

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY AUGUST 24, 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 for the August 24, 2021 meeting
5. Approval of Minutes of the August 10, 2021 regular meeting
6. New Business:
 - A. Review the preliminary plat for the Pederson 2-lot minor subdivision, located at 225 Robert Street.
 - B. Updated design for the modular accessory dwelling unit, located at 2442 Central Avenue.
7. P & Z Board Matters (announcements, comments, etc.)
8. Council Update
9. Staff Items
10. Adjourn

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

City of Cody
Planning, Zoning, and Adjustment
Board Meeting August 10, 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, August 10, 2021 at 12:00 pm.

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

Absent: Sandi Fisher

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

Carson Rowley moved to approve the agenda, seconded by Scott Richard. Vote on the motion was unanimous, motion passed.

Cayde O'Brien moved to approve the minutes from the July 27, 2021 meeting, seconded by Scott Richard. Vote on the motion was unanimous, motion passed.

Scott Richard made a motion, seconded by Cayde O'Brien to elect Richard Jones as the new Chairman of the Board. Vote on the motion was unanimous, motion passed.

Richard Jones made a motion, seconded by Scott Richard to elect Carson Rowley as the Vice Chairman of the Board. Vote on the motion was unanimous, motion passed.

A Public Hearing for a special exemption opened at 12:08 pm. This exemption is to waive utility requirements for a proposed accessory dwelling unit (cabin), located at 2008 Glen Avenue.

The hearing was closed at 12:09 p.m. with no comments.

Todd Stowell gave a description and background on the exemption request. The property owner, Josh Hollinger plans to construct an ADU (cabin) on the same property that contains his residence. The City of Cody zoning ordinance requires ADU's to share domestic water and electric with the main house. The applicant has requested a special exemption to allow the ADU its own domestic water and electrical service, as the ADU will be 200 feet east of the existing house.

The property is zoned R-2. Todd reviewed the criteria for a special exemption and the language of the ADU requirements, pertaining to the utilities. The property does have City sewer, water and power available. If exemption is granted, the ADU will have its own utility bill.

A concern is that minimal access is provided to the property. Glen Avenue is not a public street, and has a gravel surface that is about 10-12 feet wide. Per the adopted fire code, a minimum 20-foot-wide access, capable of supporting a fire truck, would have to be met in order to issue a building permit.

Scott Richard made a motion, seconded by Rodney Laib to grant the special exemption with findings 1-4, and recommendations 1-3 in the staff report. Vote on the motion was unanimous, motion passed.

A Public Hearing for a conditional use request opened at 12:23 pm The request is to allow a modular accessory dwelling unit in a R-2 zone, located at 2442 Central Avenue.

The hearing was closed at 12:24 p.m.

Richard and Judy Conger are requesting permission to install a 15'2" by 55' modular home to be used as an ADU behind their residence. Modular ADU's require a conditional use permit. Todd reviewed the procedure

and criteria for the conditional use permit.

Staff would like to see some architectural enhancements such as 12” eaves, decorative metal awnings, or a variation in siding texture, color, or material, and landscaping. The applicant was agreeable to do some enhancements.

Scott Richard made a motion, seconded by Cayde O’Brien, to approve the conditional use permit with the points identified in the staff report. Approval of the modular ADU is based on Findings 1-7, and is subject to Conditions 1 and 2 as follows:

- 1) Provide architectural enhancement(s) including meeting the requirement for a 12” eave and an architectural enhancement such as an awning or other feature on one side.
- 2) A building permit for the ADU must be obtained within 2 years or the authorization shall automatically expire.

Vote on the motion was unanimous, motion passed.

With the resignation of Board member Kayl Mitchell, the City Council will start looking for a replacement.

Carson Rowley made a motion, seconded by Rodney Laib to adjourn the meeting. Vote on the motion was unanimous. Meeting adjourned at 12:54 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	AUGUST 24, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY PLAT FOR MIKEL & RETHA PEDERSON, A 2-LOT MINOR SUBDIVISION. SUB 2021-05	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

The proposal is to divide a 1.5-acre property into two lots. Proposed Lot 16A contains the applicant's existing house and detached garage. Proposed Lot 16B is currently vacant, but already has utility services from when a mobile home was located on the property. The property is located in the medium-high density residential (R-3) zoning district. The preliminary plat drawing is attached.

This review is based on a single-family home or duplex being installed on Lot 16B (the vacant lot). The size of the vacant lot would allow three dwelling units, but that would trigger upgrading some utility services. The requirements in this review are based on no more than two dwelling units being located on Lot 16B.



