

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY JUNE 22, 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 June 8, 2021 regular meeting
6. New Business:
  - A. Final Plat for the Saints and Sinners Minor Subdivision
7. P & Z Board Matters (announcements, comments, etc.)
8. Council Update
9. Staff Items
10. Adjourn

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

**City of Cody**  
**Planning, Zoning, and Adjustment**  
**Board Meeting June 8, 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, June 8, 2021 at 12:02 pm.

Present: Kayl Mitchell; Richard Jones; Wade McMillin; Sandi Fisher; Carson Rowley; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Rodney Laib; Scott Richard

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 Sandi Fisher. Vote on the motion was unanimous, motion passed.

Richard Jones moved to approve the minutes from the May 25, 2021 meeting, seconded by Wade McMillin. Vote on the motion was unanimous, Motion passed.

Carson Rowley made a motion, seconded by Sandi Fisher to remove the fence waiver at 1644 29<sup>th</sup> Street from the table. Vote on the motion was unanimous, motion passed.

Staff reviewed the fence height waiver for 1644 29<sup>th</sup> Street. Applicant has requested a six-foot vinyl privacy fence in the front yard. Owner Jamie Nelson addressed the Board, stating that her front door faced Granite Court, and the side of the house was on 29<sup>th</sup> Street.

Sandi Fished made a motion, seconded by Wade McMillin to approve the fence height waiver at 1644 29<sup>th</sup> Street. Vote on the motion was unanimous, motion passed.

Staff reviewed the final plat for the 12-lot Pintail Major Subdivision, located on Pintail Street. The proposed lots are designed for attached townhouses. Todd Stowell reviewed the status of the preliminary plat conditions.

There was a discussion on the setbacks on Lots 6 and 12. A five-foot setback is required on the north side of Lot 6 and the south side of Lot 12. The two lots could be redrawn to extend another five feet into the common area, to provide for the setback. However, staff is open to the Board and Council authorizing the setback exemption for Lots 6 and 12 from the common area.

Richard Jones made a motion, seconded by Wade McMillin to recommend to City Council the approval of the final plat for the Pintail 12-lot Subdivision with conditions 1-4, and 6-8 in the staff report. Condition 5 would change to "Special exemption for the setbacks on lots 6 and 12 meet the requirements for a special exemption". Vote on the motion: Wade McMillin, Sandi Fisher, Kayl Mitchell, and Richard Jones in favor of the motion, Carson Rowley opposed. With the majority of the Board voting yes, motion passed.

P&Z Updates: Staff thanked Wade McMillin for his time serving on the Board and wished him luck in his future.

Council Updates: None

Staff Updates: None.

Kayl Mitchell made a motion, seconded by Richard Jones to adjourn the meeting. Vote on the motion was unanimous. Meeting adjourned at 12:25 pm.

DRAFT

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

<b>MEETING DATE:</b>	JUNE 22, 2021	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	FINAL PLAT OF THE SAINTS AND SINNERS MINOR SUBDIVISION. SUB 2019-12	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT OVERVIEW**

Tom Quick, of What's Left, LLC., has submitted the final plat application to divide Lots 10 and 12 of the Rocky Mountain Business Park subdivision into four lots. The property is 1.27 acres in size, and located on the east side of Stone Street, immediately north of the Cougar Avenue right-of-way. Lot 10 is vacant and would be split into two lots. Lot 12 contains two "contractor" buildings and each building would be split onto its own individual lot. The property is zoned Open Business/Light Industrial (D-3) and the lots are identified for "commercial use". The subdivision is now named "Saints and Sinners Minor Subdivision".



Existing Conditions:



The final plat application has been reviewed for compliance with the subdivision ordinance and conditions of preliminary plat approval. The status of each condition is noted.

