

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY MAY 11, 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 27, 2021 regular meeting
6. Old Business:
 - A. Review the special exemption request to operate a distillery (manufacture spirits) in the General Business (D-2) zoning district at 1221 Alger Avenue.
7. New Business:
 - A. Preliminary Plat for Best Choice, Inc., a 5-lot Minor Subdivision located immediately east of Robert Street and south of Kent Avenue.
 - B. Public Hearing for a conditional use permit to move a house to the property at 3004 Kent Avenue.
 - C. Review the conditional use permit for an existing house to be relocated to the property at 3004 Kent Avenue.
 - D. Site Plan Review for an antique store to be located on the property at 1532 Beck Avenue.
 - E. Site Plan Review for a heavy equipment sales and rental business to be located southwest of the intersection of Highway 14A and Beacon Hill.
8. P & Z Board Matters (announcements, comments, etc.)
9. Council Update
10. Staff Items
11. 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 27, 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 27, 2021 at 12:00 pm.

Present: Chairman Kayl Mitchell; Richard Jones; Wade McMillin; Rodney Laib; Scott Richard; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Sandi Fisher; Carson Rowley

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

Richard Jones moved to approve the agenda, seconded by Kayl Mitchell. Vote on the motion was unanimous, motion passed.

Richard Jones moved to approve the minutes from the April 13, 2021 meeting, seconded by Rodney Laib. Vote on the motion was unanimous, Motion passed

Todd Stowell reviewed an architectural authorization for a temporary equipment sales office to be located southwest of the intersection of Highway 14A and Beacon Hill. Site plan will be reviewed at a future meeting.

Richard Jones moved to approve the temporary office building at the corner of Highway 14A and Beacon Hill Road, seconded by Rodney Laib. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed the preliminary plat for the Musser-Beacon Hill 6-lot commercial subdivision, located west of Beacon Hill Road and north of Sheridan Avenue.

Scott Richard made a motion, seconded by Rodney Laib, to approve the preliminary plat for the Musser-Beacon Hill 6-lot subdivision with variances 1-3, and conditions 1-7 in the staff report. Vote on the motion was unanimous, motion passed.

Todd Stowell presented a site plan for the Cody Lock Up storage buildings, located at 343 33rd Street. These will be full storage buildings and not mini-storage buildings. The elevation has been updated on the site plan.

Richard moved to approve the site plan for the Cody Lock Up storage buildings with recommendations 1-3 in the staff report, seconded by Wade McMillin. Recommendation number three will state that the exterior lighting would be a maximum of 4000K and 24-Watt. Vote on the motion was unanimous, motion passed.

A Public Hearing was opened at 12:16 pm for a special exemption to waive the on-site parking requirements for Trailhead Bar Grill & Wood Fired Pizza, located at 1326 Beck Avenue. Applicant Nathan Kardos talked about the restaurant expansion and the parking spaces that are currently available. He said the main hours of business would be four to late evening. With there being no more public comments, the hearing was closed at 12:21 pm.

Todd reviewed the special exemption to waive the on-site parking requirements at 1326 Beck Avenue. The special exemption would waive the parking requirements associated with a 1,600 square foot public assembly area (banquet room / 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'). This request exceeds the 100-space parking exemption for the downtown parking district per city code. An additional 51 parking spaces would be needed to authorize the additional areas.

A building permit has already been approved for an occupancy of 266. Currently there are 108 parking spaces available on Beck Avenue, the Bob Moore parking lot, 13th and 14th Street up to the alley. Based on the additional space and occupancy, 151 spaces would be needed. If the applicant could get an agreement with the owner of the NAPA to use their parking lot, they would have another 14 spaces. Once the old shed in the back of the property is torn down, the 2 required ADA parking spaces could go there.

Staff is recommending that the restaurant be authorized to use the outdoor seating area on a temporary basis, and the kitchen storage, but not the 1,600 square foot event center at this time. Once the existing parking situation is evaluated over the summer (tourist season), the Board can decide if the outdoor seating area and the event center are appropriate on a permanent basis. The Board will re-evaluate the exemption at the first meeting in August.

Richard Jones moved to authorize a temporary parking exemption to exceed 100 parking spaces at 1326 Beck Avenue, with findings 1-4 in the staff report. (All proposed areas can be used.) Motion was seconded by Wade McMillian. The temporary exemption will be re-evaluated at the August 10, 2021 meeting. Vote on the motion was unanimous, motion passed.

A Public Hearing opened at 12:50 pm for a special exemption for Single Track Spirits to operate a distillery (manufacture spirits) in a General Business (D-2) zoning district at 1221 Alger Avenue.

Co-owner Ben Westesen of Single Track Spirits spoke to the Board and audience about the business. He addressed the neighborhood concerns about traffic, parking, noise, smell, storage, and safety. There was a letter from the owners included in the full agenda packet explaining their spirit manufacturing business. The tasting room would have an occupancy of 45 and would be 700 square feet. The property is zoned commercial (D-2).

Public Comments: Michelle Imburgia, owner at 1207 and 1205 Alger Avenue had concerns about noise, parking, fermenting odor, and the storage area. Joel Swearingner spoke on behalf of Melissa Watson, owner at 1220 Alger Avenue who is concerned about the parking. John McGee at 1102 Alger Avenue does not want the downtown businesses to expand in Residential neighborhoods. Bonnie Imburgia lives at 1207 Alger Avenue is concerned about the storage shed on her property line. She said the section of Alger Avenue between 12th and 13th Street is very narrow and parking will cause problems for the property owners. Kane Morris of Point Architects, said the zoning is fine, they are meeting all of the code requirements, the project will have sprinklers installed for the hazardous alcohol material, and the milling will be done in an enclosed space.

With there being no further comments, the Public hearing was closed at 1:07 pm.

Todd Stowell reviewed the special exemption request. The D-2 zoning of the does allow operation of the tasting room, retail sales, and warehousing on the property, although flammable storage raises concerns. It is primarily the distilling operation that is in question. The staff report notes some hazards. The building codes do not fully address neighboring land use. Zoning is meant to deal with separation of incompatible uses. Staff wonders if the distilling and barrel storage should be moved to an industrial area. Although parking does meet the standard, neighbors are concerned with the impact on the residential parking. The operation would need to work with the City Public Works departments on the water usage, sewer, power, gas, telecommunications, streets, and sidewalks. The two main concerns are safety and odor.

Todd told the Board they could approve or deny all or part of the special exemption application. The Board is authorized to attach conditions to the granting of special exemption.

Richard Jones moved to approve this special exemption for a distillery to operate in a General Business D-2 Zone.

Wade McMillin would like to amend the motion to include hours of operation of manufacturing to start at 9:00 am 5 days a week, and the tasting room be open from 1:00 pm to 10:00 pm.

Vote on the motion as follows: Rodney Laib - Yes; Scott Richard – No; Richard Jones – No; Kayl Mitchell – Yes; Wade McMillin – Yes. Three in favor, two opposed. Motion failed for lack of a majority of the Board (4 members) voting in favor.

Wade McMillin made a new motion, seconded by Richard Jones to table the special exemption request until the next meeting on May 11, 2021. Vote on the motion was unanimous, motions passed.

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

Bernie Butler

Bernie Butler, Administrative Coordinator

DRAFT

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

MEETING DATE:	APRIL 23, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SPECIAL EXEMPTION PUBLIC HEARING FOR SINGLE TRACK SPIRITS DISTILLERY AT 1221 ALGER AVENUE SUP 2021-05	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	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).

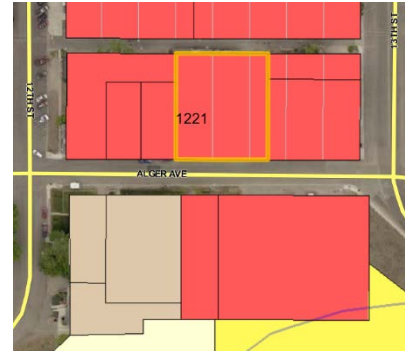
ADDITIONAL CRITERIA

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 nd 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.

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

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Date: April 8, 2021

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

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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**

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: _____

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 ^{food truck and} 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 ^{food truck and} 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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(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

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.

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.

1207 & 1215 Alger Ave.

May 4, 2021

RE: the proposed variance for the operation of a distillery on Alger Ave.

Dear Planning and Zoning Board,

We left the P&Z meeting on April 27th a bit confused and with more questions than answers.