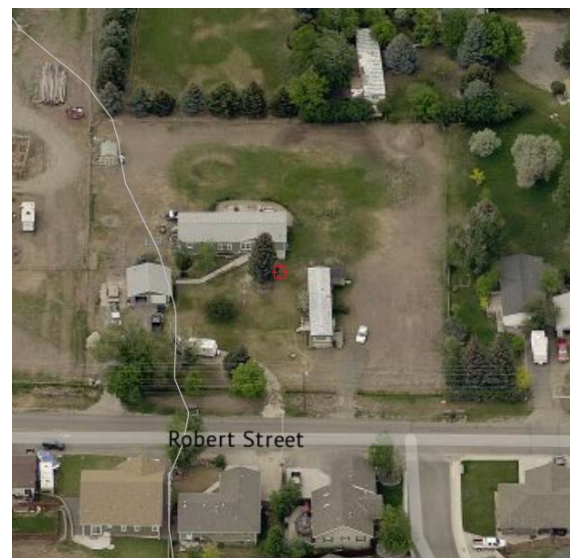
SUBDIVISION REGULATIONS

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. Robert Street has 60 feet of right-of-way, but it is classified as a major collector. As a major collector, 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')

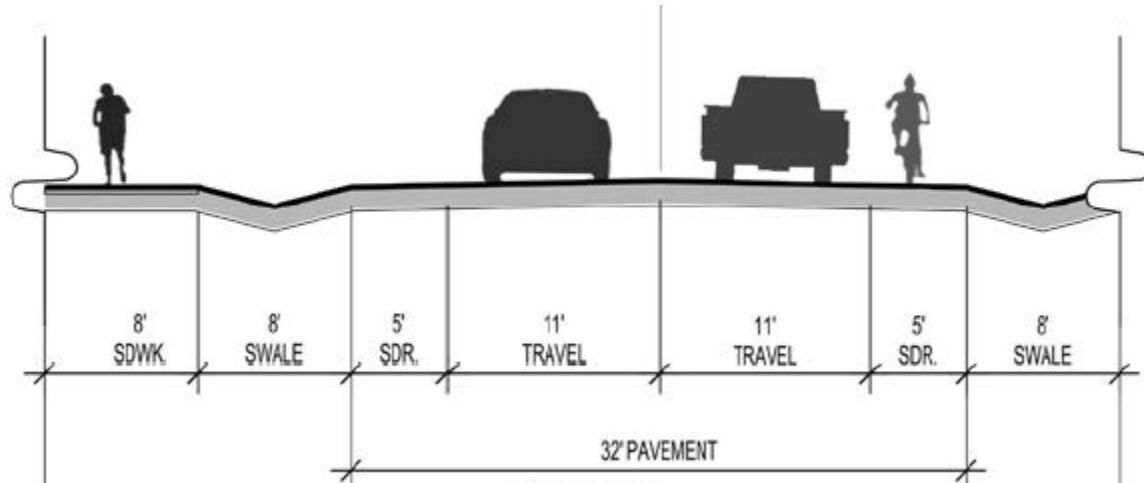
Comment: A variance to the alley requirement is requested. There are no adjacent alleys to tie into.

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 is requested. However, on recent subdivisions on 29th Street, and at the corner of Robert Street and Kent Avenue, 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 the Robert Street frontage of this subdivision. There is room for it to fit between the property line and the power poles. A pathway/pedestrian route is shown along Robert Street on the master plan trails map.



In concept, the pathway would be as shown on the rural road standard, shown below.



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 a 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. The property could be divided into more lots than is now proposed.
2. *Every lot shall abut upon or have access to an approved street or cul-de-sac.*
Comment: Both lots have direct access to Robert Street.
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: Blocks shall be at least three hundred feet (300') long, normally, not to exceed six hundred sixty feet (660') long. All blocks shall normally be of sufficient width to allow for two (2) tiers of lots of approximately equal width and an alley.*
Comment: The neighborhood is not configured in a way for this to be accomplished, so there is no way for this lot to meet this requirement. A variance to the standard would be appropriate.

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: Both lots have existing 4" sewer service lines.

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: Both lots have existing individual domestic water services off of the water main in Robert Street.

I. Fire Hydrants...

Comment: The hydrant across 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: There is a small irrigation ditch that runs along the east side of the property. The applicant will need to contact the irrigation company to coordinate the piping of the ditch. If for some reason the irrigation company does not want the ditch piped, submit that information with the final plat application for consideration.

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: All basic utilities are in place to both lots. When Lot 16B is developed, power will need to come from down the pole at its northeast corner and run underground to the new house. The existing overhead service line would be removed.

M. Street Lighting...

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

N. Public Use Areas: ...

Comment: Minor subdivisions are exempt from this requirement.

Other

1. 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 the Cody Canal Irrigation District.
2. There is some potential that the installation of the asphalt pathway could be done as part of a larger City project. If that potential develops, the applicant could make a payment in lieu of construction, where they would not have to do the work themselves, but provide payment for the section of the pathway along their frontage to the City. If the applicant wants to investigate this potential, please coordinate with Public Works.

RECOMMENDATION:

Recommend that the City Council approve the preliminary plat for Mikel and Retha Pederson 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. Variance to the block length requirement.
5. (If a pathway along Robert Street is not required, grant a waiver of curb, gutter and sidewalk improvements, subject to a 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 must occur prior to a building permit being issued for Lot 16B, or any additional development of Lot 16A, whichever occurs first. If the work is not done before the final plat is recorded, include a note on the final plat about the outstanding requirement.
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. 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.