Preliminary Plat Conditions:

1. Provide a utility easement and plan for extension of power and telecommunications to Lots 3 and 4, for review and approval by Public Works. Note the easement on the preliminary plat, and note the plan on the utility plan drawing.  
*Status: Met. The plan for extension of power and telecommunications is acceptable to the City and an easement is provided. Installation is the developer's responsibility and will need to be completed prior to or as part of development of Lots 3 and 4. Payment of the electrical estimate (city-acquired materials) is required prior to the mayor signing the final plat.*
2. Note installation of sidewalk on Lots 3 and 4 as a subdivision improvement on the preliminary plat.  
*Status: Met. The sidewalk requirement is noted on the utility plan.*
3. Make the corrections to the preliminary plat and utility plan noted by staff (typos, missing line information).  
*Status: Met.*
4. The final plat must include the following language: "...do hereby agree to promote and participate in an improvement district for the construction of Cougar Avenue to city street standards with curb, gutter, sidewalk and streetlights, when deemed necessary by the City of Cody; and further, that this language shall be contained in each and all conveyances of record."  
*Status: Met.*
5. The street cut for the water, sewer, and gas services to Lot 3 must be repaired with a single patch. An encroachment permit and inspection for the work within the street right-of-way is required.  
*Status: The street cut has not yet occurred, yet the locations of the planned utilities will allow for that single patch. The encroachment permit process will take care of the details.*
6. Submit the final plat for review, and otherwise complete the improvements required by the subdivision ordinance and as noted on the preliminary plat. Utility connection fees for Lot 3 will be collected with the final plat.  
*Status: The final plat has been submitted. Effectively all subdivision improvements remain to be completed, but per current ordinance they only need to be completed before issuance of a building permit on the vacant lots.*

Other:

1. The final plat will establish an access easement on the north end of Lot 1 in order to accommodate the minimum required access aisle and backup area for the existing parking on Lot 2.
2. The final plat application is supposed to include letters from all utility providers indicating that they plan to serve the subdivision and that the utility plan identified is acceptable. Those letters are still pending, but since the plan is very straightforward, we feel comfortable proceeding on the condition the letters/emails are received prior to the mayor signing the final plat.

3. The property does not have any surface water rights, so no irrigation district approval is needed.

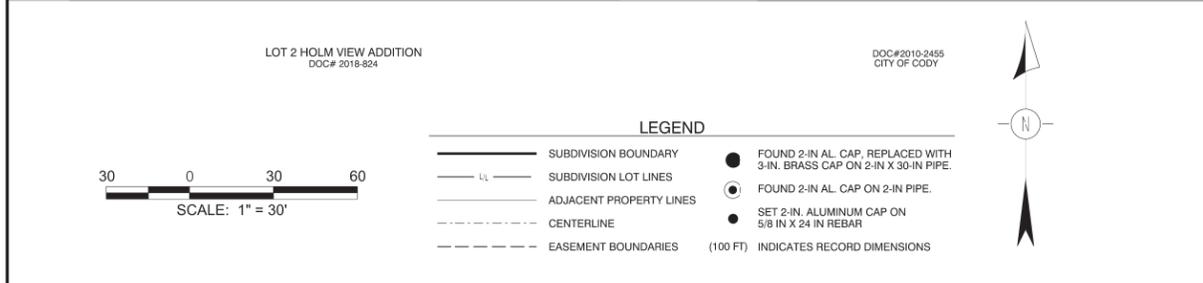
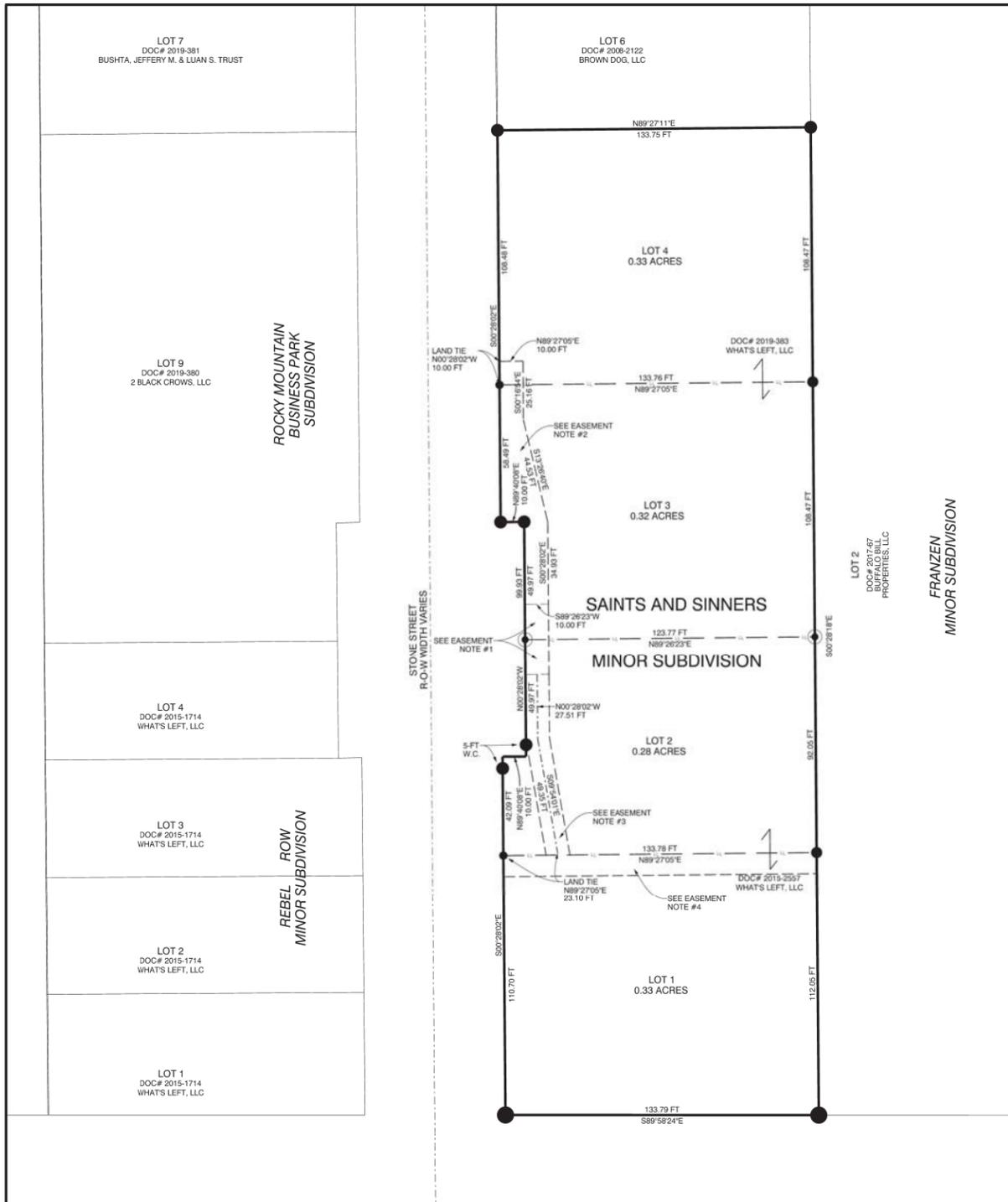
**RECOMMENDATION:**

