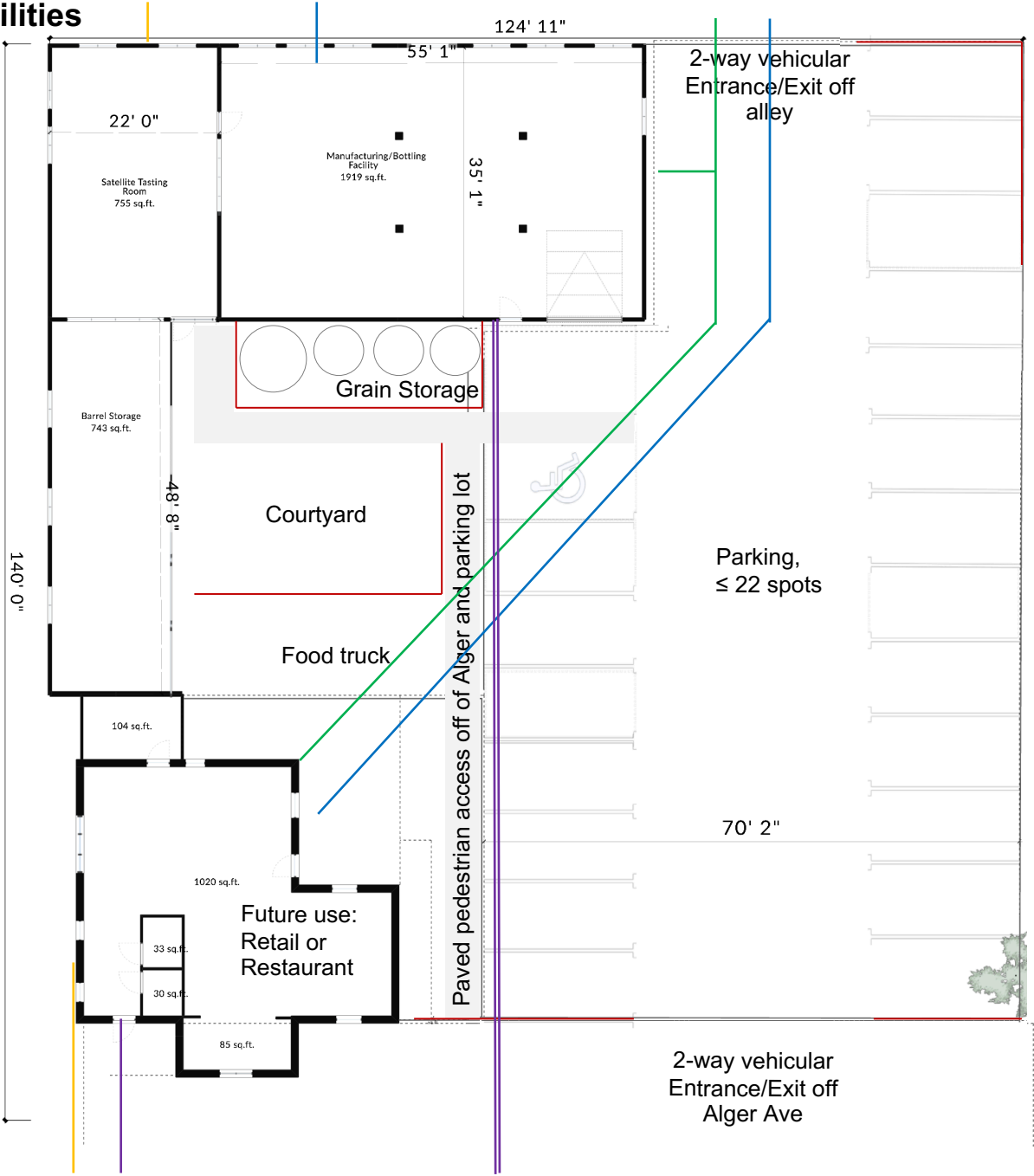
Natasha Pettinger  
Co-Owner Single Track Spirits  
(307) 761-1296  
natasha@singletrackspirits.com



Proposed Structures and Utilities

- Fence
- Sanitary Sewer
- Electric
- Treated Water (Service + Fire Suppression Service)
- Natural Gas

Buildings along entire lot line will screen residences from headlights and vehicle noise