3. Coordinate the piping of the irrigation ditch with the ditch company. Complete the piping prior to a building permit being issued for Lot 16B, or any additional development of Lot 16A, whichever occurs first. If the work is not done before the final plat is recorded, include a note on the final plat about the outstanding requirement.
4. All work within the Robert Street right-of-way requires an encroachment permit from Public Works, prior to excavation or construction. It is the contractor's responsibility to obtain the permit.

ATTACHMENTS

Preliminary plat

Preliminary plat with aerial photo

Not attached but available: Title report, deed.

NOTES

1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
2. THE CONTOURS OF THE PROPOSED MINOR SUBDIVISION ARE RELATIVELY LEVEL.
3. THERE ARE NO AREAS SUBJECT TO FLOODING OR WETLANDS
4. TOTAL SUBDIVISION ACREAGE = 1.50
5. SUBJECT PARCEL IS MEDIUM-HIGH DENSITY RESIDENTIAL (R3)

CERTIFICATE OF OWNER

STATE OF WYOMING }
COUNTY OF PARK } SS.

KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT I/WE ARE OWNERS AND PROPRIETORS OF LOT 16, BAKKEN SUBDIVISION #2, CODY, WYOMING, AS LOCATED IN BOOK "11" OF PLATS, PAGE 105, 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 #2001-7555 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.

MIKEL PEDERSON RETHA E. PEDERSON

STATE OF WYOMING }
COUNTY OF PARK } SS.

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY MIKEL & RETHA E. PEDERSON

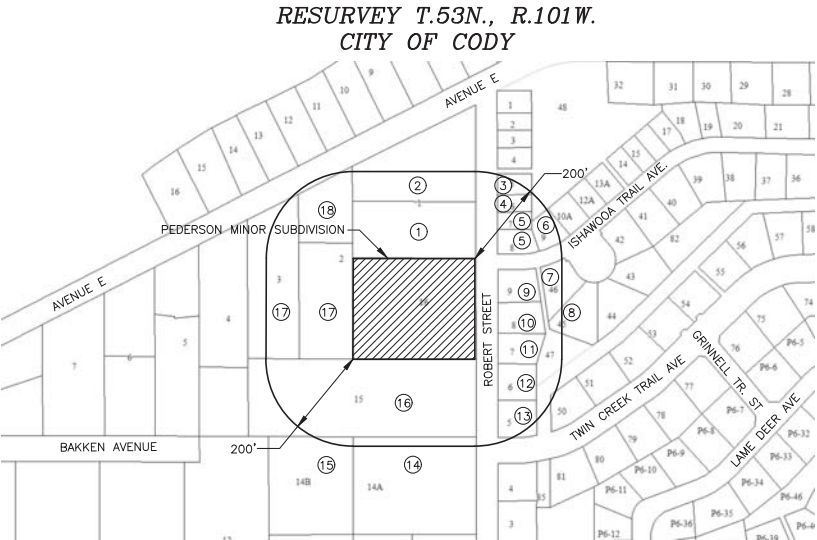
THIS _____ DAY OF _____, 2021, WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

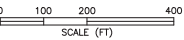
NOTARY PUBLIC

LANDOWNER KEY

- 1 KNIGHT, DANA STERLING III ET AL, P.O. BOX 3233, CODY, WY 82414
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- 4 DAUGHERTY, CHELSEY, 214 ROBERT ST., CODY, WY 82414
- 5 PORTER, TIM, P.O. BOX 269, POWELL, WY 82435
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- 18 JOHNSTON, ROBERT & JACKIE, 2918 E AVENUE, CODY, WY 82414



VICINITY MAP



CERTIFICATE OF SURVEYOR

I, LYLE J. CASCIATO, OF ENGINEERING ASSOCIATES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED UNDER MY DIRECTION BETWEEN APRIL AND JULY OF 2021; AND, THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.



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.

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

CITY PLANNING AND ZONING BOARD

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

CHAIRMAN



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 BAR.
- PROPOSED SUBDIVISION LOT LINES.
- SUBDIVISION BOUNDARY
- EXISTING OVERHEAD POWER LINE.
- TEL --- EXISTING BURIED TELEPHONE / FIBER LINE.
- G --- EXISTING BURIED NATURAL GAS LINE.
- TW --- EXISTING BURIED TREATED WATER LINE.
- SA --- EXISTING BURIED SANITARY SEWER LINE.
- MANHOLE LID. UTILITY AND STRUCTURE TYPES VARY.
- WATER METER.
- GAS METER.
- ELECTRIC METER.
- UTILITY PIPE LINE VALVES.
- UTILITY POLE.
- FIRE HYDRANT



PRELIMINARY PLAT OF
PEDERSON MINOR SUBDIVISION

LOCATED WITHIN

LOT 16 OF BAKKEN SUBDIVISION NO. 2,
RESURVEY T.53N., R.101W., 6TH P.M.,
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: MIKEL AND RETHA PEDERSON
P.O. BOX 3163
CODY, WY 82414

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



JOB NO. 21000.46 BOOK NO. 578
08/13/21 P:\21000.46\ACAD\BASE

NOTES

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MIKEL PEDERSON

RETHA E. PEDERSON

STATE OF WYOMING }
COUNTY OF PARK } SS.