Recommend to the City Council approval of the final plat for the Saints and Sinners minor subdivision, subject to the following conditions.

1. Applicable utility fees are to be paid prior the mayor signing the final plat. Fees have been calculated based on the applicant's contractor digging in the utilities and making the street patch. If Public Works is to do any digging or street patching, additional fees would apply.
2. Prior to the mayor signing the final plat, provide the approvals from the utility providers.
3. Per the subdivision ordinance, the developer is responsible for the subdivision improvements noted on the utility plan (includes installation of sewer, domestic water, power, gas, and telecommunication services, and sidewalk on Lots 3 and 4). Installation of the utilities is to occur prior to issuance of a building permit on Lots 3 and 4. Installation of the sidewalk must occur no later than "occupancy" of any building on Lots 3 and 4. If Lots 3 or 4 are sold before all subdivision improvements are completed, it is the property owner's responsibility to inform the purchaser(s) of the required outstanding subdivision improvements.
4. All work within the City's right-of-way requires an encroachment permit from Public Works. The utilities coming in from the street are to be installed in a manner that the street repair occurs with a single patch.

**ATTACHMENTS**

Final plat  
Utility plan



**CERTIFICATE OF OWNER**

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED, ALL HEIRS AND/OR ASSIGNS, HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETORS OF THE LOT 10 AND 12 OF THE ROCKY MOUNTAIN BUSINESS PARK SUBDIVISION AS FILED IN PLAT CABINET J, PAGE 86, EVIDENCED BY DOC# 2015-2557 AND DOC# 2019-383 ALL ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK; THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED; THAT THE SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT WE, THE UNDERSIGNED, HEREBY DEDICATE THE EASEMENTS SHOWN HEREON FOR THE PURPOSES NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATION OF RECORD; THAT WE HEREBY AGREE THAT ANY FUTURE OWNERS OF THE LOTS WITHIN THE SAINTS AND SINNERS MINOR SUBDIVISION SHALL PROMOTE AND PARTICIPATE IN AN IMPROVEMENT DISTRICT FOR THE CONSTRUCTION OF COUGAR AVENUE TO CITY STREET STANDARDS WITH CURB, GUTTER, SIDEWALK AND STREETLIGHTS WHEN DEEMED NECESSARY BY THE CITY OF CODY; AND FURTHER, THAT THIS LANGUAGE SHALL BE CONTAINED IN EACH AND EVERY CONVEYANCE OF RECORD; AND, THAT ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.

T.L. QUICK, MEMBER - WHAT'S LEFT, LLC

STATE OF WYOMING )  
 COUNTY OF PARK ) SS

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY T.L. QUICK, MEMBER: WHAT'S LEFT, LLC ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**DESCRIPTION OF LANDS**

LOT 10 AND LOT 12 OF THE ROCKY MOUNTAIN BUSINESS PARK SUBDIVISION, ACCORDING TO THE PLAT FILED IN PLAT CABINET J, PAGE 86 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, LOCATED WITHIN TRACT 70, RESURVEY T.53N., R.101W., 6TH P.M., CITY OF CODY, PARK COUNTY WYOMING

**SUBDIVISION NOTES**

- BEARING BASE IS GEODETIC BASED ON THE WYOMING STATE PLANE COORDINATE SYSTEM, NAD83(2011), WYOMING WEST CENTRAL ZONE. GRID DISTANCES HAVE BEEN SCALED ACCORDING TO THE CODY DATUM. 1/CSF=1.0002978.
- ALL SURVEY WORK WAS COMPLETED TO AN ACCURACY OF 1:15,000.
- JNITS SHOWN HEREON ARE U.S. SURVEY FEET.
- TOTAL SUBDIVISION AREA IS 1.27 ACRES.

**EASEMENT NOTES**

EXISTING EASEMENTS:

E1. 10-FOOT BY 15-FOOT UTILITY EASEMENTS WITHIN LOT 10 AND 12 AS SHOWN ON THE PLAT OF THE ROCKY MOUNTAIN BUSINESS PARK SUBDIVISION FILED IN PLAT CABINET J, PAGE 86 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK.

DEDICATED EASEMENTS:

E2. A UTILITY EASEMENT LOCATED WITHIN LOTS 3 AND 4 OF THE SAINTS AND SINNERS MINOR SUBDIVISION, SHOWN HEREON AND LYING WEST OF THE LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE N00°28'02"W ALONG THE WEST LINE OF SAID LOT 4 FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE N89°27'05"E FOR A DISTANCE OF 10.00 FEET TO THE EAST BOUNDARY OF SAID EASEMENT; THENCE S00°16'54"E A DISTANCE OF 25.16 FEET; THENCE S13°26'40"E A DISTANCE OF 44.53 FEET; THENCE S00°28'02"E A DISTANCE OF 34.93 FEET TO THE NORTHEAST CORNER OF THE EXISTING UTILITY EASEMENT DEDICATED ON THE PLAT OF THE ROCKY MOUNTAIN BUSINESS PARK SUBDIVISION FILED IN PLAT CABINET J, PAGE 86 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK; THENCE S89°26'23"W ON AND ALONG THE NORTH LINE OF SAID EXISTING EASEMENT A DISTANCE OF 10.00 FEET TO THE WEST BOUNDARY OF SAID LOT 3.

E3. A UTILITY EASEMENT LOCATED WITHIN LOT 2 OF THE SAINTS AND SINNERS MINOR SUBDIVISION, SHOWN HEREON AND BEING 5 FEET EACH SIDE OF THE CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

