

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY NOVEMBER 30, 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 November 9, 2021 meeting.
5. Approval of Minutes from the November 30, 2021 regular meeting.
6. Tabled item: Final Plat for the Best Choice subdivision, a 5-lot subdivision of property located at 3004 Kent Avenue and 308 Robert Street.
7. New Business:
 - A. Minor Architectural Review- Wells Fargo Roof, 1401 Sheridan Avenue.
 - B. Public Hearing for a rezone of lots 1-7 and lots 10-16 of Bakken Subdivision from R-3 Residential to R-2 Residential.
 - C. Rezone lots 1-7 and lots 10-16 of Bakken Subdivision from R-3 Residential to R-2 Residential.
 - D. Public Hearing for a rezone to 235 West Cooper Lane from R-3 Residential to D-1 Limited Business.
 - E. Rezone 235 West Cooper Lane from R-3 Residential to D-1 Limited Business.
 - F. Preliminary and Final Plat of the Blessing 2nd Addition a replat of the original 3-lot Blessing Addition Subdivision and which incorporates two other metes and bounds parcels into the new plat.
8. P & Z Board Matters (announcements, comments, etc.)
9. Council Update
10. Staff Items: Potential Subdivision (Sierra Vista) on 29th Street
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 November 9, 2021

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the City Hall Council Chambers on Tuesday, November 9, 2021 at 12:01 pm.

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

Absent: Rodney Laib, Richard Jones

Carson Rowley called the meeting to order at 12:02 pm, followed by the pledge of allegiance.

Carson Rowley made a motion, seconded by Sandi Fisher, to approve the agenda the October 12, 2021 meeting. Vote on the motion was unanimous, motion passed.

Scott Richard made a motion, seconded by Sandi Fisher, to approve the minutes from the October 26, 2021 meeting. Vote on the motion was unanimous, motion passed.

Todd Stowell discussed standards for a potential subdivision on 29th Street. The owner has been discussing with staff the potential of subdividing the 1.88-acre lot into seven single-family lots. The width of the entrance to the subdivision, cul-de-sac, and sidewalks curb and gutters were reviewed. Easements would be needed to meet the street standards. The Board expressed their preference that the street be wide enough to allow on-street parking.

Staff reviewed the final plat for the Best Choice Subdivision, a 5-lot property located 3004 Kent Avenue and 308 Robert Street. The pending items noted will need to be completed before the final plat is signed by the mayor.

The owner of the subdivision asked for clarification on condition number one. It states "That we hereby agree that the owner so the lots within this subdivision shall participate proportionally in any future City project to improve Robert Street and Kent Avenue to City Standards, including installation of curb, gutter and sidewalk." Rick Hordichok questioned the eight-foot minimum pathway. He would like to discuss the pathway with his contractor and business partner. He agreed to table this item until the next meeting.

Karintha Herweyer made a motion, seconded by Cayde O'Brien to table the Final Plat of the Best Choice Subdivision until the meeting on November 30th, 2021. Voting in favor of the motion were Karintha Herweyer, Cayde O'Brien, Sande Fisher, Cardon Rowley. Scott Richard was opposed to the motion. With the majority voting in favor, motion passed.

Staff items: Permanent LED exterior lighting at Moss Orthodontics located at 613 Yellowstone Avenue. Staff explained the sign code illumination rules regarding exposed bulbs, and flashing lights used in a sign manner. Decorative lights and holiday lights are generally exempt from sign code. The Board was okay with the LED lighting, provided it was operated in a considerate manner—no rapid flashing.

Todd Stowell reminded Board members that the next meeting will be November 30th, 2021.

Scott Richard made a motion, seconded by Sandi Fisher, to adjourn the meeting. Vote on the motion was unanimous, motion passed. Meeting was adjourned at 1:24 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	NOVEMBER 9, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	FINAL PLAT FOR THE BEST CHOICE MINOR SUBDIVISION—A 5-LOT SUBDIVISION. SUB 2021-04	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

Update for Nov. 30, 2021 meeting:

At the November 9, 2021 meeting, there was discussion regarding the pathway/sidewalk situation, and the review was tabled without resolution. The applicant has since determined that he desires the option laid out in the original staff report—to have the note on the plat about future participation of the lot owners in an improvement district, rather than installing the pathway/sidewalk at this time. The original staff report follows, with no changes.

PROJECT OVERVIEW

Rick Hordichok of Best Choice, Inc. has submitted the final plat application for the 5-lot subdivision located southeast of the Robert Street and Kent Avenue intersection. The property currently consists of 0.91 acres in two lots, and is located in a residential R-3 zoning district. An updated preliminary plat showing the utility plan is attached, as well as the final plat.

SUBDIVISION REGULATIONS

The subdivision ordinance requirements were reviewed with the preliminary plat approval. The City Council granted the following 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.



The Council approved the preliminary plat subject to the 15 conditions recommended by the Planning and Zoning Board. The status of each condition is noted below. There are two main changes to the proposal since the preliminary plat was reviewed, relating to irrigation and the pathway, which will be discussed below.

Preliminary Plat Conditions:

1. 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.

Status: The above requirement was imposed through the authority for frontage improvements relating to installation of sidewalk. Public Works has since looked more closely at the conditions along the full length of Robert Street and has determined that the contemplated pathway would be more appropriately located on the west (other) side of Robert Street. As the pathway is no longer planned along this property frontage, it would appear appropriate to waive the requirement. In such cases when a waiver is granted, the subdivision ordinance specifies, "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."