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY MIKEL & RETHA E. PEDERSON

THIS _____ DAY OF _____, 2021, WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

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RESURVEY T.53N., R.101W.
CITY OF CODY



VICINITY MAP

0 100 200 400
SCALE (FT)

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BY: _____, DEPUTY.

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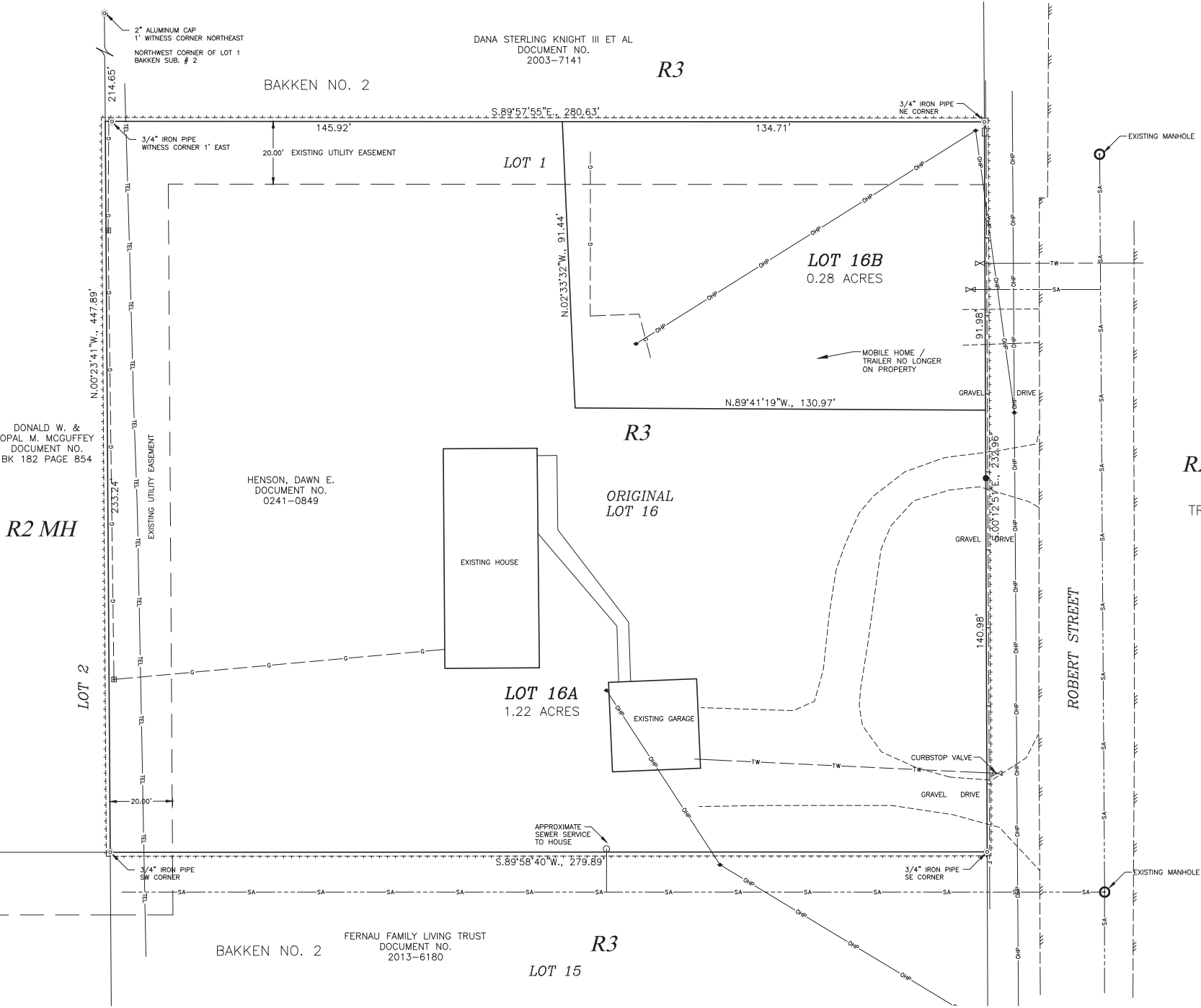
MAYOR - MATT HALL