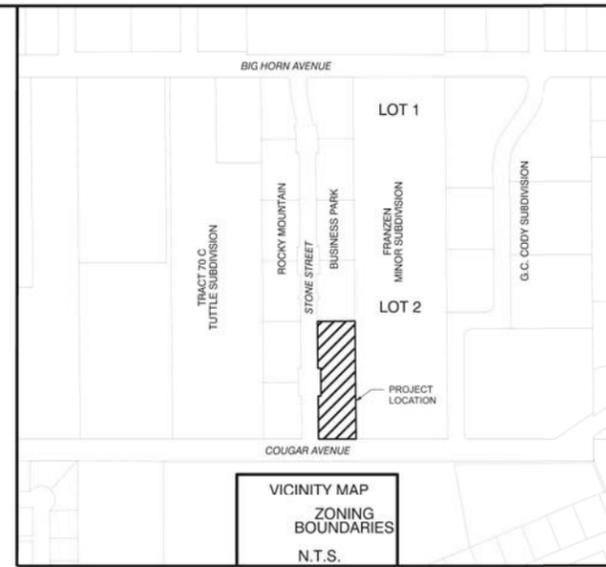
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N89°27'05" E ON AND ALONG THE SOUTH LINE OF SAID LOT 2 FOR A DISTANCE OF 23.10 FEET TO THE BEGINNING OF SAID EASEMENT; THENCE N09°54'01"E A DISTANCE OF 49.35 FEET; THENCE N00°28'02"E A DISTANCE OF 27.51 FEET TO THE SOUTH BOUNDARY OF THE EXISTING UTILITY EASEMENT DEDICATED ON THE PLAT OF THE ROCKY MOUNTAIN BUSINESS PARK SUBDIVISION FILED IN PLAT CABINET J, PAGE 86 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, BEING THE END OF SAID EASEMENT.

E4. AN ACCESS EASEMENT LOCATED WITHIN LOT 1 OF THE SAINTS AND SINNERS MINOR SUBDIVISION, SHOWN HEREON AND BEING 9 FEET IN WIDTH FOR THE LENGTH OF THE LOT. FOR THE BENEFIT OF LOT 2.

**CERTIFICATE OF SURVEYOR**

I, BRETT J. FARMER, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY STATE AS FOLLOWS: THE INFORMATION SHOWN HEREON IS BASED ON RECORDS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND ON FIELD SURVEY WORK PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THIS FINAL PLAT SHOWS THE DIVISION OF LANDS DESCRIBED IN DOC# 2015-2557 AND DOC# 2019-383 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK; THAT THE LANDS SURVEYED ARE CORRECTLY DESCRIBED IN THE DESCRIPTION OF LANDS AND THE SUBDIVISION THEREOF IS CORRECTLY SHOWN ON THIS PLAT, WHICH IS DRAWN TO THE SCALE INDICATED; AND THAT THE INFORMATION SHOWN HEREON IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BRETT J. FARMER  
 WYOMING REGISTRATION NO. 15644, L.S.



**APPROVALS**

**CITY PLANNING AND ZONING BOARD**

RECOMMENDED FOR APPROVAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

BY CHAIRMAN: \_\_\_\_\_

**CITY COUNCIL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE CITY COUNCIL OF CODY, WYOMING.

BY MAYOR: \_\_\_\_\_  
 MATT HALL

ATTESTED BY: \_\_\_\_\_  
 ADMINISTRATIVE SERVICES DIRECTOR

**COUNTY CLERK'S CERTIFICATE**

THIS PLAT OF THE SAINTS AND SINNERS MINOR SUBDIVISION WAS FILED FOR THE PUBLIC RECORD IN THE OFFICE OF THE CLERK, PARK COUNTY, WYOMING, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND IS DULY RECORDED IN PLAT CABINET \_\_\_\_\_, ON PAGE \_\_\_\_\_, DOC# \_\_\_\_\_