1. From the original letter the hours of operation were 8AM-6PM. At the meeting, we heard 10-10 and even 2AM tossed around. Is this a distillery operation with a tasting room or a full on bar?
2. The proposed storage site is totally inadequate for hazardous storage. Will it be rebuilt to fire code standards for storage of potentially explosive materials? A wooden barrel absorbs 3 gallons of whiskey, plus the alcohol content in the barrel is much higher than beer. Since the recent increase in small distilleries located in populated areas- approved without adequate rules and regulations in place, there have been explosions. Large distilleries store their barrels in open fields. The current operation on Sage Creek Rd. has storage out of town.****Could that building continue to be their storage facility, thus off site from the Alger property?
3. More research needs to be done before a variance of this degree is granted in a dense residential and light commercial area. Our due diligence was done before purchasing 1207 and 1215 Alger. At that time a distillery was a non-issue due to zoning.
4. It's not our intent to shut down someone's dream of having their business on Alger. We just want to make sure that regulations are in place and followed prior opening to insure the safety and comfort and enjoyment for all.

Thank you.

Sincerely,

Bonnie (Gloria) Imburgia



Michelle Imburgia



Todd Imburgia



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

MEETING DATE:	MAY 11, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY PLAT FOR BEST CHOICE, INC., A 5-LOT MINOR SUBDIVISION. SUB 2021-04	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

The proposal is to divide a 0.91-acre property, which is currently in two lots, into five lots. Lot 1 contains an existing dwelling, which is in the process of being removed. Lot 1 is planned for a tri-plex. Lot 2 contains an existing dwelling that will remain. Lot 3 is vacant, but is the subject of an application to move a house onto it. Lot 4 contains an existing dwelling and would be large enough to qualify for an accessory dwelling unit (ADU). The owner has mentioned that they may eventually convert the detached garage on Lot 4 into an ADU. Lot 5 is vacant. It is large enough to qualify for a tri-plex, although the owner is yet undecided how it will be developed. The preliminary plat drawing is attached.

Due to the proposed private access to Lot 2, that component of the project will be reviewed pursuant to the Residential Infill Subdivision ordinance (Title 11, Chapter 8 of the City Code).



SUBDIVISION REGULATIONS

Applicable 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- No new public streets or alleys are proposed.

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

Comments- No interior streets through this property are identified in the master street plan. Kent Avenue has 60 feet of right-of-way which meets the applicable local access standard. Robert Street also has 60 feet of right-of-way, but it is classified as a major collector. As such it would ideally have 80 feet of right-of-way, but due to existing development, the City recognizes that future improvement to Robert Street will be limited to the existing 60-foot width of right-of-way.

Items "C" through "O" are standards that relate to construction of new public streets and are not applicable to this project.

P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20')

Comment: A variance to the alley requirement is requested. There are no adjacent alleys to tie into.

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 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. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

Comment: A waiver of curb, gutter and sidewalks along Robert Street and Kent Street is requested. On recent subdivisions on 29th Street the City has required an asphalt pathway as an alternative that meets the intent of the sidewalk requirement and can occur without curb and gutter being in place. The Board can discuss the situation and determine if the pathway option should be required along Robert Street of this subdivision. There is room for it to fit. A pathway/pedestrian route is shown along Robert Street on the master plan trails map.

If no pathway is required, the future improvement district language would need to be included on the final plat.



Items "R" through "T" are standards that relate to new streets and drainage that are not applicable to this project.

U. Lot Requirements:

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

Comment: The R-3 zoning allows an overall density of one dwelling per 4,000 square feet of net lot size and requires a minimum lot size of 3,200 square feet for a single-family dwelling. Applicable density, lot size, lot frontage, and lot-width-to-depth ratios are met.

An access easement is proposed along the east side of Lot 2, against the side of an existing dwelling. The zoning ordinance requires a 5-foot setback from the edge of the easement, which would not be met. However, the length of the proposed access road along the east side of the property would trigger a turnaround per the fire code and infill subdivision standards, and there is not enough room to meet that requirement on Lot 4.



Therefore, Lot 4 will need to have its access from Robert Street with a shared approach on Lot 5. This will allow the proposed access easement across Lot 2 to be eliminated, which avoids the setback violation.

In addition, if the drawing is correct, the house on Lot 4 is a foot or two short of meeting the required 5-foot setback from the proposed south line of Lot 4. The lot line will need to be shifted to be at least 5 feet from the house on Lot 4.

All other setback requirements would be met for the existing buildings. However, to accommodate the proposed house for Lot 3, the portion of the east line of Lot 3 that borders Lot 2 will need to be shifted east at least 5.5 feet, but no more than 10 feet, and the "notch" in the northeast corner of Lot 3 removed.

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

Comment: This requirement is modified by the Residential Infill Subdivision Ordinance, as applicable to Lot 2. Access for Lot 2 must meet the infill standards listed in Section 11-8-4. In brief, it requires a paved approach off of Kent Avenue for 25 feet, a gravel (or better) access road to Lot 2, stormwater retention in a swale or infiltration trench, and a 6-foot privacy fence along the adjacent residential property—unless the fence requirement is waived in writing by the neighbor.

All other lots have direct frontage to City streets. Pursuant to 10-16-8(D) of the City code (parking ordinance), the city engineer shall specify the locations, widths, and designs of all approaches to and from city streets. In this subdivision Lots 1 and 2

are proposed to be accessed from the access easement off Kent Avenue, which is desirable. Lot 3 will have its own individual access off of Robert Street. Lots 4 and 5 will be required to share an access to/from Robert Street in such a manner that the vehicles do not back into the Robert Street right-of-way. This will necessitate an access easement on Lot 5 for the benefit of Lot 4. Whether the access easement serves a parking area at the front of Lot 4 or continues to provide access to the garage at the back of Lot 4 is up to the applicant; provided, if the rear garage is to be converted into an ADU, the access must continue to that back garage in order to meet parking requirements. If the easement is extended to the back of the lot, it should be located with consideration to the topography and grading needed to accommodate the road—if located at 5 feet from the existing house on Lot 4, a retaining wall would be needed.



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

Comment: Met.

4. *Strip lots...will be prohibited.*

Comment: Met.

5. *Blocks: ...*

Comment: Met.

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards for construction. Applicable sections are listed below.

F. Sanitary Sewer: ...Each lot within the proposed subdivision shall be connected to a minimum eight-inch (8") diameter sewer main by a minimum four-inch (4") diameter sewer service line. The service lines shall be extended from the sewer main to the property line according to city standards. ...

Comment: There is a City sewer main in Robert Street, but not in this section of Kent Avenue. The preliminary plat shows the relocation of the service for Lot 2 from Robert Street to Kent Avenue, in order to allow construction of the contemplated triplex on Lot 1. A different plan will be needed. It is likely that a new service for Lot 2

could be installed along the south or north end of Lot 1. The old service for Lot 2 could be shortened and used to serve the triplex proposed on Lot 1.

The sewer plans for the City sewer line in Robert Street shows another service entering the property just north of the south boundary of Lot 3. That service would be available for Lot 3, if Lot 4 has a newer service to the south as shown on the preliminary plat. That can be verified by running a camera down the sewer line.

A new sewer service will need to be installed for Lot 5.

G. Storm Sewer...

Comment: Minor subdivisions are exempt from the storm water policy.

H. Water: All water mains will be designed and constructed according to city approved specifications and the city standards. The system will connect each lot within the proposed subdivision to a minimum six-inch (6") diameter main by the use of a minimum three-fourths inch (3/4") service line. The service lines shall be extended from the main to the property line according to city standards. ... All water mains will be designed in accordance with the city plan, state and federal regulations, and designed to provide adequate flow and pressure under all conditions, including major fire conditions..."

Comment: Utility billing records indicate that Lots 1 and 2 are not connected to City water. A well is indicated on Lot 2. In order to meet City lot size requirements, all lots must be served with City water.

There is an existing curb stop (water service valve) near the middle of Lot 1 that is not shown on the preliminary plat. It is presumed to be a 3/4" service, which is not large enough to serve all three units of the triplex. Depending on whether the property owner wants individual meters in the triplex units would affect the water situation. Coordinate the water plan with City staff and update the plans accordingly. If a water service will no longer be used, it must be abandoned at the main (corp stop closed and pipe cut). At least one additional water service would be needed to serve the triplex.