ATTEST: CINDY BAKER
ADMINISTRATIVE SERVICES OFFICER

CITY PLANNING AND ZONING BOARD

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

CHAIRMAN



R2

TRAILHEAD 1 & 2
ADDITIONS

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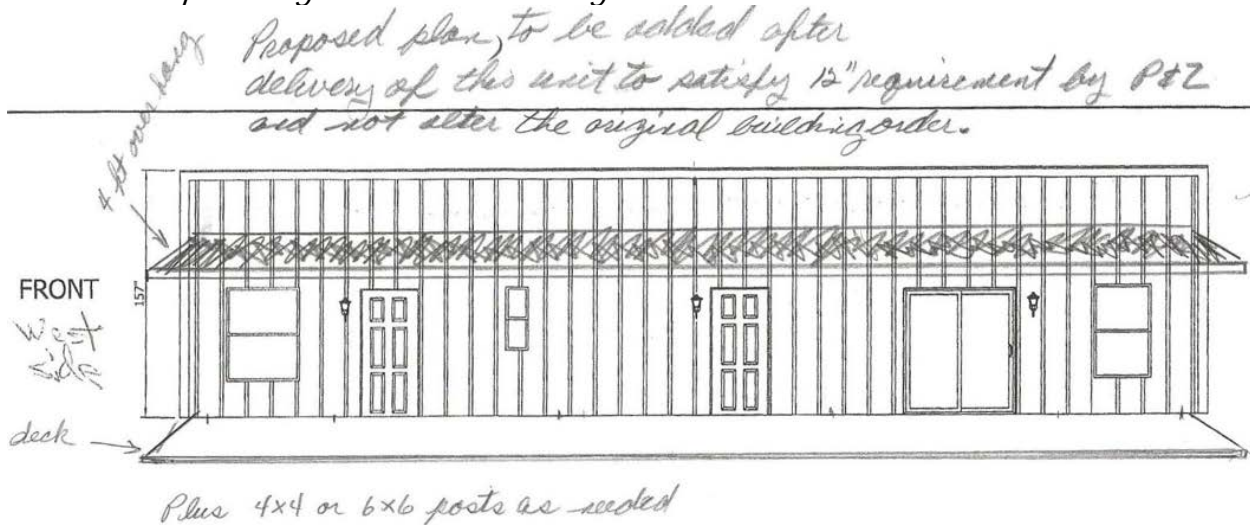
CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	AUGUST 24, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	UPDATED DESIGN FOR CONDITIONAL USE REQUEST: MODULAR ACCESSORY DWELLING UNIT IN R-2 ZONE, 2442 CENTRAL AVENUE. SUP 2021-10	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

At the August 10, 2021 meeting, the Board approved a conditional use permit authorizing a modular home to be placed on the property at 2442 Central Avenue. The conditions of the permit are:

- 1) Provide architectural enhancement(s) including meeting the requirement for a 12" eave and an architectural enhancement such as an awning or other feature on one side.*
- 2) A building permit for the ADU must be obtained within 2 years or the authorization shall automatically expire.*

The applicants have submitted the drawing shown below as their plan to meet the condition of providing an eave and awning on the modular home.



Sample Photo:



Original Design:



The original August 10, 2021 staff report is attached electronically for your reference.

ATTACHMENTS:

Original staff report.

ALTERNATIVES:

Approve, deny, or approve with conditions.

RECOMMENDATION:

If the proposed architecture is acceptable to the Board, authorize the plan shown and identify a timeline for when the awning/roof must be installed. (One year from when the modular home is occupied?)

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

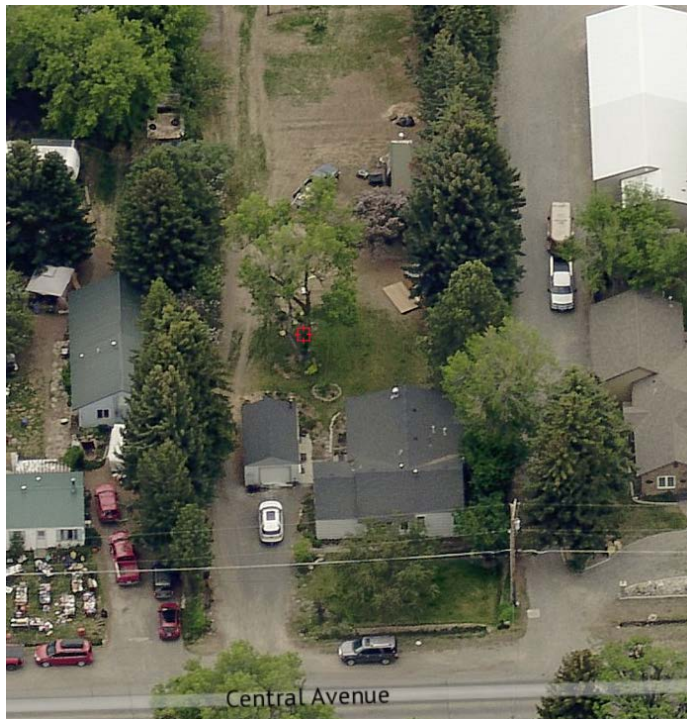
MEETING DATE:	AUGUST 10, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CONDITIONAL USE REQUEST: MODULAR ACCESSORY DWELLING UNIT IN R-2 ZONE, 2442 CENTRAL AVENUE. SUP 2021-10	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