BY: \_\_\_\_\_  
 PARK COUNTY CLERK DEPUTY

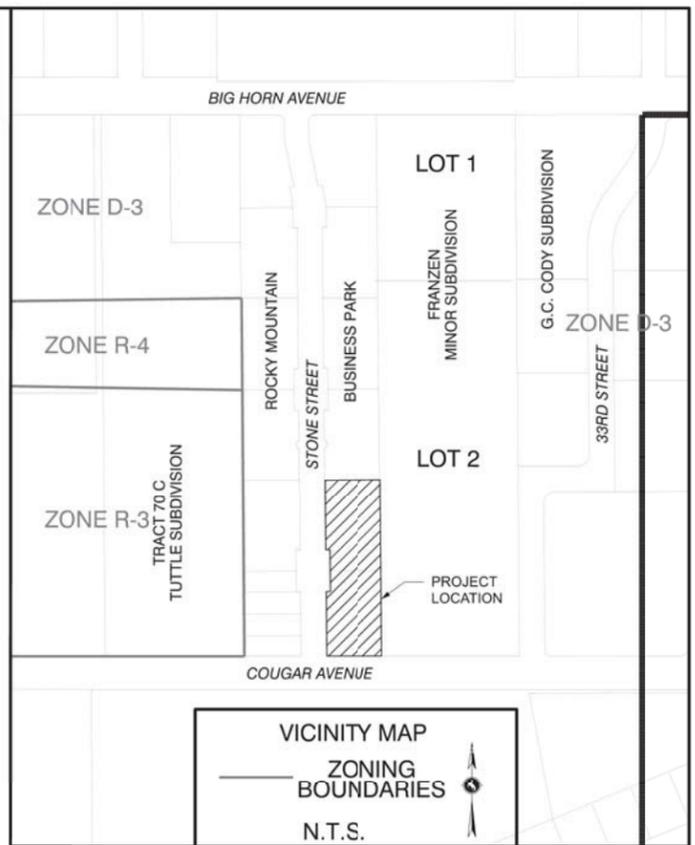
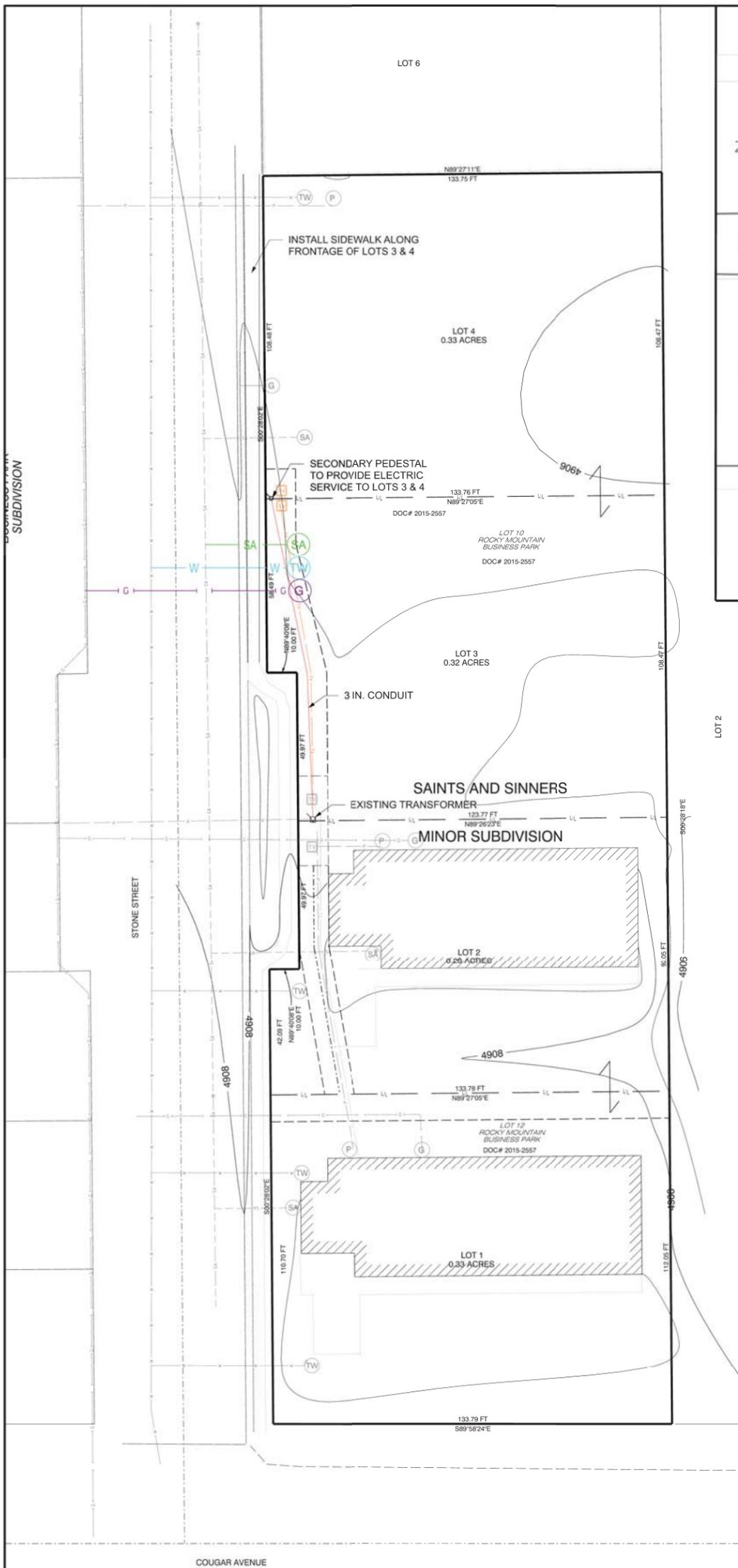
**FINAL PLAT**