Domestic water for Lot 2 and the additional service(s) for Lot 1 will need to be provided by a water main extension along the Kent Avenue frontage. The applicant will need to provide plans to the City and WY DEQ for approval of the waterline construction, which is the developer's responsibility. It is noted that the language about providing adequate flow and pressure could mean an 8" water main in this case (instead of 6"). Coordinate details of the water main location and design with Public Works.

The water main extension, rather than individual services from the main in Robert Street, is required because the water system plan is to install a main along all of Kent Avenue. The situation for sewer is different, in that sewer does not need to be extended down Kent Avenue—all lots on Kent Avenue are already served by City sewer.

Lot 4 has an existing water service. New water services for Lots 3 and 5 will need to be installed. The locations of the water services must be coordinated with the sewer services, so that the number of street cuts in Robert Street is minimized.

I. Fire Hydrants...

Comment: The hydrant at the southwest corner of Kent Avenue and Robert Street meets the code requirement for this property.

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

Comment: The preliminary plat does not identify an irrigation ditch on the property, but irrigation easements exist along the south and east sides of the property. The applicant will need to research the irrigation situation with Cody Canal and provide facilities accordingly, if needed.

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 ... It will be the developer's responsibility to ensure that all utilities necessary or reasonably expected are placed within the proposed subdivision.

Comment: The electrical division has designed an electrical layout for the subdivision, which is attached. Plans for the private utility companies are required to be submitted with the final plat.

The existing buried electrical service and the overhead phone/cable line to Lot 4 will either need to be relocated to the easement along the east side of the property, or a utility easement provided for their existing location.

M. Street Lighting...

Comment: There is no street light system on Robert Street or Kent Avenue. A variance to the street lighting requirement is proposed.

N. Public Use Areas: ...

Comment: Minor subdivisions are exempt from this requirement.

Other

1. The subdivision name needs changed/modified as there is already a Cedar View subdivision in Park County.
2. The final plat application will need to address the surface water (irrigation) rights on the property. The options are either to transfer the water rights to another property in the Cody Canal irrigation district, or to develop a distribution plan to utilize those water rights. Either option requires approvals from Cody Canal.

3. It is assumed that the existing well does not serve any neighboring properties. If the well is no longer used, it should be abandoned per WY DEQ standards.
4. The title report identifies an oil pipeline easement or two as potentially affecting the property. The surveyor must identify if those easements affect his property. If so, they must be shown on the plat.

RECOMMENDATION:

Recommend that the City Council approve the preliminary plat for Best Choice, Inc. with the following variances, and subject to the following conditions:

Variances:

1. Variance to the alley requirement.
2. Variance to not dedicate any additional right-of-way for Robert Street.
3. Variance to the streetlighting requirement.
4. (If a pathway along Robert Street is not required, include a waiver of curb, gutter and sidewalk improvements, subject to the commitment to participate in any future improvement district project to do so.)

Conditions of Approval:

1. (If a pathway is recommended, include the following condition: The applicant shall have a minimum 8-foot-wide pathway designed and installed along the Robert Street frontage of the property. The plans must be approved by Public Works and installation must meet City standards. Installation shall occur no later than a certificate of occupancy for any new development other than the house being moved onto Lot 3.)
2. Remove the access easement from the east side of Lot 2.
3. If Lot 3 is to accommodate the proposed house, modify its east boundary as noted in the staff report to meet setback requirements.
4. Shift the south line of Lot 4 as needed to meet the setback requirement of 5 feet from the existing house. It is recommended that more than the minimum setback be provided due to the elevation difference next to the house on Lot 4, and to accommodate a driveway to the back of Lot 4 (otherwise a retaining wall is anticipated to be needed.)
5. Label and/or note on the plat the access restrictions as discussed in the staff report (Lots 1 and 2 access is from the easement to Kent Avenue. Lot 3 an individual access off Robert Street. Lots 4 and 5 a common access on Lot 5 to Robert Street, designed so that no backing onto Robert Street occurs.)
6. Add the access easement on Lot 5 to meet applicable dimensional requirements, which is a 24-foot width for the area next to Robert Street that serves as backup area for the parking spaces at the front of Lot 4, then at least 17 feet wide per infill subdivision standards if it continues to the back of the property.
7. Provide an updated utility plan to address the items noted in the staff report regarding sewer, water, power, irrigation, and private utilities. Provide utility

- easements on the final plat accordingly. All unused utility services shall be abandoned and removed per City and utility provider requirements.
8. The developer is responsible for extension of the City water main along the Kent Avenue Frontage. As the main will serve an existing dwelling, it needs to be installed and the service made to the house on Lot 2 prior to recording the final plat. Coordinate the plans and construction with Public Works.
 9. Change/modify the subdivision name so that it does not duplicate the name of any other subdivision in Park County.
 10. The final plat application will need to address the surface water (irrigation) rights on the property. The options are either to transfer the water rights to another property in the Cody Canal irrigation district, or to develop a distribution plan to utilize those water rights.
 11. Verify that the existing well does not serve any neighboring properties.
 12. All unused accesses to the City streets shall be removed.
 13. The title report identifies an oil pipeline easement or two as potentially affecting the property. The surveyor must identify if those easements affect his property. If so, they must be shown on the plat.
 14. All work within the street right-of-way requires a street encroachment permit from Public Works, prior to excavation or construction.
 15. Contact Cody Canal for approval of the irrigation distribution plan, or to give their permission for the State Engineer's Office to consider a transfer of the water rights.

ATTACHMENTS

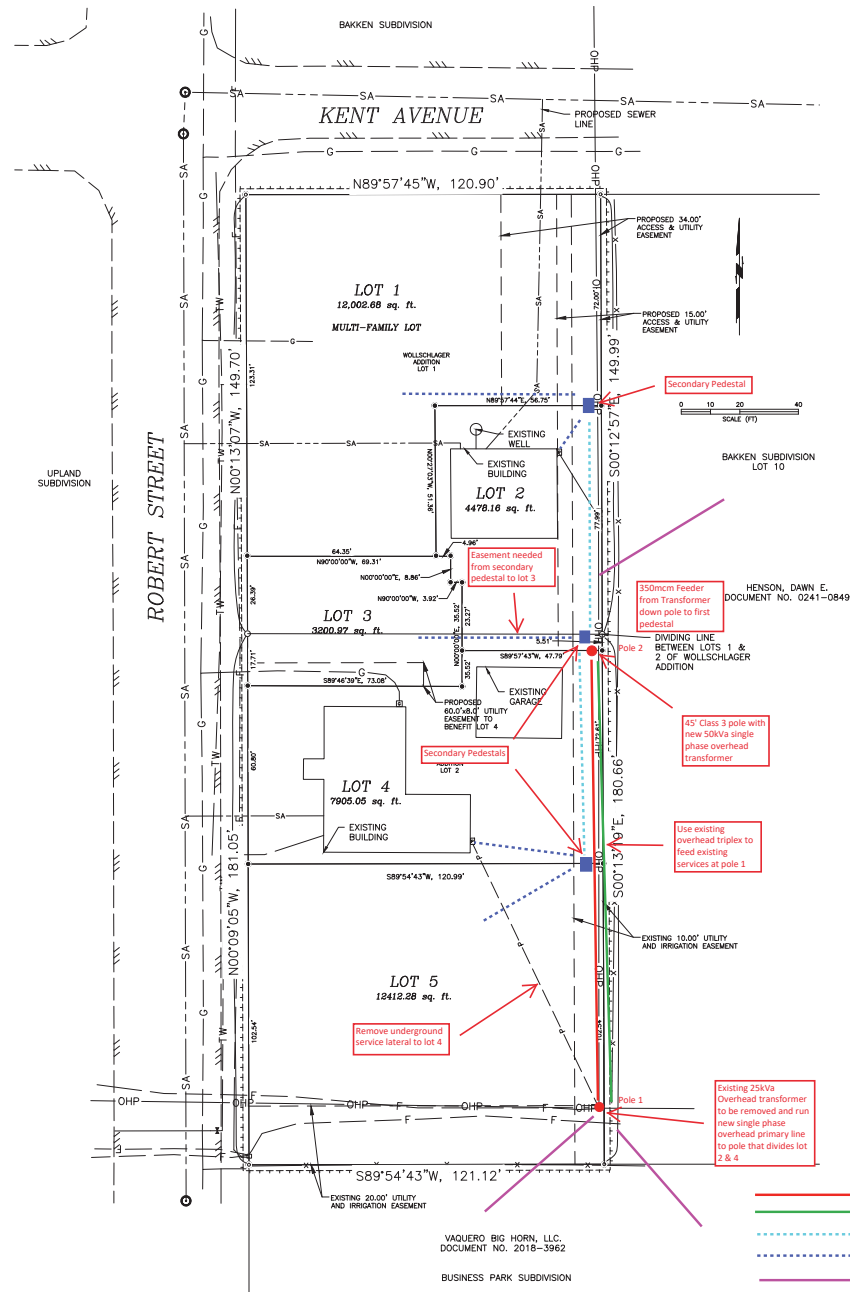
Preliminary plat

Electrical service plan

Not attached but available: Title report, deed.