2. Remove the access easement from the east side of Lot 2.

Status: Done.

3. If Lot 3 is to accommodate the proposed house, modify its east boundary as noted in the staff report to meet setback requirements.

Status: Done.

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.)

Status: Done. (Only one foot more than the minimum is provided.)

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.)

Status: Modified as coordinated with City staff. Rather than Lots 4 and 5 sharing a common access, Lots 3 and 4 will share a common access. The final plat lacks the label or note requested. It will be listed as a condition of final plat approval.

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.

Status: Due to the change noted in #5, the access easement on Lot 5 is not needed. Instead, an access easement of the proper dimensions is provided for the shared access to Lots 3 and 4.

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.
Status: An updated utility plan was provided July 22nd. It has since been further updated/clarified, as noted on the attached preliminary plat.
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.
Status: The plans for the water main have been approved by Public Works and DEQ. Installation is yet to be completed, and must occur before the final plat is recorded.
9. Change/modify the subdivision name so that it does not duplicate the name of any other subdivision in Park County.
Status: Met (no longer Cedar View).
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.
Status: The applicant plans to transfer the water rights to another property in the Cody Canal irrigation district. Some of the initial paperwork needs to be completed for that process before the final plat can be recorded (see condition of approval). It is noted that the subdivision ordinance specifies the water is to be transferred to the City. Due to the small amount of water involved, and the low likelihood of this property ever being served with City raw water, transfer of the water rights to a third party in the district is a reasonable request.
11. Verify that the existing well does not serve any neighboring properties.
Status: The owner states that he has verified it does not serve any neighboring properties.
12. All unused accesses to the City streets shall be removed.
Status: The timing for this was not specified. It is understood that any unused access will be removed as the associated lot is developed, which will likely be after the final plat is recorded.
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.
Status: Met. The surveyor has reviewed the legal descriptions and determined that the pipeline does not affect this property.
14. All work within the street right-of-way requires a street encroachment permit from Public Works, prior to excavation or construction.
Status: The encroachment permit application has been submitted and it is now pending.

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.
Status: Pending.

Other:

1. Applicable water tap fees, sewer connections fees, and the estimate for the electrical materials have been paid.
2. The preliminary plat process did not clearly address the timing of removing the utility lines that currently cross intervening lots (sewer line to Lot 2, power and cable lines to Lot 4, gas line to Lot 2). The plan is to remove those lines before the final plat is recorded, so that associated easements do not need to be established for them.
3. TCT has commented, "We can follow proposed electrical. Is Mr. Hordichok going to pay for labor for us to move existing fiber underground? We have distribution fiber and service drops which will need moved."
4. If phone or cable are in the same situation as TCT, further coordination with those utilities is needed.

POTENTIAL MOTION:

Recommend to City Council the approval of the Best Choice Minor Subdivision final plat, with a waiver of sidewalk/pathway installation requirement and a variance to allow the surface water rights to be transferred to a third party in the Cody Canal Irrigation District, subject to the conditions listed below.

1. Add the following language, or similar language approved by staff, to the Certificate of Owner on the final plat: "That we hereby agree that the owners of the lots within this subdivision shall participate proportionally in any future City project to improve Robert Street and Kent Avenue to City standards, including installation of curb, gutter and sidewalk, and that this language shall be contained in each and all conveyances of record."
2. Add the following note to the final plat: "Unless otherwise approved by the Public Works director, vehicle access for Lots 1 and 2 is limited to the access easement off of Kent Avenue, and vehicle access for Lots 3 and 4 is limited to their common access easement. The access easement for Lots 3 and 4 is to be utilized in a manner that no backing onto Robert Street occurs." The parking for Lots 3 and 4 will be verified before the occupancy permit is issued for the house on Lot 3.
3. Prior to the mayor signing the plat:
 - a. Provide verification of an agreement between the subdivider and a Wyoming licensed engineer or Wyoming licensed land surveyor to provide and submit all