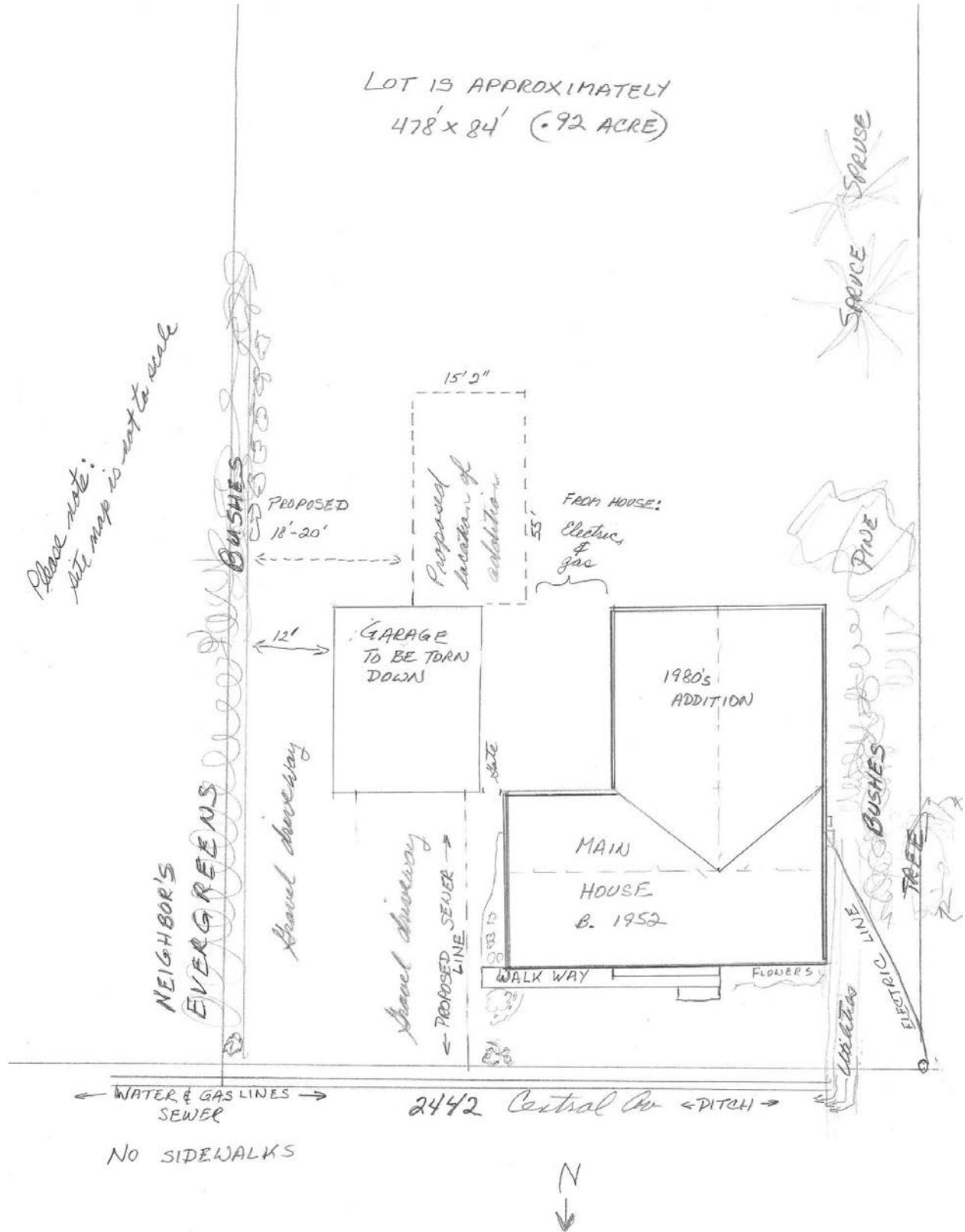
PROJECT DESCRIPTION:

Richard and Judy Conger have submitted an application requesting permission to install 15'2" by 55' modular home to be used as an accessory dwelling unit behind their existing residence at 2442 Central Avenue. The property is 0.92 acres in size and located in the residential R-2 zoning district. The R-2 zoning district allows accessory dwelling units, but requires conditional use permit review if the accessory dwelling unit is a modular home.



Existing Conditions:





REVIEW PROCEDURE:

The supplemental development standards for accessory dwelling units (ADUs), are outlined in Chapter 10-8 of the City Code, and are listed below. The conditional use permit process and review criteria are found in section [10-14-1](#) of the city code, and will also be listed later in this report.

Notice of the public hearing was provided as required, at least 10 days prior to the meeting by publication in the Cody Enterprise (July 29) and mailing to neighboring property owners within 140' (July 28).

REVIEW CRITERIA:

The Accessory Dwelling Unit supplemental standards are listed below with staff comment.

1. *Location: An accessory dwelling unit, where permitted, may be located only in one of the following manners:*

...

d. Within an accessory building on the same parcel as a detached single-family dwelling unit.

Comment: As proposed.

2. *Lot Area, Dwelling Size, and Density: The minimum lot size required for an accessory dwelling unit (ADU) is seven thousand (7,000) square feet...*

Comment: Met. The property is 40,040 square feet in size.

3. *Number: Only one accessory dwelling unit (ADU) per lot may be permitted and the ADU must be accessory to a detached single-family dwelling...*

Comment: Met. The property currently contains only one dwelling.

4. *Height and Setbacks: A single-story ADU that does not exceed fifteen feet (15') in building height is subject to the setback standards applicable to private garages. ADU structures that are taller than fifteen feet (15') in building height shall conform to setback standards applicable to a primary residence.*

Comment: Applicable setbacks will be met.

5. *Lot Coverage: The footprint of a proposed building containing an ADU that is structurally detached from the primary residence may cover up to twenty percent (20%) of the lot.*

Comment: Met.