P:\2020\20300.00 - Misc. Surveys North II\20300.29 Best Choice Simple Sub - Cody\ACAD



LEGEND

- FOUND 3.5" DIA. BRASS CAP
- FOUND 2" DIA. ALUMINUM CAP, OTHERWISE NOTED
- SET 2.5" DIA. ALUMINUM CAP ON 5/8" DIA. STEEL BARK
- PROPOSED SUBDIVISION LOT LINES
- SUBDIVISION BOUNDARY
- PROPOSED SANITARY SEWER LINE
- OVERHEAD POWER LINE
- BURIED TELEPHONE / FIBER LINE
- BURIED NATURAL GAS LINE
- BURIED TREATED WATER LINE
- BURIED RAW WATER LINE
- BURIED SANITARY SEWER LINE
- MANHOLE LID, UTILITY AND STRUCTURE TYPES VARY
- WATER METER
- GAS METER
- ELECTRIC METER
- UTILITY PIPE LINE VALVES
- UTILITY POLE

NOTES

- BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM, WEST CENTRAL ZONE.
- THE CONTOURS OF THE PROPOSED MINOR SUBDIVISION ARE RELATIVELY LEVEL.
- THERE ARE NO AREAS SUBJECT TO FLOODING OR WETLANDS
- TOTAL SUBDIVISION ACREAGE = 39,999.14 SQ. FT. OR 0.918 ACRES
- SUBJECT PARCEL IS MEDIUM-HIGH DENSITY RESIDENTIAL (R5)

CERTIFICATE OF OWNER

STATE OF WYOMING } SS.
COUNTY OF PARK }
KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT I/WE ARE OWNERS AND PROPRIETORS OF LOTS 1 AND 2, WOLLSCHLAGER ADDITION, CODY, WYOMING, AS LOCATED IN BOOK "1" OF PLATS, PAGE 195, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2020-4764 IN SAID CLERK AND RECORDER'S OFFICE; THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE CEDAR VIEW MINOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY; THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

ROCK HORDICHOK - CHAIRMAN
BEST CHOICE INC.
A WYOMING CORPORATION

STATE OF WYOMING } SS.
COUNTY OF PARK }
THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY ROCK HORDICHOK,
THIS _____ DAY OF _____, 2021, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CERTIFICATE OF SURVEYOR

CODY A. SCHWARTZ, OF ENGINEERING ASSOCIATES IN CODY, WYOMING, HEREBY CERTIFY THAT THIS MAP WAS MADE FROM A SURVEY PERFORMED UNDER MY DIRECTION IN NOVEMBER, 2021, THAT THIS MAP IS MADE TO ACCOMPANY THE DESCRIPTION OF THE EASEMENT SHOWN HEREON, AND THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.



CITY PLANNING AND ZONING BOARD

APPROVED AS OF _____ DAY OF _____, 2021 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

CHAIRMAN

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2021 BY THE CITY COUNCIL OF CODY, WYOMING.

MAYOR - MATT HALL

ATTEST: CINDY BAKER
ADMINISTRATIVE SERVICES OFFICER

CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK _____ M. ON THIS _____ DAY OF _____, 2021, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____

PARK COUNTY CLERK

BY: _____ DEPUTY.

PROPOSED CEDAR VIEW MINOR SUBDIVISION

OF THOSE LOTS OWNED BY
BEST CHOICE, INC. A WYOMING CORPORATION
AS EVIDENCED BY THOSE DEEDS RECORDED
IN DOCUMENT #2020-4764

LOT 1 & 2, WOLLSCHLAGER ADDITION,
CITY OF CODY, PARK COUNTY, WYOMING

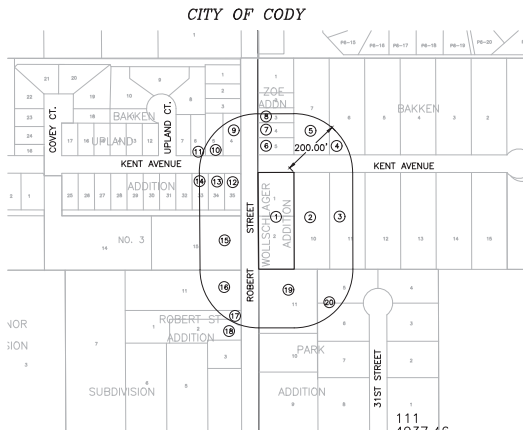
PREPARED FOR: RICK HORDICHOK
P.O. BOX 2718
CODY, WY 82414

PREPARED BY: ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
P.O. BOX 1900
CODY, WYOMING 82414



BOOK NO. 20300.29 BOOK NO. 588 APRIL 15, 2021

P:\2020\20300.00 - Misc. Surveys North 4\20300.29 Best Choice Simple Sub - Cody\ACAD



VICINITY MAP

SCALE: 1" = 1000'

LANDOWNER KEY

- BEST CHOICE, INC., PO BOX 2718, CODY, WY 82414
- DAWN E. HENSON, 3010 KENT STREET, CODY, WY 82414
- WALTER D. & W. WILLIAM BRANTZ, 3 BRANTZ TRL, CODY, WY 82414
- JOHN C. FOWLER, 3019 KENT AVE., CODY, WY 82414
- SHIRLEY J. DAVIS, 3011 KENT AVE., CODY, WY 82414
- CORY E. & SARAH E. ALEXANDER, 215 N. 44TH STREET, CODY, WY 82414
- DEBBIE KAY, & LEE MICHAEL WALKER, PO BOX 4298, BRECKENRIDGE, CO 80424
- JEFFREY WAYNE TAYLOR, 252 ROBERT STREET, CODY, WY 82414
- THOMAS & LAURA C. FELL, PO BOX 2228, CODY, WY 82414
- JAY D. & CINDY R. BLOUGH, 6 VIKING DRIVE, CODY, WY 82414
- ADOLE F. NEMTZ, 2949 KENT AVE, CODY, WY 82414
- DAVID C. & MARTHA ELLIOTT TRUST PO BOX 1086, CODY, WY 82414
- NATHALIE M. KHORR, 20202 BELLA GLADE, SAN ANTONIO, TX 78256
- WILLIAM E. BATHAUER, 2950 KENT AVENUE, CODY, WY 82414
- LONG RANGE INVESTMENTS, LLC, PO BOX 2152, CODY, WY 82414
- RAYMOND R. & CHRISTINA R. HATFIELD, 323 ROBERT STREET, CODY, WY 82414
- ROBERT STREET STORAGE, LLC, PO BOX 1754, CODY, WY 82414
- JAMM ENTERPRISES, LLC., PO BOX 1663, CODY, WY 82414
- VAQUERO BIG HORN, LLC., 324 ROBERT ST, CODY, WY 82414
- SAGE PUBLISHING COMPANY, PO BOX 578, CODY, WY 82414

- Single Phase Primary
- Existing Secondary Triplex
- New 4/0 Secondary to Pedestal
- Secondary Lines to Services
- Existing Overhead Service Laterals

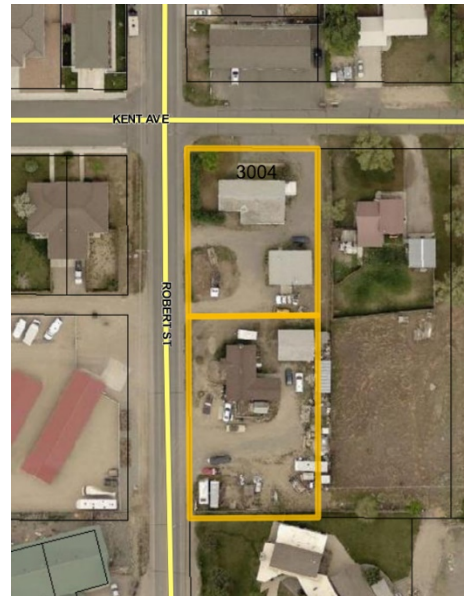
**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	MAY 11, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CONDITIONAL USE PERMIT TO MOVE HOUSE TO ROBERT STREET, SOUTH OF KENT AVENUE. SUP 2021-06	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Rick Hordichok of Best Choice, Inc. has submitted a conditional use permit application to move a house onto proposed Lot 3 of his subdivision located on the east side of Robert Street, just south of Kent Avenue. The property is zoned residential R-3, which requires a conditional use permit in order to move a dwelling onto a lot.