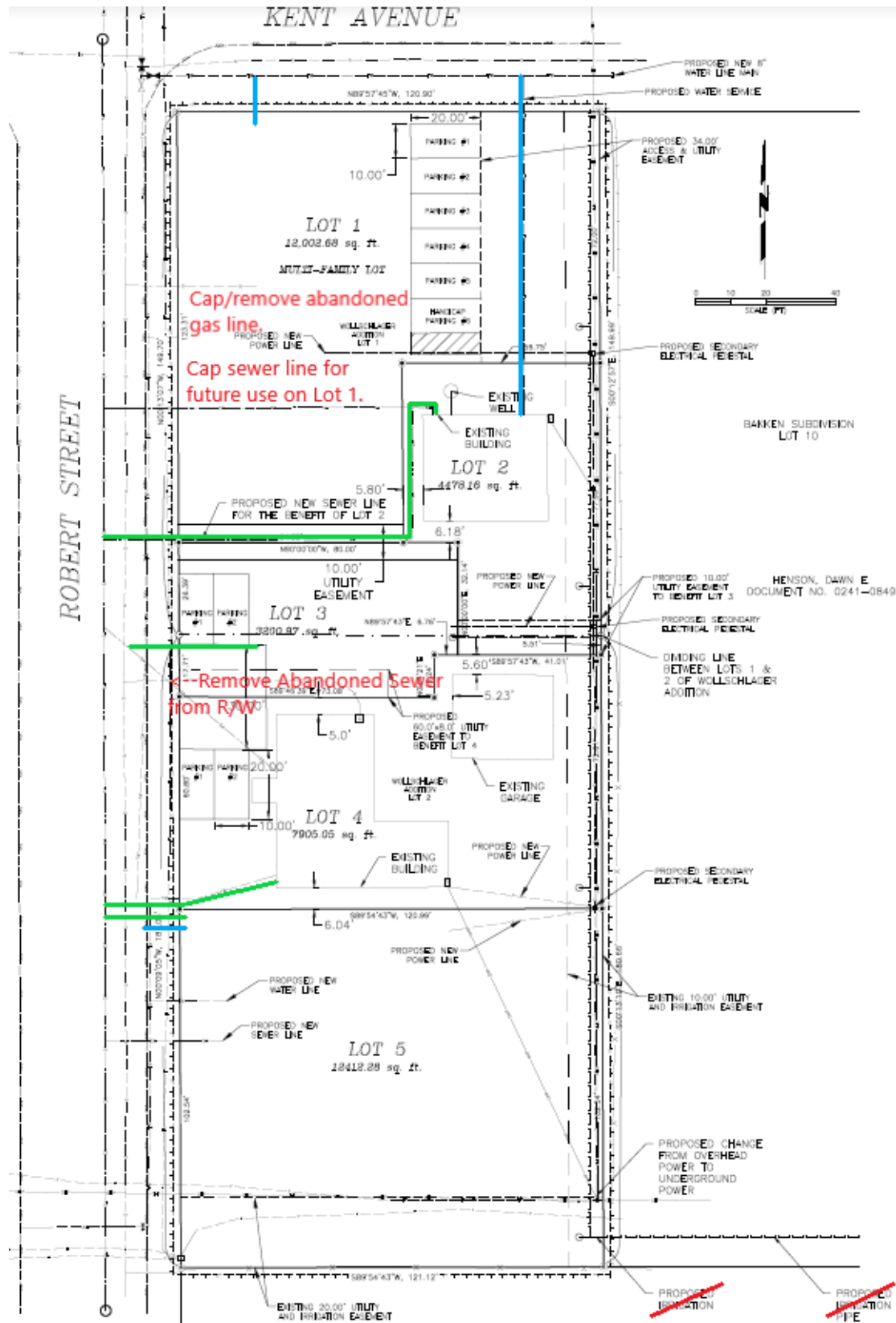
documentation as required by the state engineer's office to transfer the surface water rights to a third party within the Cody Canal district within one year from the date of final plat approval.

- b. Provide documentation that the transfer of surface water rights to a third party is agreeable to the Cody Canal irrigation district. (Formal approval of the actual transfer is not needed before final plat approval.)
- c. The water main in Kent Avenue, the new water service to Lot 2, the new sewer service to Lot 2, and the new electrical services to Lots 2 and 4 must be completed. (Other utility connections technically can occur after the final plat is recorded, but prior to occupancy of the lot served.)
- d. Provide verification from Black Hills energy that all unused/abandoned gas services have been capped at the main.
- e. Provide verification from TCT, Charter, and CenturyLink that a plan has been developed and is fully agreeable to both parties for relocation of any of their lines.
- f. Verify that the existing well is no longer providing domestic service to any property. (It is recommended that the well be fully abandoned—plugged with bentonite.)
- g. Provide the cost of the water main extension to the City (for purposes of tracking contributed capital).
- h. Correct the typos on the final plat. Coordinate with the city planner. (Fix plat name in certificate, dimension west side of Lot 2, and use plat not ROS language in Surveyor's certificate.)