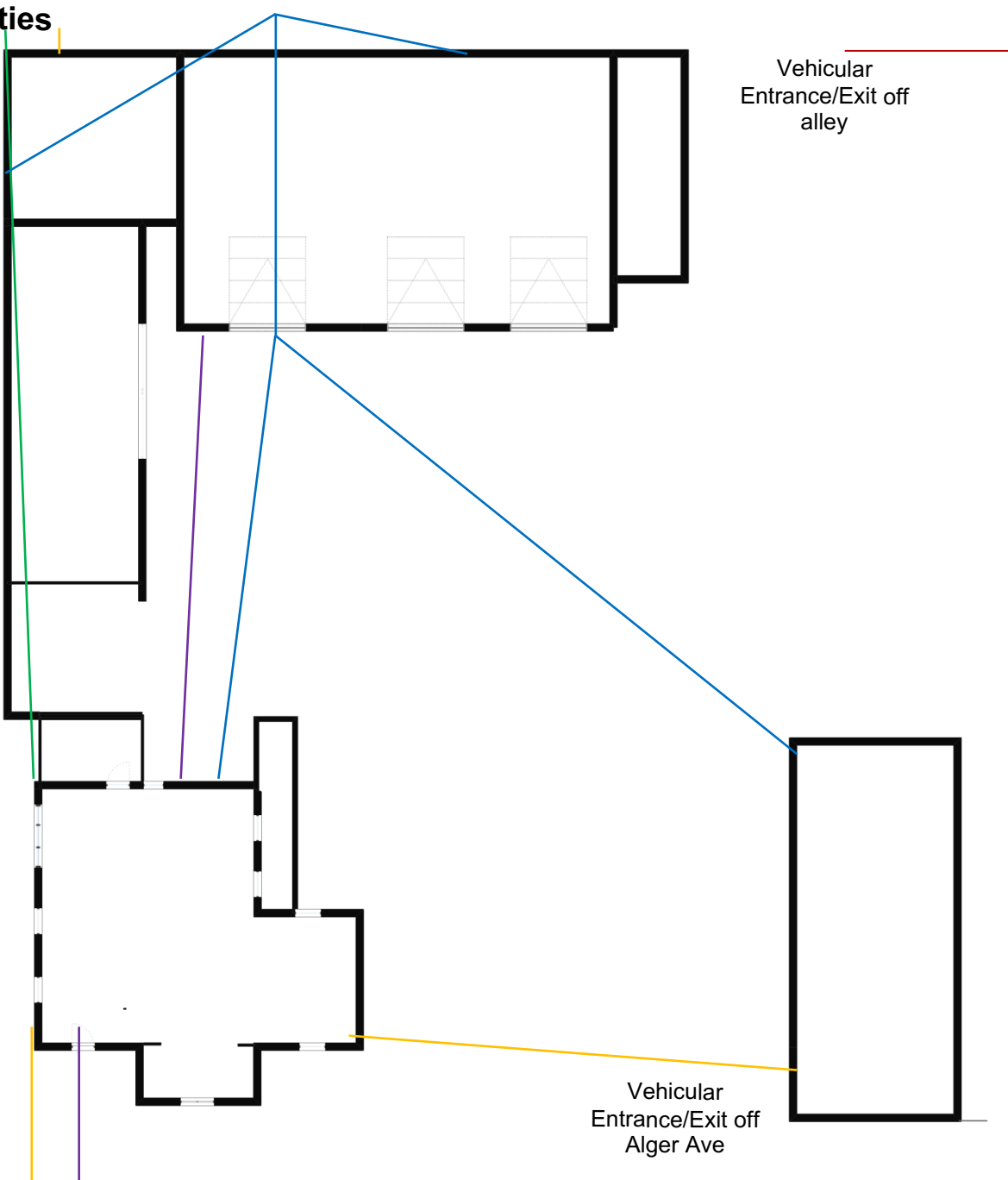
Bargain Box buildings  
No residential screening necessary

Existing Structures and Utilities

- Fence
- Sanitary Sewer
- Electric
- Treated Water
- Natural Gas

Vehicular  
Entrance/Exit off  
alley

Vehicular  
Entrance/Exit off  
Alger Ave



**NOTICE OF PUBLIC HEARING**

**Please return this letter by April 21, 2021 to:**

Date: April 8, 2021

Cody City Planner  
P.O. Box 2200  
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.**

Applicant Name: Single Track Spirits (Natasha Pettinger)

Address or Location: 1221 Alger Avenue, Cody

Description of Request: To obtain a special exemption to operate a distillery (manufacture spirits) in the General Business (D-2) zoning district at 1221 Alger Avenue. Distilleries are not listed in the Cody zoning ordinance. Section 10-14-2(B)(2) of the Cody zoning ordinance allows the Planning and Zoning Board to allow uses not listed in the zoning ordinance when the Board determines that such use is similar to a permitted use within the zoning district. The determination on similarity considers the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question. Information is available at the Community Development Dept. or by calling (307) 527-3472.