The conditional use permit process allows the Board to consider each request on a site-specific basis, and provides an opportunity for neighbors to share their view. The public hearing for the conditional use request was advertised as required by mail to neighboring properties within 140 feet on April 27, 2021, and by publication in the newspaper on April 29, 2021.



REVIEW CRITERIA:

The Conditional Use standards of review are found in Section 10-14-1(D) of the City of Cody Code, and are listed below, with staff comments provided. The Board has authority to approve, impose conditions on, or deny conditional use applications. The Board is to base its determination upon the following considerations.

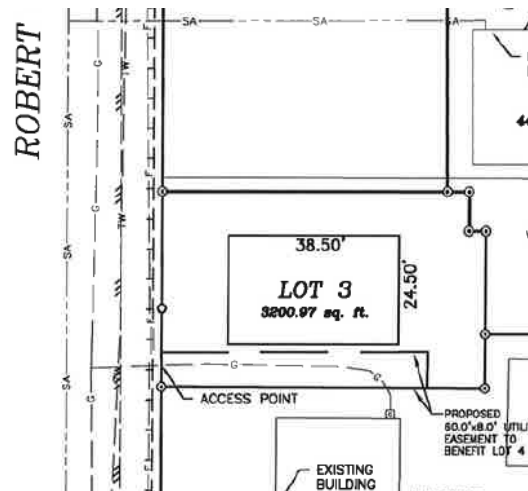


1. *Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?*

Comment: The overall property is large enough to meet all dimensional standards and development regulations applicable. However, based on the county assessor records, the house is too deep to meet setbacks on Lot 3 as proposed. As noted in the subdivision review, Lot 3 needs to be expanded by shifting the back lot at least 5.5 feet to the east, but not more than 10 feet, and adding the missing notch at the northeast corner of Lot 3. Provided this change is made, applicable setbacks can be met.

The above is based on the 25-foot front setback from Robert Street (a major collector), a 15-foot rear setback, and the house depth of 38.5' (78.5' total needed).

The 44-foot width of proposed Lot 3 accommodates the required 5-foot setback on the north side, and up to a 14.6-foot setback from the south side. As long as at least 12 feet is maintained from the south lot line, it would be wide enough to park vehicles along the south side of the lot.



2. *Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?*

Comment: The proposed use is a single-family home, which is within the density allowed by the R-3 zoning. Most other residential uses in the area are single-family detached or attached (two-family) homes.

Neighbor comment is typically a good indicator of compatibility. Fourteen neighboring property owners were notified by mail of the proposal. As of the time of this staff report, only one response has been received, which response indicated "no objection". A photo of the house was included in the notice. It was originally constructed around 1930, but some doors and windows are newer. While the houses west of Robert Street are relatively new, the houses on Kent Avenue are from the early 1970s. Provided the house is "freshened up", it should not appear entirely out of place.

3. *Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive*

production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?

Comment: The use is a single-family dwelling. No unique impacts are anticipated.

4. *Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, storm water facilities, and sidewalks/pathways?*

Comment: Although not shown on the site plan, all standard utilities will be installed for the house. The question of "sidewalks/pathways" is being addressed through the subdivision review.

5. *Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?*

Comment: No such additional costs are anticipated beyond what would be needed and allowed for a site-built dwelling.

6. *Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?*

Comment: No such features exist on or immediately near the property.

7. *Is the proposed use consistent with the applicable provisions of the Cody Master Plan?*

The master plan shows this neighborhood as a medium-density residential area. There is no language in the master plan about moving houses.

Supplemental Development Standards

The supplemental development standards for a dwelling moved onto a residential lot specify that, "*The dwelling must be of conventional stick-built construction and compliment, rather than detract from, the architectural character of the neighborhood. The reviewing official may require exterior maintenance, repair, or enhancements (e.g., painting, roof repair, residing) that are needed to achieve architectural compatibility prior to occupancy of the dwelling, or require a financial security from the owner to ensure completion of such within eight (8) months of building placement.*"

The house had some of the lower horizontal lap siding removed as part of the house moving process. In order to maintain the original look, the exact kind of siding should be used for replacement. If a different style is desired, it needs to be disclosed to and considered by the Board.

General maintenance, such as patching, painting, and putting up the correct address should also be done.



ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Neighbor comments

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:
(Draft subject to information received at the public hearing.)

1. That the Planning and Zoning Board has held a properly advertised public hearing as required and has considered all comments pertaining to the request; and,
2. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-41-1 are met.

AND,

Approve the Conditional Use Permit to allow the proposed house to be located on the property, subject to the following conditions:

1. The repair of the siding shall be as discussed at the meeting (lap siding to match, or other?)
2. The exterior of the house shall be patched, repaired and painted to give it a finished, fresh look. The work must either be completed prior to occupancy of the house, or the owner shall provide a financial security to ensure that completion of such will occur within eight (8) months.
3. Utility connections, access, and setbacks shall be addressed as outlined in the City code and the subdivision review process.

Notice to Owners of Neighboring Properties:

Please return this letter by May 6, 2021 to:

Date: April 27, 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. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Rick Hordichok (Best Choice Inc.)

Address of Subject Property: 308 Robert Street (Lot 3 of proposed subdivision)

Description of Request: The Cody zoning ordinance requires a conditional use review for any proposal to move a dwelling onto a residential property. The applicant desires to move a dwelling located at 1507 Beck Avenue, onto the property at 308 Robert Street.

This request will be considered at a public hearing held by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, May 11, 2021 at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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



Dear Planning and Zoning Board Members:

I am familiar with the proposal by Rick Hordichok for the special exemption described above.

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

Name: **RAY + CHRIS HATFIELD**

Address: **323 Robert Street, Cody**

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**

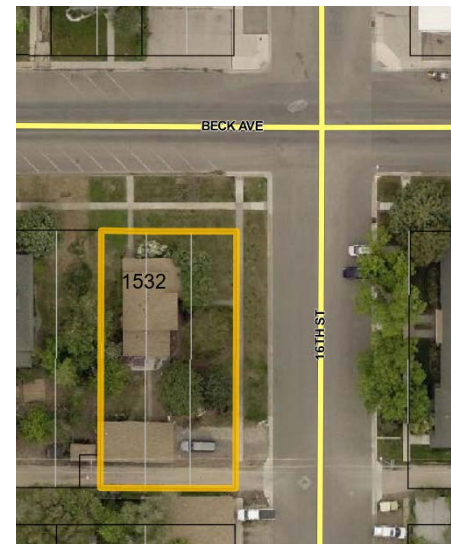
MEETING DATE:	MAY 11, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN AND ARCHITECTURAL REVIEW: ANTIQUE STORE BEHIND 1532 BECK AVENUE. SPR2021-21	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Steve Mooney and Laurel Roszel of 1532 Beck Avenue have submitted an application to construct a 16' by 28' building on their property to be used for an antique store. The property currently contains their residence and detached garage/shop. It is located in the General Business (D-2) zoning district and the downtown architectural district.

REVIEW CRITERIA:

Pursuant to 10-10B-4 of the City of Cody Code, all structures within the D-2 zoning district are to be architecturally compatible and architectural and landscaping plans are to be submitted to the planning and zoning commission for approval.