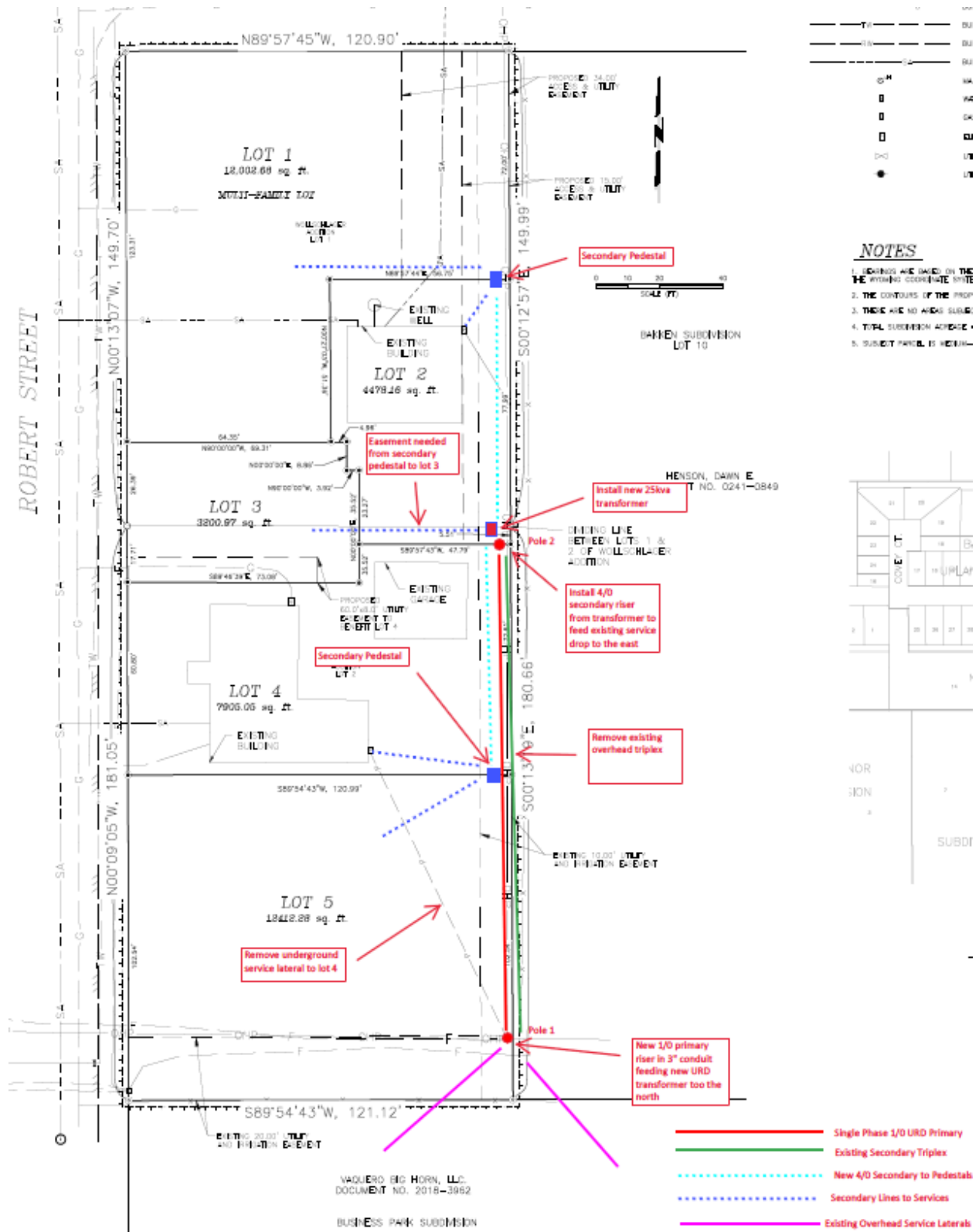
ATTACHMENTS:

Updated Preliminary Plat/Utility Plan
Final Plat

NEW SEWER (GREEN) AND WATER (BLUE) SERVICES:



ELECTRICAL LAYOUT:



A horizontal scale bar with tick marks at 0, 200, 400, and 800. The text "SCALE (FT)" is centered below the bar.

FOUND 3.5" DIA. BRASS CAP

FOUND 2" DIA. ALUMINUM CAP, OTHERWISE NOTED

SET 2" DIA. ALUMINUM CAP ON 5/8" DIA. STEEL BAR.

_____ PROPOSED SUBDIVISION LOT LINES.

_____ PROPOSED BOUNDARY

_____ EASEMENTS CREATED BY THIS PLAT

_____ EXISTING EASEMENTS

_____, _____, _____ LOT 1 & LOT 2 WOLLSCHLAGER ADDITION DIVIDING LINE

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 = 39,999.14 SQ. FT. OR 0.918 ACRES
5. SUBJECT PARCEL IS MEDIUM-HIGH DENSITY RESIDENTIAL (R3)
6. OIL PIPELINE WITHIN TITLE REPORT DOES NOT EFFECT THIS PROPERTY.

STATE OF WYOMING }
COUNTY OF PARK } SS.

RICHARD C. HORDICHOK - CHAIRMAN
BEST CHOICE, INC.
A WYOMING CORPORATION

STATE OF WYOMING }
COUNTY OF PARK } ss.

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY RICHARD C. HORDICHOK,
THIS _____ DAY OF _____, 2021, WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

I, CODY A. SCHATZ, OF ENGINEERING ASSOCIATES IN CODY, WYOMING, HEREBY CERTIFY THAT THIS MAP WAS MADE FROM A SURVEY PERFORMED UNDER MY DIRECTION IN NOVEMBER, 2020; THAT THIS MAP IS MADE TO ACCOMPANY A 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.

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

CHAIRMAN

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

MAYOR - MATT HALL

ATTEST: CINDY BAKER
ADMINISTRATIVE SERVICES OFFICER

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.

BEING A FURTHER SUBDIVISION OF

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



NSH JOB NO. 20300.29 BOOK NO. 588 OCTOBER 25, 2021

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

P:\2020\20300.00 - Misc. Surveys North \20300.11 Hiltz BLA - Cody\acad\20300.11_Base+Final Plot 11/16/20

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	NOVEMBER 30, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	DOWNTOWN ARCHITECTURAL REVIEW: WELLS FARGO BANK. SPR 2021-30	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Tundra General Contractors has submitted an application on behalf of Wells Fargo Bank to replace the existing wood shingle roof with a metal standing seam roof. The bank is located at 1401 Sheridan Avenue and is within the downtown architectural district. The metal roof would have 14" wide panels with standing seams. The proposed color is "dark bronze".

2" Mechanical Lock

Details & Spec's

Rib Height: 2"

Panel Width: 12", 14", 16", 18"

Gage Options: 24ga

Length: 3' - 100'+

Minimum Pitch: 1:12

Spanning Capabilities: 50'

THE 2" MECHANICAL LOCK



REVIEW CRITERIA:

Pursuant to 10-10B-4 of the City of Cody Code, all structures within the zoning district are to be architecturally compatible and architectural 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 style of metal roofing proposed is of the highest architectural standards, and the bronze color is a classic. The bronze color is similar to the natural weathered color of the existing wood shingles. It is anticipated to match well with the existing architectural components and color of the building.