**The request will be considered by the City of Cody Planning & Zoning Board at a public hearing at their regularly scheduled meeting on Tuesday, April 27, 2021 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Avenue.**

**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 Single Track Spirits for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Ted Rows

Address: 1231 13th Street

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

\*\*\*\*\*

☐ I OBJECT to the Special Exemption Request:

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: \_\_\_\_\_**

Maryann McGee  
1102 Alger Ave.  
Cody, Wy. 82414

To: The Planning and Zoning Board

Re: Request for special exemption to operate a distillery at 1221 Alger Ave.

I am familiar with the proposal by Single Track Spirits for the special exemption. I read about the proposal in the paper and did not receive a letter of notification. I live a block to the west on Alger.

I object to the special exemption request for the following reasons.

This particular business is inappropriate for a residential neighborhood. I often walk my grandchildren by this address. They are 5, 4, 2 and 2 years old. A distillery and the resulting clientele are not a safe environment for children. A clothing store and a furniture refinishing store bring different clientele than a distillery. Alger Ave is the narrowest street in Cody, and I am concerned about increased traffic. I am also concerned about the erosion of our in town residential areas. Alger is one of the oldest streets in town and the neighborhoods need to be protected from continued requests for business expansions.

I have lived at 1102 Alger for 45 years. We have been told our house is one of the oldest frame houses in Cody, built in 1901 or 02.

P & Z is a regulatory board charged with city planning and zoning and doing what is right and correct according to those regulations. It is also a Board charged with protecting Cody residential areas and doing what is right for Cody residents. This request may be an allowable business under the zoning regulations, but it is not the right thing to do for Alger Ave. residents and future generations. When changes are proposed for the BLM and the Forest Service areas, an environmental impact statement needs to be submitted. Perhaps the P & Z should consider asking for a residential impact statement.

I understand that Single Track Spirits has an operation at 63 Sage Creek Rd. which seems to be a more appropriate location for a distillery than a neighborhood in town.

Thank you for the opportunity to share my concerns about this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Maryann McGee". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle name.

Maryann McGee



**NOTICE OF PUBLIC HEARING Please return this letter by April 21, 2021 to:**

Date: April 8, 2021 Cody City Planner P.O. Box 2200  
RE: **SPECIAL EXEMPTION REQUEST** Cody, WY 82414

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.** Applicant  
Name: Trailhead Italian & Wood Fired Pizza (Nathan Kardos)  
Address or Location: 1326 Beck Avenue, Cody

Description of Request: To waive the parking requirements associated with a 1,600 square foot public assembly area (banquet/party room), the use of an additional 900 square feet for restaurant-related storage, and a permanent outdoor dining area and stage (covered by a pergola) of approximately 1,080 square feet (18' x 60').

The City parking ordinance exempts the property from providing 100 on-site parking spaces. The request is to exceed the 100-space exemption for the areas listed above. Note that the City has just authorized a building permit for expansion of the restaurant within the existing building, which allows an increase in occupancy from 99 persons to 266 persons (based on building code). The areas listed above that are associated with the special exemption request would be in addition to the expansion authorized by the current building permit. Based strictly on the recommended parking ratios of the ordinance, an exemption of 51 parking spaces (151 total) would be needed to authorize the additional areas. Information is available at the Community Development Dept. or by calling (307) 527-3472.



**The request will be considered by the City of Cody Planning & Zoning Board at a public hearing at their regularly scheduled meeting on Tuesday, April 27, 2021 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Avenue.**

**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 Trailhead Italian & Wood Fired Pizza for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Kay & Terry Kenney

Address: 1373 ALGER AVE

Comments:

\*\*\*\*\*

\*\*\*\*\* ☐ I OBJECT to the Special Exemption Request:

Name:

Address:

Reason for Objection:

**NOTICE OF PUBLIC HEARING**

**Please return this letter by April 21, 2021 to:**

Date: April 8, 2021

Cody City Planner  
P.O. Box 2200  
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.**

Applicant Name: Single Track Spirits (Natasha Pettinger)

Address or Location: 1221 Alger Avenue, Cody

Description of Request: To obtain a special exemption to operate a distillery (manufacture spirits) in the General Business (D-2) zoning district at 1221 Alger Avenue. Distilleries are not listed in the Cody zoning ordinance. Section 10-14-2(B)(2) of the Cody zoning ordinance allows the Planning and Zoning Board to allow uses not listed in the zoning ordinance when the Board determines that such use is similar to a permitted use within the zoning district. The determination on similarity considers the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question. Information is available at the Community Development Dept. or by calling (307) 527-3472.