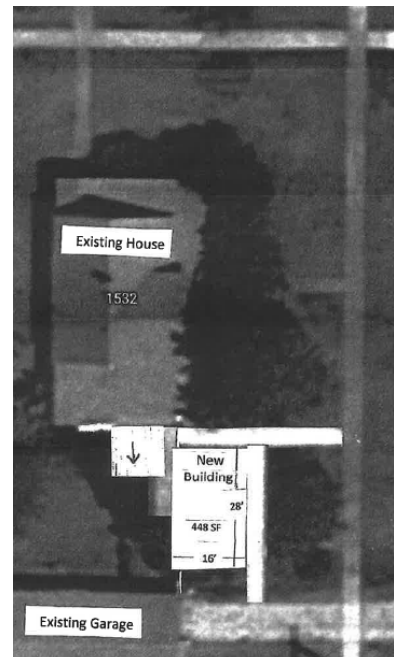


Pursuant to Subsection B of 9-2-2, within the Downtown Architectural District, *"The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district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

STAFF COMMENTS:

Architecture:

The architecture of the proposed building has a modern rustic look. The front is proposed to have barn wood siding and a cultured stone wainscot. The other sides are proposed to have steel siding. A 3:12 single-sloped roof adds to the modern look. Standing on its own, it has its



own architectural value. In addition, the metal siding is reflective of the parapet on the Bargain Box building to the north. However, the house on the property and the house to the west have a more historic, craftsman character. Those two architectural styles somewhat clash. Staff is not overly concerned, as it is a small building and it does not clash with the structures to the south or to the east. If the Board has similar concerns, they may discuss options with the applicant. Not using vertical siding on the north side of the building, or strategically placing landscaping to visually separate the proposed building from the existing house may reduce the architectural clash.



Landscaping:

The property is fully landscaped in a residential character. Some grass and trees will be removed for the new building and sidewalks. No landscaping plan was submitted for the antique store. Staff recommends discussing landscaping options with the applicant, with the intent of softening (not hiding) the north end of the building.

Storm Water/Grading:

Staff discussed stormwater retention with the applicant's contractor. Installation of a gutter, downspout and infiltration pit on the west side of the building is the likely option. An infiltration pit with the capacity of at least 100 cubic feet would meet the storm water requirements.

Access/Parking:

As the property is within the downtown parking district, on-site parking is not required for this project. The size of the building would only require two parking spaces, and there are at least eight parking spaces along the property frontages, so no parking impacts to neighboring properties are anticipated.

Utilities:

The utility plan simply includes connecting to the sewer, water and power services that serve the existing house, so no new services are anticipated. Connections will need to meet applicable plumbing and electrical standards.

Lighting:

No lighting details have been submitted.

Signage:

No signage details have been provided. A separate sign permit will be required for any signs.

Setbacks and Buffers, and Height Requirements

There are no setback or buffer requirements required by the zoning ordinance for this situation (D-2 zoning, without adjacent residential zoning). Setbacks required by the building code are dependent on the type of construction, which can allow the setback to be reduced to zero. The D-2 zone has no building height limit.

Hydrants/Fire Protection

The building will rely on a fire hydrant at the northeast corner of the property for fire protection.

Frontage Status

Both Beck Avenue and 16th Street are fully improved at this location, and sidewalks are in place. It is noted that there are a few sidewalk panels near the new building that are broken and crumbling to the point that they should be replaced.

Garbage

Garbage service is provided by dumpsters in the alley.

Addressing

The antique store will be issued a new address at the time of the building permit review.

ATTACHMENTS:

Floor Plan

Elevation drawing

ALTERNATIVES:

Approve or deny the proposal, with or without changes.

RECOMMENDATION:

Approve the project as proposed, subject to the following conditions:

1. Provide stormwater retention in a manner that complies with the City stormwater Management policy. The infiltration trench/pit option discussed with the contractor is authorized, and would need to be at least 100 cubic feet in size. If a different method is desired, coordinate with the City.
2. Provide landscaping for the antique store as determined through the discussion with the Planning and Zoning Board.
3. Replace the sidewalk panels along the 16th Street frontage that constitute a clear tripping hazard. Coordinate with the Street Division through the encroachment permit process.
4. All exterior lighting brighter than a standard residential porch light (60-watt incandescent equivalent) must be full cut-off in style, modest in intensity, and have a color temperature of no more than 4,000 Kelvin. Provide lighting specifications for review with the building permit application.
5. The project must otherwise comply with the application, site plan and applicable building, fire, and electrical codes. A building permit must be obtained within three years or this authorization will expire.
6. (Any architectural modifications?)



PLANNING, ZONING AND ADJUSTMENT BOARD
COMMERCIAL SITE DEVELOPMENT APPLICATION

STAFF USE

File #: SPR2021-21
P&Z Invoice: SPR-0421-000.5
Date Submitted: 4-19-21

Applicant's Name: Mark Hollingshead Business Name: Fall Curl Construction
Applicant's Mailing Address: 3201 Reesy Rd. City: Cody State: Wy Zip: 82414
Phone: 307-586-2800 Cell: 307-250-8395 Email: mark@fallcurlwy.com
Project Address: 1532 Beck City: Cody, WY Zoning: _____
Property Owner's Name: Steve Mooney / Laurel Roszel Phone/Cell: 425-218-5607
Property Owner's Mailing Address: 1532 Beck City: Cody State: Wy. Zip: 82414
Description of Proposal (attach additional sheets as necessary): New construction accessory building - 16'x28' (448 SF), between existing house and existing garage in back yard - facing 16th street, to store and market antiques.
Legal Description of Property (or attach copy of deed): Attached Park County ID From Map Server
Estimated Construction Start Date: May 1, 2021
Representative Attending Planning and Zoning Meeting: Mark Hollingshead as required
Signature of Property Owner: [Signature] Date: 4-19-21
Signature Date

APPLICATION MATERIALS:

Applicants are encouraged to arrange a pre-application meeting with staff to ensure a complete submittal. An incomplete application may result in delays in processing. The following items are to be submitted with the application.

- 1) **FEE:** Each application shall be accompanied by one of the following review fees. Payment may be made by cash, check, or credit card (Visa, MasterCard, Discover).
- ☒ Site Plan Review (also includes Landscape, Architecture, and Sign Plan).
Size of Building/Addition: 448 S.F. @ \$0.05 per square foot = \$ 22.40 \$250.00 minimum
- ☐ Landscape/Architecture and Sign Plan only. (Typically modifications to existing development.) \$100.00
- ☐ Minor Commercial Review. (Windows, doors, awnings, building access or exterior finish only.) \$50.00

2) **COPIES:**

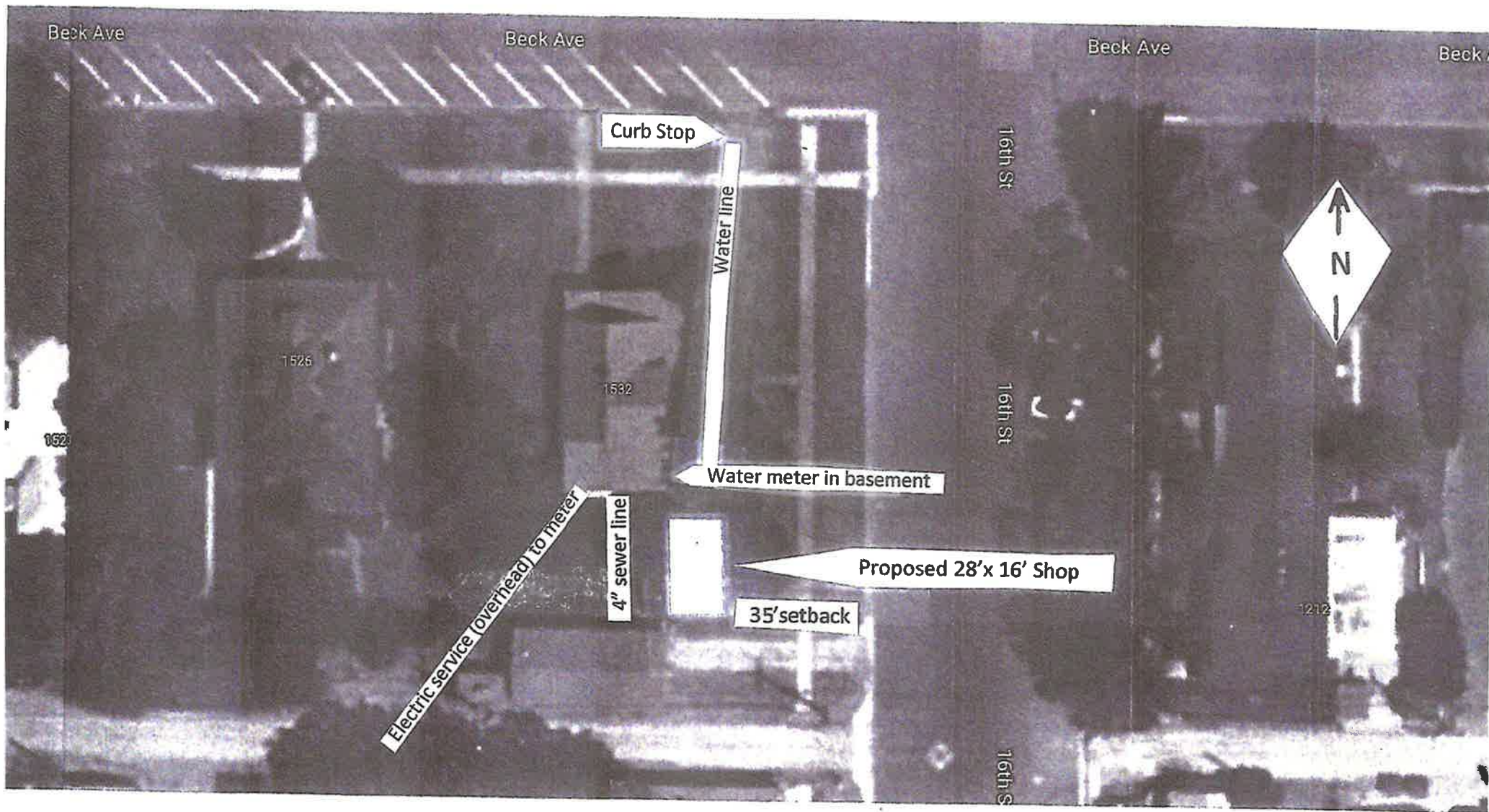
- ☐ Twelve (12) paper copies* of the application materials (plans, project description, sign plan, and other required information).