Staff has no concerns with the plan.

Signage and lighting:

No new signage or lighting is identified.

ALTERNATIVES:

Approve or deny the proposal, with or without changes.

RECOMMENDATION:

Approve the project as proposed.

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	NOVEMBER 30, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	REQUEST TO REZONE LOTS 1-7 AND LOTS 10-16 OF THE BAKKEN SUBDIVISION FROM R-3 RESIDENTIAL TO R-2 RESIDENTIAL. FILE: ZON 2021-01	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Ronald Strong of 3105 Kent Avenue, has submitted a rezone application, accompanied by petitions of support from property owners representing 9 of the 16 lots within the proposed rezone area. The request is to change the zoning from Medium-High Density Residential (R-3) to Medium-Low Density Residential (R-2). This would constitute a downzoning of the neighborhood (less potential density). Presently, all lots in the rezone area are each at least 0.9 acres in size, with one lot being 3.8 acres.

Existing Zoning:



With the exception of two vacant lots towards the southwest portion of the area, each lot is developed with a single home.

Neighboring Properties:

<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONING</i>
North	Trailhead development—Single-family and duplexes.	R-2
East	Mobile Home Park	Mobile Home Park
South	Freemont Motors, Cody Enterprise, Haskells Furniture, Vacant lots	Light Industrial/Open Business (D-3)
West	Mix of single-family and tri-plex development	R-3

Zoning:

The following is a general comparison between the R-3 and R-2 zoning standards. For a full comparison see Title 10 of the City of Cody Code.

	R-3 Zoning Standards	R-2 Zoning Standards
Minimum Net Lot Area	3,200 sq. ft. for detached, semi-detached, and attached single-family dwellings only. <i>(For multi-unit dwellings see next row.)</i>	5,500 sq. ft. for single-family dwelling; 10,000 sq. ft. for duplex
Developable acreage per Dwelling	4,000 sq. ft. for multi-unit dwellings, including those in condominium ownership; also, for dwellings in residential subdivisions with yards in common area	N/A
Minimum Lot Width	30' for interior lot, 40' corner lot	50'
Maximum lot depth to width ratio	5:1	3.5:1
Minimum frontage on street/access easement	30'	45' (30' on cul-de-sac)
Maximum building height	2 stories and 30' above grade	2 stories and 30' above grade
Minimum size of dwelling in gross floor area, excluding garage	720 sq. ft.	864 sq. ft.
Maximum building coverage	65%	50%
Short Term Rental	Permitted	Permitted if property is owner-occupied.

Manufactured Homes	Generally permitted	Not Permitted
Site Built or Modular Homes	Permitted	Permitted
Duplexes	Permitted	Permitted
Triplexes, 4-plexes, or townhouses (up to 4)	Permitted	Not Permitted
Multiple primary dwellings permitted	Yes	No (must subdivide)

PROCEDURE:

The following section is found in the City of Cody code.

10-5-1: CITY COUNCIL AUTHORITY: The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing.

The public hearing has been advertised to occur with the Planning and Zoning Board, based on the thought that the Board needs public input in order to make a fully informed recommendation. Notice of the public hearing was published in the *Cody Enterprise* on November 11, 2021 and sent by certified mail to neighbors within 140 feet (plus R/W) on November 5, 2021.

REVIEW CRITERIA:

Rezoning is a legislative action, subject to the full discretion of the governing body. The Cody zoning ordinance does not have specific criteria outlined for granting or denying rezoning requests. For the purpose of providing guidance, staff will refer to the following general standards for zoning that are found in Wyoming state law, Section 15-1-601(d). Please note that the standards are in the context of initially adopting an overall zoning plan for a community, yet they can provide guidance for reviewing site specific proposals as well.

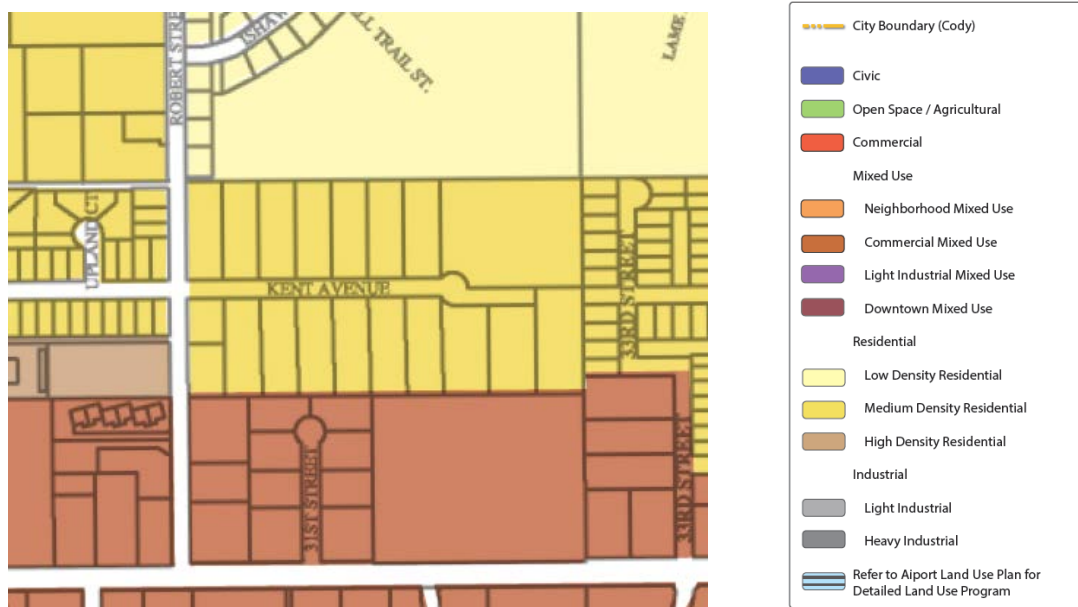
(d) All regulations shall be made:

(i) In accordance with a comprehensive plan and designed to:

Staff Comment: The current comprehensive plan was adopted by the City in March of 2014. Per the master plan "*The Future Land Use Map...will be the guide for future zoning and development within the City.*" The portion of the Future Land Use Map for this area is included below, which shows the neighborhood as "Medium Density Residential", which generally corresponds to the current R-3 zoning.

However, the Master Plan specifically states that, "*the boundaries between land use designation are not rigid and can accommodate reasonable rezoning requests that may encroach across boundaries depicted on the map.*" Also, "*These categories should be*

considered as guidelines, with flexibility provided in the specific district regulations, such than an appropriate mixing of uses and density may occur to provide variety, opportunities for transitional densities, efficient land use patterns, and other desirable situations that will result in an attractive, efficient, and well-organized community."



(A) Lessen congestion in the streets;

Staff Comment: The zoning would result in a decrease of potential density, and therefore potential traffic. However, both Kent Avenue and Robert Street appear to have sufficient capacity for development under the present R-3 zoning.

(B) Secure safety from fire, panic and other dangers;

Staff Comment: Regardless of the zoning, any new construction or use would need to comply with applicable development codes, which codes are intended to ensure that adequate protections occur so as to secure safety from fire, panic, or other physical dangers.

(C) Promote health and general welfare;

Staff Comment: In staff's view, either the R-2 or R-3 zones would not conflict with general provisions of promoting health and welfare in the neighborhood. There has been no evidence to suggest otherwise.

(D) Provide adequate light and air;

Staff Comment: This standard is typically related to providing sufficient open space and setbacks. (The language originally developed to address tenement housing conditions of the early 1900's.) Current building codes and zoning setbacks/buffers are intended to meet this requirement.

(E) Prevent the overcrowding of land:

Staff Comment: What constitutes "overcrowding" is subject to personal interpretation. Based on comments submitted, the neighborhood is clearly wanting to maintain the rural density that has existed. That being said, from an efficiency standpoint, a density of one dwelling per acre represents the underutilization of land within the City. Cody continues to suffer from a housing shortage, and excessive limitations on density, whether through zoning or private covenants, have the effect of either precluding some of that housing, or causing it to occur in greenbelt areas that necessitate a complete set of additional infrastructure, as opposed to utilizing streets and utilities that are already in existence within the City and have capacity.

That being said, it is not anticipated that any of the properties, other than the two vacant lots, would be developed at the density contemplated by the R-3 zone anytime in the near future, due to the placement of the existing houses and shops that already exist. R-2 zoning could still achieve a level of infill appropriate to the neighborhood, likely in the range of two to four new dwellings on each existing lot.

(F) Avoid undue concentration of population:

Staff Comment: See "E" above.

(G) Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.

Staff Comment: The neighborhood has all standard utilities except domestic water and raw water. Domestic water is readily available for extension and there has already been talk of forming an improvement district to extend domestic water through the neighborhood. Raw water is not available.

School capacity is not a concern (overall enrollment is historically flat or dwindling). A park is 1/4 to 1/3 mile away at the north end of the Trailhead subdivision, although direct pedestrian access through this subdivision is lacking. A rezone from R-3 to R-2 would not have a significant effect on the facilities noted.

(ii) With reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses:

Staff Comment: Perhaps the most convincing argument for the rezone is the elimination of potential multi-family dwellings. While one tri-plex exists and another is contemplated at the west end of Kent Avenue, at the Robert Street intersection, those are appropriately located at the periphery of the neighborhood. If multi-family dwellings were located in the middle of this neighborhood, it would have an effect on its character.

(iii) With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town; and

Staff Comment: No additional comments.

(iv) With consideration given to the historic integrity of certain neighborhoods or districts and a view to preserving, rehabilitating and maintaining historic properties and encouraging compatible uses within the neighborhoods or districts, but no regulation made to carry out the purposes of this paragraph is valid to the extent it constitutes an unconstitutional taking without compensation.

Staff Comment: The properties themselves do not contain historic structures.