6. *Living Area: The total living area of an ADU may not exceed seventy-five percent (75%) of the living area of the primary dwelling, or eight hundred (800) square feet, whichever is less...*

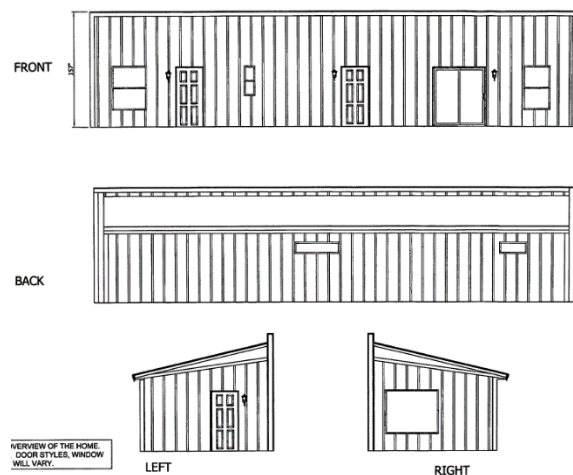
Comment: Met. The living area of the ADU would be 785 square feet (inside dimensions) and does not exceed 75% of the main 1,728-square-foot dwelling.

7. *Type of Construction: Within the RR, R-1, R-2 and R-3 Zoning Districts, ADUs are to be of conventional site-built construction, be assembled and inspected on site, and meet the requirements of the adopted Building Code for residential dwellings. Provided: a new modular home may be authorized as an ADU in these zones through the conditional use permit process when the home compliments, rather than detracts from, the architectural character of the neighborhood. Within the R-2MH, R-4, and all commercial and light industrial zoning districts, manufactured homes and modular homes may be utilized as ADUs when placed on a traditional concrete or masonry foundation, and the home is no more than fifteen (15) years old at time of installation (SE). Mobile homes, manufactured homes except as noted above, recreational vehicles, and temporary or seasonal structures (e.g., units on skids, yurts, and tents) shall not be used as ADUs.*

Comment: This provision is what triggers the conditional use permit review. It must be demonstrated that the home will compliment, and not detract from, the architectural character of the neighborhood.

The Central Avenue neighborhood is somewhat aged, but many of the properties are well maintained, at least from the street view. Due to the large lot sizes, the potential for infill development in the neighborhood is significant. It is hoped that the few messy properties will be cleaned up so that more investors are comfortable constructing additional compatible housing in this area to meet the needs of the community. There have been property owners investing in remodels and other improvements on Central Avenue in the past few years. The addition of the proposed dwelling helps establish the intent of utilizing these underdeveloped properties as contemplated by the master plan and City regulations. We hope it becomes a trend to help address the significant demand for housing.

The architecture of the propose ADU is modern, but simpler than what staff would prefer. In effect, there are no architectural enhancements. Note that the rendering on the first page shows a pergola and deck, but those are not proposed on this project. As this is the first modern ADU in the neighborhood, it is desired that it clearly establishes a suitable precedent.



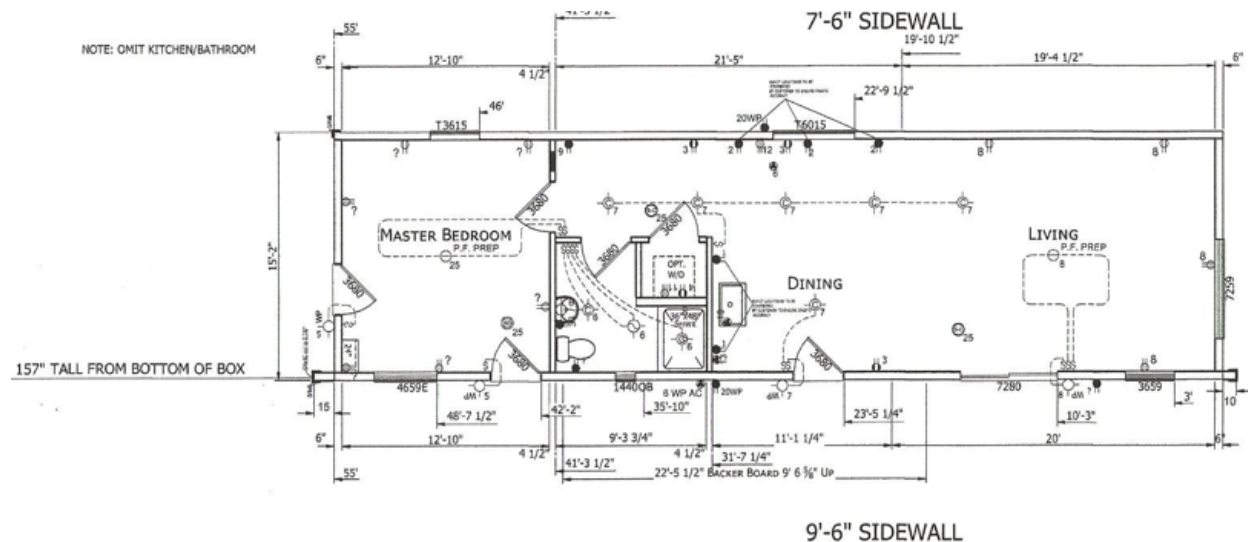
In reviewing the architecture of the home, it is noted that the design does not comply with the eave requirement of the residential supplemental development standards, which requirement is that, "Eaves

shall extend at least twelve inches (12") from the building." A roof modification to add eaves to the three sides that are missing would add a reasonable level of architectural variety. Other options could include decorative metal awnings or variations in siding texture, color or materials. Some examples of these concepts are shown below.