☒ A digital copy (PDF) of each of the application documents.

*For complex projects, or if the applicant wishes, submit only two full-size paper copies and the electronic copy for staff review and wait until staff review occurs before providing the 12 copies for the Planning and Zoning meeting. This allows for corrections and changes to the plans before the 12 copies are printed. The 12 copies and an updated PDF will need to be submitted well before the Planning and Zoning meeting, as coordinated with staff.

- 3) **PLANS AND ADDITIONAL FORMS:** Commercial Site Plan Review requires all of the following, whereas minor commercial reviews and landscape/architectural plans need only include items applicable to the current proposal. All plans must be dimensioned, clearly legible, and printed at a standard scale.

Please include the following Architectural and Site Plan components:



Owners: Steve Mooney/ Laurel Rozel
1532 Beck Ave. Cody, Wy

Scale: 1/8" = 5'
Site Plan

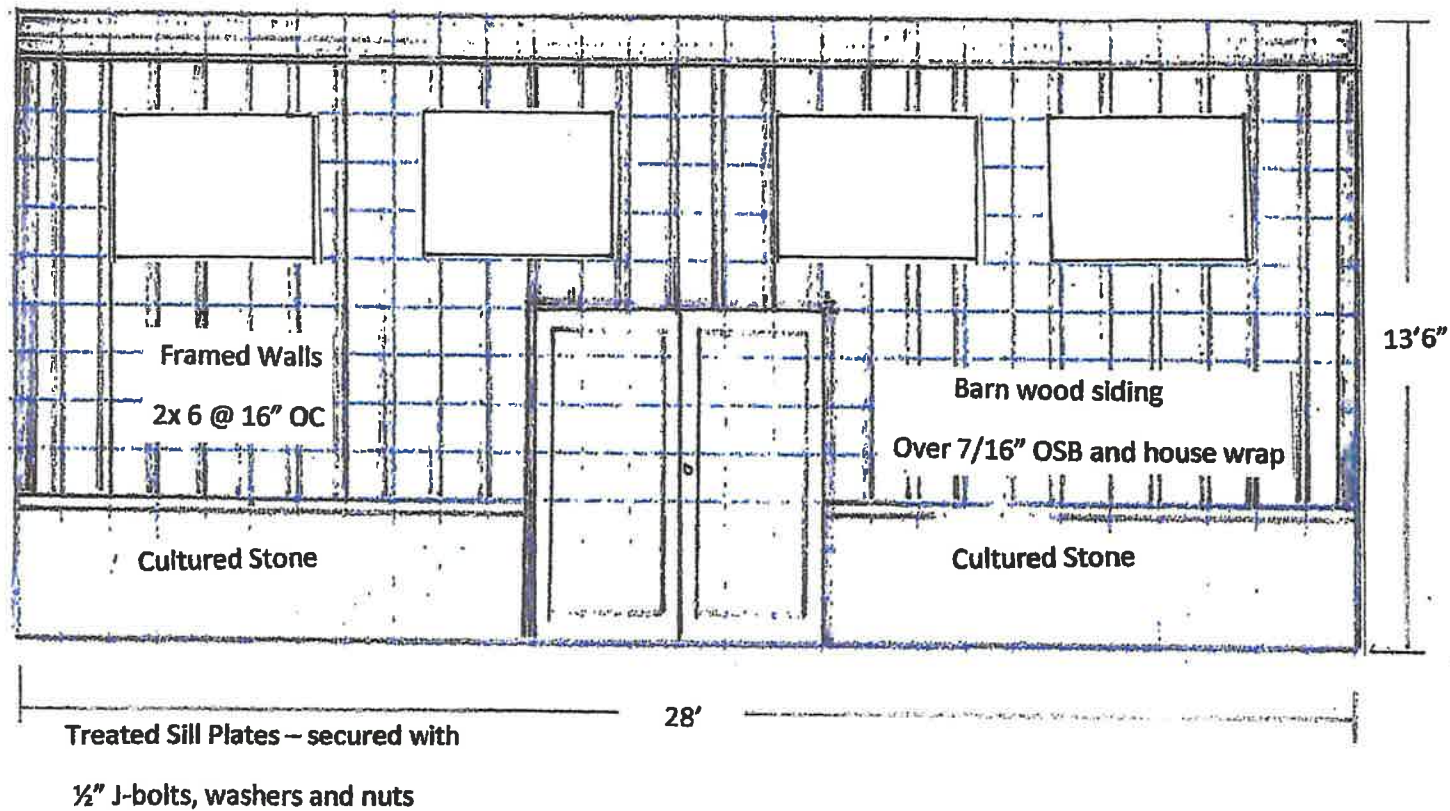
General Contractor: Full Curl Construction
3201 Reesy Road Cody, Wy



Framed Roof

11 7/8" I-joist @24" OC

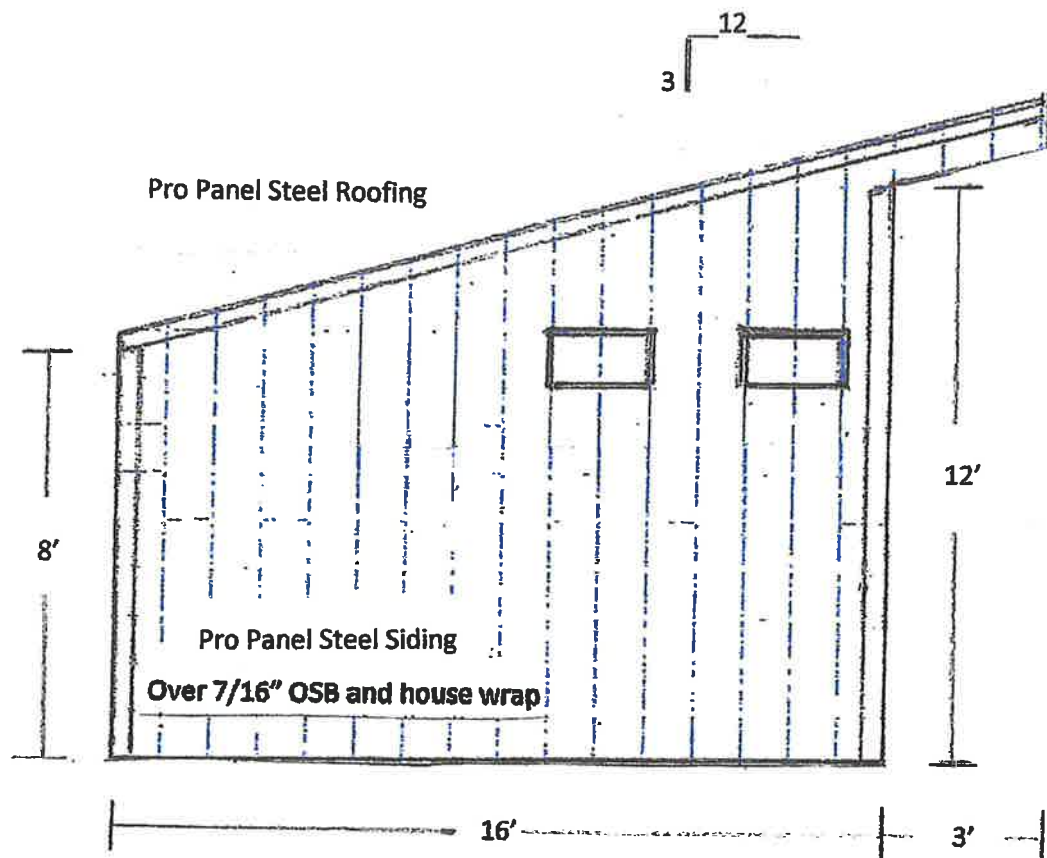
2x4 purlins @ 24" OC



Owners: Steve Mooney/ Laurel Roszel
1532 Beck Ave. Cody, Wy

Front Elevation
1/4" = 1'