OTHER:

Significant Changes:

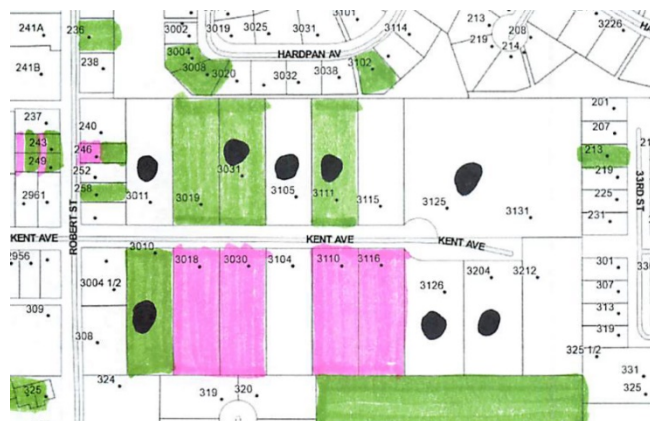
When reviewing rezones, it is beneficial to consider whether there has been a change in circumstances since the property was designated with its current zone. The area was originally developed in the County. When it was annexed in 1985, it was zoned Residential B, a multi-family zone that allowed all forms of residential development at a density of up to one unit per 2,250 square feet of lot. It remained that way until March 2017 when a city-wide residential zoning update occurred and it was placed in the R-3 zone, in response to neighbor input about the concern of apartment complexes. The current application seems to indicate that the City didn't go far enough to appease the overall neighborhood.

Proximity to Like Zoning:

The subject properties are next to R-2 zoning to the north, east, and a portion of the west boundary. The proposed configuration does not have the appearance of a spot zone.

Public Hearing:

Please note that this staff report was prepared without the benefit of the information that will be provided at the public hearing. All public comments need to be considered. As of the time of the staff report, the following map represents responses. The black dot means the lot owner signed a statement supporting the rezone application. Highlighting means they submitted a written comment in response to the notice. Green represents "no objection" and pink "objection". If the lot has both colors, the response was opposing the rezone, yet the comments were clearly in favor of reduced density. Copies of all responses are attached.



ATTACHMENTS:

Public comments.

ALTERNATIVES:

Recommend approval, partial approval, or denial of the rezone application to the city council.

RECOMMENDATION:

The Planning and Zoning Board will need to provide a recommendation to the City Council.

Based on the pattern of responses thus far, and subject to any additional information that is submitted, staff is thinking that Lots 10 through 15 should be excluded from the rezone, as shown on the following map. The reasons are various, but center around relatively short-term plans of those lot owners doing some form of development that may necessitate R-3 zoning. The two vacant lots are contemplated for development, in the form of detached single-family dwellings or common wall units (duplexes split by lot lines), at a density of around twelve dwelling units. The contemplated lot sizes need the R-3 zoning.



While some in the neighborhood would like to preclude that subdivision, the property owner would be able to develop the property under the current R-3 zoning by submitting a complete subdivision application before any rezone to R-2 were effective, which effective date would not be before mid-January at the earliest. Provided the property owner continued with that subdivision application, it could be completed regardless of the zoning. The property owner has that application mostly prepared and would be able to submit it if needed to maintain his ability to develop as contemplated. However, simply leaving it as R-3 would avoid making the subsequent development non-conforming for no apparent purpose.

☒ I OBJECT to the Special Exemption request:

Name: Kathleen Casey

Address: 243 Robert St Cody WY 82414

Reason for Objection:

Kent - Robert - and Trail head subdivision
TO much Traffic already connecting

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please

Comments:

☒ I OBJECT to the Special Exemption request:

Name: ROBERT + LENDRA VARKONY

Address: 249 ROBERT ST. COOY. WY.

Reason for Objection: WE HAVE ENOUGH TRAFFIC. CITY NEEDS TO STICK TO THE ZONING LAWS.

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:

RV.

Comments:

☒ I OBJECT to the Special Exemption request:

Name: ANN WAY

Address: 246 ROBERT ST.

Reason for Objection:

I PREFER SINGLE-FAMILY DWELLINGS
INSTEAD OF MULTIPLE FAMILY DWELLINGS

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:

Comments:

☒ I OBJECT to the Special Exemption request:

Name: Todd Smyk

Address: 1229 14th Street (subject property = 3110 Kent ave)

Reason for Objection:

cody av, 82414

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:

tsmyk@yahoo.com

Notice to Owners of Neighboring Properties:

Please return your comments by Nov. 23, 2021 to:

Date: November 8, 2021

Cody City Planner

P.O. Box 2200

RE: **REQUEST FOR REZONING**

Cody, WY 82414

Or, send an email to: todds@cityofcody.com

THE CITY OF CODY HAS RECEIVED AN APPLICATION TO REZONE THE PROPERTY IDENTIFIED BELOW. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Ronald Strong

(Apparent signatures of support received from owners of the lots marked with a dot.)

Subject Property: Lot 1 through 7 and Lots 10 through 16 of the Bakken Subdivision. (Including subdivision of Lot 16.)

Description of Request: Rezone the subject property from Medium-High Density Residential (R-3) to Medium-Low Density Residential (R-2). To view the zoning and development standards for each zone see Title 10 of the City of Cody Code. <https://codelibrary.amlegal.com/codes/codywy/latest/overview>



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, November 30, 2021** at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave. Anyone is welcome to attend and comment at the public hearing. After the public hearing, the Board will make a recommendation for consideration by the City Council at a later date—likely at the Council's December 7, 2021 meeting at 7:00 pm.

Response Letter from Owners of Neighboring Properties either within, or within 140 feet of, the 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 proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☐ I have **NO OBJECTION** to the Special Exemption request.

Name

Address:

Comments:

☒ I **OBJECT** to the Special Exemption request:

Name:

Address:

Reason for Objection:

Katie Morales
3116 Kent Ave Cody WY
Attached

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:

Kmonfekt@gmail.com

I am opposed to rezoning. I bought this property with the intention of putting a vacation rental in the shop. It is part of my retirement plan and also supplemental income. I would not be able to do that if we get rezoned. I am a single mom with three kids and I am counting on this additional income.