In addition, the Board has historically used landscaping as a method to promote compatibility when the architecture was somewhat lacking. The applicants have greatly improved the landscaping and general maintenance of the property since they purchased it, and clearly have the skills to add landscaping in such a manner that will result in a pleasant ADU setting.

8. *Bedrooms: An ADU may not contain more than two (2) bedrooms/sleeping areas.*
Comment: Met. Only one bedroom is proposed.



9. *Parking: An ADU must have a minimum of one off-street parking space, when located outside of the downtown parking district. The required parking space shall*

meet the standards of Chapter 16, "Off Street Parking", of this title. Any required existing parking may not be displaced by the ADU, unless such parking is replaced elsewhere on the lot.

Comment: Met. There are at least four spaces in the immediate vicinity of the existing house and proposed ADU.

10. Owner Occupancy: Within the RR, and R-1 zoning districts, the owner of the property must utilize the primary dwelling unit or ADU as their primary residence; the dwellings shall not both be occupied unless this is the case.

Comment: Not applicable.

11. Short-Term Rental: An ADU may be utilized as a short-term rental when located in an R-2, R-2MH, R-3, or R-4 zoning district, provided applicable short-term rental requirements are met, which includes an owner-occupancy requirement in the R-2 and R-2MH zones.

Comment: Noted. Short term rental is not proposed at this time.

12. Utilities: Both the primary dwelling and the ADU must be connected to public sewer and public water, and be served with a functional fire hydrant meeting applicable requirements for distance to the dwellings. Both dwelling units are to be serviced from a single water meter and a single electric meter.

Comment: The utility plan complies with this requirement. A hydrant is within the required distance, just across Central Avenue.

13. Home Occupations: Any home occupation within an ADU shall be limited to the small-scale home occupation standards.

Comment: Noted.

14. Addressing: The ADU will be assigned an individual address, which must be posted as required by code.

Comment: Noted. The address will be issued with the building permit.

CONDITIONAL USE 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?

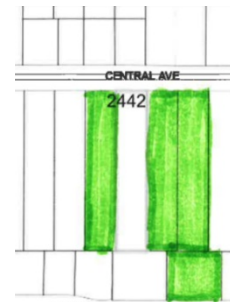
Comment: The site is large enough to accommodate the ADU, and the ADU proposal meets all dimensional standards and applicable development regulations except the eave requirement noted above. The unit will need to be modified to provide eaves.

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 density is well within the allowable amount. The proposed use is residential, which is what the neighboring properties are zoned.

Neighbor comment is often an indicator of compatibility, and also serves to identify specific issues that may need mitigated.

Twelve neighboring property owners were notified of the proposal. As of the time of the staff report, four have submitted written responses of "no objection". The map indicates the location of the responses, with green indicating no objection.



Comments at the public hearing will also need to be considered.

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: Only standard residential activities 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: Yes. All standard utilities and public facilities that are otherwise found in the neighborhood are available.

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.

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 low-density residential area. Even with the added unit, the situation is well within the definition of low-density due to the relatively large lot size.

Some guidance is provided in Principle 3.2.b, Design of New Development:
"Encourage infill and redevelopment that matches the desired future character of a neighborhood by matching size and scale where possible."

Principle 5.2.c notes that ADUs are one of many potential options for providing an adequate supply of housing.

Other Information (Not directly relevant to consideration of the conditional use permit):

Existing Garage:

The existing garage will be completely removed, so that the ADU can be brought into the property.

Future setbacks:

The property has the potential of being divided utilizing the residential infill subdivision standards. There is no plan to immediately do so. However, those standards would require a minimum 17-foot-wide access easement along the east side of the property (for up to 3 lots/dwellings). To meet the 5-foot setback requirement from the 17-foot-wide access easement, the ADU would need to be located 22 feet from the east property line. That is a couple of feet further west than originally anticipated, but easily accommodated. The applicants are voluntarily planning to place the ADU accordingly.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve, deny, or approve with conditions.

RECOMMENDATION:

(Note: Comments from the public hearing also need to be considered.)

It is recommended that the Planning and Zoning Board find that the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of the applicable standards (ADU supplemental development standards and conditional use permit standards) are met; and,

Approve the modular ADU, subject to the following:

- 1) Provide architectural enhancement(s) as determined by discussion between the applicants and the Board. (Add roof eaves? And/or other enhancements?)
- 2) A building permit for the ADU must be obtained within 2 years or the authorization shall automatically expire.

Note: If the project is approved, a Conditional Use Permit document will be prepared and will need to be recorded at the County Clerk's Office. The permit is to be recorded when the building permit is issued.