General Contractor: Full Curl Construction
3201 Reesy Rd. Cody, Wy 307-586-2800



Side Elevation

$\frac{1}{4}" = 1'$

Owners: Steve Mooney/ Laurel Roszel
1532 Beck Ave. Cody, Wy

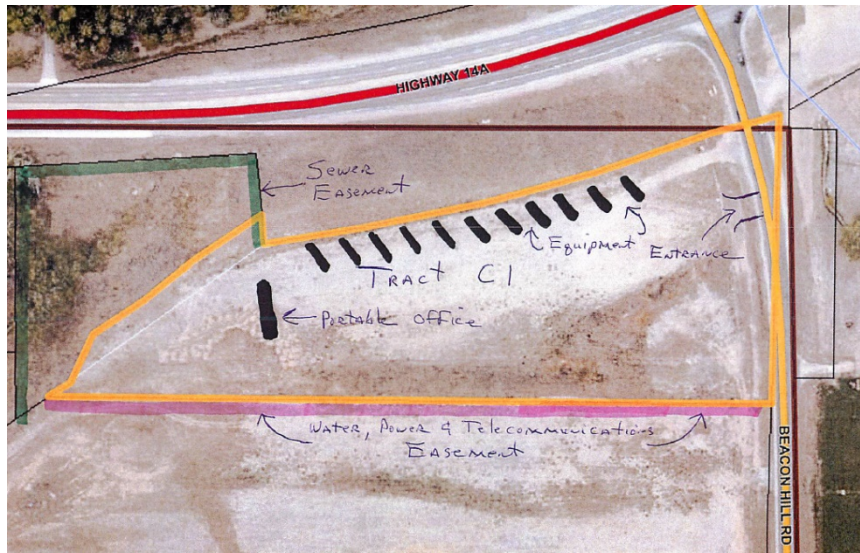
General Contractor: Full Curl Construction
3201 Reesy Rd. Cody, Wy 307-586-2800

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

MEETING DATE:	MAY 11, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: FROST MACHINES EQUIPMENT SALES AND RENTALS. SPR 2021-22	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Harold Musser has submitted a site plan application to authorize a heavy equipment sales and rental facility on his property immediately southwest of the Beacon Hill Road and Highway 14A intersection. The company leasing the property would be Frost Machines. The proposed site plan is a temporary layout, with the intent that if the business



venture is successful, a new building and full site improvements would be constructed. That decision would occur in 2 to 4 years.

The property is 5.36 acres in size and located in the Open Business/Light Industrial (D-3) zoning district, which permits heavy equipment sales and rentals.

REVIEW CRITERIA:

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 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.

In addition, the site plan is reviewed for compliance with specific development standards of the zoning ordinance.

STAFF COMMENTS:

Architecture:

The cabin that will serve as the temporary office is shown here. The Board authorized it to be used for this project at their last meeting.



Landscaping:

The property is within the entry corridor overlay zone, which has a 5% landscaping requirement. The applicant has requested that the landscaping plan and installation be delayed until the "final building out", when the anticipated permanent facility is constructed. Refer to the attached letter.

Staff is not opposed to some delay due to the anticipated temporary nature of the current proposal, yet it should not be entirely open ended. It is recommended that the applicant return to the Board in two years with an update to the situation, and that the Board determine if the current proposal is turning into a more permanent situation, or if the final build out is imminent, and set deadlines for landscaping appropriately.

Access and Parking:

There has been a new access constructed for the property, without the benefit of an encroachment permit. It is noted that the access has no culvert, and while it consists of mostly sand and rock, it needs a layer of crushed gravel to meet parking standards. Whether the approach should be paved is a decision that can wait until the final build out.

The streets division is going out to look at it on Monday to determine if a culvert or any other modifications are needed.

There is ample room for parking within the facility, and most of the property is a suitable temporary driving surface of sand and cobble. The required ADA parking pad and access to the office is proposed to be provided.

Exterior Lighting

No exterior lighting other than the small porch light on the office is proposed, or authorized.

Neighborhood Compatibility, Setbacks and Buffers, Fencing and Height Requirements

There are no specified zoning setbacks or building height limits applicable to this property.

Storm Water Plan:

Due to the small size of the office, its distance to property lines, and the pervious nature of the sand/rock surface across the site, no storm water plan was required.

Utility Services/Fire Hydrant

For such a small project, the utility situation is fairly substantial and needs further discussion.

Sewer to the office building is somewhat straight forward, and involves installation of a service running north from the building and west in an easement on property owned by Harold Musser, until it reaches the sewer main. The distance is approximately 500 feet. Cleanouts in the line will need to be provided per plumbing code (no further apart than 100' of developed pipe length).

For water, the applicant was planning a simple water tap and service from the main located just south of the south property line. However, to provide fire protection to the building, he will need to install a fire hydrant on the site within 400 feet of the building. The hydrants on the property to the south do not meet the proximity requirement because it is impossible for a fire truck to drive from any of those hydrants to the proposed office. It may make sense to tap that new line for the water service to the office. A more detailed water plan, which includes the required fire hydrant is needed. As with all water main extensions, engineering and a permit for DEQ is triggered.

Power supply to the building is likely least expensive coming from the electric facilities along Highway 14A, or the northeast corner of the property (not from the facilities to the south). The electric division is discussing options with the applicant.

Signs

No sign information is provided. A separate sign application will be needed for any proposed signage.

Garbage

The site is plenty large to accommodate an on-site dumpster. The dumpster should be located near the office.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION:

Approve the proposed heavy equipment sales and rental facility, subject to the following.

- 1) The authorization is temporary at this time. The applicant must return to the Board two years from the date of occupancy of the facility to discuss the anticipated timing of the "full build out" and landscaping. The Board retains the right to impose conditions related to landscaping and other site improvements (e.g. paved approach) at this and any future required reviews.
- 2) Prior to occupancy of the facility, obtain an encroachment permit for the new approach and complete any conditions thereof (e.g. culvert?). The approach must be surfaced with crushed base course, at a minimum.
- 3) Prepare and submit an updated utility plan for review and approval prior to issuance of a building permit. The utility plan must meet the requirements of the applicable utility providers and adopted City codes.
- 4) The water main extension and new fire hydrant must be reviewed and approved by Public Works and WY DEQ. Installation must occur prior to occupancy of the office.
- 5) The parking area next to the office must meet the City parking code requirements. Provide wheel stops or landscape timbers to delineate the gravel parking spaces. Provide the ADA parking space, unloading aisle, and signage per code.

HAROLD R. MUSSER
1131 13th Street, Suite 101
Cody, WY. 82414

April 21, 2021

City of Cody Planning and Zoning

RE: FROST MACHINES equipment yard and sales office

To Whom It May Concern:

I have leased my corner at the intersection of Highway 14A and Beacon Hill Road to FROST MACHINES of Lovell. They have been and still are one of the areas primary highway contractors. They are expanding their operation to include equipment sales and possibly rentals. They are leasing this corner graveled lot for this purpose.

We propose putting up a "temporary portable cabin" that is on skids and using it as a sales office. See the photos that I have attached. This would serve as their sales office until they are sure that the site will work well for them. Then I anticipate building them a new office and sales building. At this time we ask for a variance for landscaping. When we will do the final build out, we will submit a landscape plan. As you know, this is an entry corridor into Cody and we all want to make it look good. We will be remodeling the building to provide ADA access and have the parking available for that as well. We don't have the final site plan developed, but I think you can get the general idea of what we are planning.

We ask that you approve this plan, and rest assured that this is a "temporary" sales office.

I can be reached at 307-272-2266 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold R. Musser", written over a horizontal line.

Harold R. Musser