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**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 Single Track Spirits for the special exemption described above.

☒ I have **NO OBJECTION** to the Special Exemption Request.

Name: Erynne & Ryan Selk - The Way West Mgmt. Co. LLC

Address: 1221 Alger Ave. Cody, WY

Comments: Single Track Spirits is a responsible, intelligent co. We welcome them & look forward to the neighborhood improvement. This is a no-brainer. perfect location.

\*\*\*\*\*

☐ I **OBJECT** to the Special Exemption Request:

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:**

erynne@revcody.com

**NOTICE OF PUBLIC HEARING**

**Please return this letter by April 21, 2021 to:**

Date: April 8, 2021

Cody City Planner  
P.O. Box 2200  
Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

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**The request will be considered by the City of Cody Planning & Zoning Board at a public hearing at their regularly scheduled meeting on Tuesday, April 27, 2021 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Avenue.**

**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 Single Track Spirits 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: Bonnie Imburgis

Address: 1215 Alger

Reason for Objection: Hours of operation for

restaurant & courtyard? Noise?

Sensit Alger parking concerns for 1207 & 1215

Barrel storage building?

**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: m16ishorselover@yahoo.com**

**NOTICE OF PUBLIC HEARING**

**Please return this letter by April 21, 2021 to:**

Date: April 8, 2021

Cody City Planner  
P.O. Box 2200  
Cody, WY 82414

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**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 Single Track Spirits 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: phone 623-237-0275

Name: Melissa Watson, owner 1220 Alger Ave Cody WY

Address: 3241 E Shea Blvd #1143, Phoenix AZ 85028

Reason for Objection: I object to the request because there is no information about the hours of operation for the <sup>food truck and</sup> tasting room. This is a residential area and I have no objection to the daytime operation of a business at 1221 Alger, however, it would seem the <sup>food truck and</sup> tasting room could be open into the evening hours and I strongly object to that.

**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: mmswearingen@hotmail.com**

Moreover, the future expansion of a restaurant at this location as indicated on the proposed structures and utilities attachment seems to indicate the very use I am opposed to - evening operations of a restaurant or bar or both.

Sincerely, Melissa Watson

**NOTICE OF PUBLIC HEARING**

**Please return this letter by April 21, 2021 to:**

Date: April 8, 2021

Cody City Planner  
P.O. Box 2200  
Cody, WY 82414

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**The request will be considered by the City of Cody Planning & Zoning Board at a public hearing at their regularly scheduled meeting on Tuesday, April 27, 2021 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Avenue.**

**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 Single Track Spirits 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: JOEL & KAMBRIE SIMMONS

Address: 1208 ALGER AVE

Reason for Objection: WHILE THE PROPERTY IS D-2, THIS IS A RESIDENTIAL STREET, SURROUNDED BY HOMES ON EACH SIDE EXCEPT FOR THE EAST (THE BARGAIN BOX). AT SOME POINT, WE PLAN TO BUILD ANOTHER HOME ON THE PROPERTY, PROVIDED WE OBTAIN APPROPRIATE PERMITS, WHICH WOULD ONLY INCREASE

**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: joelandkambrie@gmail.com**

RESIDENCES ON THIS STREET. WHILE SINGLE TRACK SPIRITS HAS DETAILED NOISE & LIGHTS PERTAINING TO THE ACTUAL DISTILLING, THEY HAVE NOT OUTLINED BUSINESS HOURS FOR THE TASTING FACILITY. IF OPEN LATER THAN 5PM (THE TIME THEY INDICATE DISTILLING WOULD STOP) THE LATER CUSTOMER TRAFFIC WOULD ABSOLUTELY CHANGE THE CHARACTER OF THE NEIGHBORHOOD. FURTHER WHILE THEY INDICATE THAT



PARKING SPACES WILL BE PROVIDED, WE ARE CONCERNED ABOUT THE GREATER EASE OF CUSTOMERS CHOOSING JUST TO USE STREET PARKING. THERE IS ALREADY VERY LIMITED STREET PARKING FOR RESIDENTS. FOR ALL INTENTS & PURPOSES, ALTHOUGH D-2, THIS IS A QUIET RESIDENTIAL STREET AND SUCH USE WOULD CHANGE THE NATURE OF THE NEIGHBORHOOD.

**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 Single Track Spirits 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: Michelle Imburgis

Address: 1207 Alyn Ave

Reason for Objection: Parking for my home, we have no  
off street parking. Noise level after normal  
working hours 9-5. Smell of grain  
fermenting

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: MLBIhorse

MLBIhorse@verizon.com.