**SAINTS AND SINNERS  
 MINOR SUBDIVISION**

BEING A DIVISION OF LOT 10 AND LOT 12  
 OF THE ROCKY MOUNTAIN BUSINESS PARK SUBDIVISION

LOCATED WITHIN  
 TRACT 70 RESURVEY T.53N. R.101 W., 6TH P.M.,  
 CITY OF CODY, PARK COUNTY, WYOMING

DEVELOPER / OWNER: WHAT'S LEFT, LLC DOC# 2015-2557 DOC# 2019-383	 <b>SAGE CIVIL ENGINEERING</b> ENGINEERS   SURVEYORS 2824 BIG HORN AVE. CODY, WY 82414 307-527-0915
JUNE 9, 2021 DRAWN BY: BF	PROJECT # 19-017 19-017.FPLAT.DGN
FIELD SURVEY: APRIL 2019 - DEC. 2020 BY: BM, JD FIELD BOOK: 16	



LEGEND

- SUBDIVISION BOUNDARY
- LOT LINES
- - - STREET CENTERLINE
- - - EXISTING EASEMENT
- - - PROPOSED EASEMENT
- - - MAJOR CONTOUR (5-FT)
- - - MINOR CONTOUR (1-FT)

EXISTING UTILITIES

- SA SANITARY SEWER LINE & SERVICE
- TW TREATED WATER MAIN & SERVICE
- P UNDERGROUND POWER & SERVICE
- G GAS LINE & SERVICE
- TV TELEVISION LINE
- T TELEPHONE LINE
- ELECTRIC PEDESTAL
- FIBER PEDESTAL

EXISTING UTILITIES (REFER TO ROCKY MTN. BUSINESS PARK RECORD DRAWINGS):  
 CITY OF CODY - TREATED WATER: 6 FT DEPTH (APPROX.)  
 CITY OF CODY - SANITARY SEWER: 10 IN PVC, 7 FT DEPTH (APPROX.)  
 CITY OF CODY - ELECTRICAL: 36-48 IN DEPTH (APPROX.)  
 BLACK HILLS ENERGY - GAS LINE: 3 FT DEPTH (APPROX.)  
 TCT - EXISTING WITHIN 10-FT EASEMENT ALONG WEST SIDE OF SUBDIVISION  
 CODY CANAL - NOT IN THE AREA

PROPOSED UTILITIES

- SA SANITARY SEWER MAIN & SERVICE
  - TW TREATED WATER SERVICE
  - G GAS SERVICE
  - FO FIBER OPTIC
  - PL POWER LINE
- \* ACTUAL SERVICE LOCATIONS TBD

UTILITY PLAN

SAINTS AND SINNERS MINOR SUBDIVISION

BEING A SUBDIVISION OF LOT 10 AND 12 OF THE  
 ROCKY MOUNTAIN BUSINESS PARK SUBDIVISION

TRACT 70-B, TUTTLE SUBDIVISION RESURVEY T.53N., R.101W.,  
 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING

DEVELOPER / OWNER:

WHAT'S LEFT, LLC  
 732 STONE STREET  
 CODY, WY 82414

DOC# 2015-2557



2824 BIG HORN AVE.  
 CODY, WY 82414  
 307-527-0915

JUNE 9, 2021  
 DRAWN BY: BM, BF

PROJECT # 2019-017  
 19-017\_UTIL-PLAN.DGN

FIELD SURVEY: MARCH 2019-APRIL 2019  
 BY: BTM FIELD BOOK: 11-12