Also, the letter that was sent out in favor of rezoning was extremely biased and only pointed out one side of what would change. It conveniently left out the things that we as a neighborhood would be giving up.

Please consider this in whether to rezone or not.

Thank You,
Haine Morales

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Date: November 8, 2021

Cody City Planner

P.O. Box 2200

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Dear Planning and Zoning Board Members:

I am familiar with the proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☐ I have NO OBJECTION to the Special Exemption request.

Name _____

Address:

Comments:

☒ I OBJECT to the Special Exemption request:

Name: WALTER W. and WALTER G. BRANTZ

Address: 6 Brantz Trail & 3 Brantz Trail, Cody WY 82414

Reason for Objection: SEE ATTACHED

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: bill.brantz@thrivent.com

11/17/2021

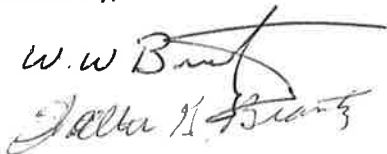
Our goal is to provide quality, affordable housing to an already tight real estate market in Cody.

Due to the fact, the property on Kent is an R-3, was one of the major considerations for our investment's years ago. If any of the concerned individuals wanted to discourage development of said property, they had the option of purchasing back then. Changing it to an R-2 makes everyone's property less valuable. It doesn't make sense to downgrade an R-3 to an R-2 next to commercial property. Additionally, it will begin to improve the infrastructure of the neighborhood.

Walter G. Brantz, who is 91 years old, expressed the following: "We just like our neighbors have paid taxes on an R-3 for years, and they have developed their properties with our neighborly influence or interference. It seems unfair that other people could prevent us from building on our property as they did earlier."

I will be out of the country from 11/19/21 through 12/5/2021. Because of that I would like to have the hearing remain open until January 2022. Andy Cowan will be attending the November 30th hearing in my stead. Any questions or comments should be directed to him.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. W. Brantz" followed by a stylized flourish.

Bill Brantz

6 Brantz Trail

Cody, WY 82414

(307)272-8731

☒ I have NO OBJECTION to the Special Exemption request.

Name Mr + Mrs Lloyd + Ruth Anderson

Address 213 33rd St.

Comments: see letter

Nov 12, 2021

I am familiar with the changes in zoning - we need to protect our Property Values.

his request, please

Zoning + planning put rules + regulations in place and then break them - I have lived in Cody 50 years and at my present location since 1991 -

I have seen how you allowed Banks - 4 B's Construction to go against zoning, by allowing a commercial building, above height regulations, to be built in a neighborhood (residential) and property values went down - Nothing done about the "Junk Yard" in City limits - a buffer zone (trees) were to be planted - Nothing has been done. Please protect what we have left of our neighborhood -

Sincerely:

Mr + Mrs Lloyd + Ruth Anderson

PS - Also concerned about this truck square as it is a customer as in front area -

Dear Planning and Zoning Board Members:

I am familiar with the proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name:

Address:

Comments:

☐

I OBJECT to the Special Exemption request.

Name:

Address:

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☒ I have NO OBJECTION to the Special Exemption request.

Name:

Address:

Comments:

☐

I OBJECT to the Special Exemption request.

Name:

Address:

Reason for Objection:

Response Letter from Owners of Neighboring Properties either within, or within 140 feet of, the Subject Property:
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Dear Planning and Zoning Board Members:

I am familiar with the proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name:

Address:

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:

aps@selsover63@gmail.com

I am familiar with the proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name: Darla Lotspeich
Address: 3004 Hardpan Ave

Comments:

☐ I OBJECT to the Special Exemption request.

(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 proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name: David and Alisha Mills
Address: 3111 Kent Ave

Comments: One of the reasons we bought this property was because of the lot size and quiet neighborhood. When we heard they were thinking of putting 10 homes on the empty lot on our street we thought about moving. We would prefer to keep our neighborhood as it is and would even support a change to

☐ I OBJECT to the Special Exemption request:

Name:

Address:

R1.

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

(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 proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name: DAWN E. DAY-HENSON
Address: 3010 KENT AVE., CODY, WY 82414

Comments:

☐ I OBJECT to the Special Exemption request:

Name:

Address:

Reason for Objection:

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please

provide your email address: E-mail address:

(Responses may be submitted in any written format. The following form is provided for your convenience.) indawn51@yahoo.com

Dear Planning and Zoning Board Members:

I am familiar with the proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name: Chris Dandson (Channade Consulting LLC)
Address: 315-321 Robert Street

Comments:

☐ I OBJECT to the Special Exemption request:

Name:

Address:

Reason for Objection:

Dear Planning and Zoning Board Members:

I am familiar with the proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name:

Address:

Comments:

Celeste & Chuck RADTKE

236 Robert Street, Cody, Wyo. 82414

☐ 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:

Dear Planning and Zoning Board Members:

I am familiar with the proposed rezone of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name:

Address:

Comments:

Laura Drewes
3031 Kent Ave.
I wish we could change it to R1. Somack New development in this area. We've lost all rural area we thought we'd bought 30 years ago.

☐ 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:

DLLD@BRESNAN.NET

Notice to Owners of Neighboring Properties:

Please return your comments by Nov. 23, 2021 to:

Date: November 8, 2021

Cody City Planner

P.O. Box 2200

RE: REQUEST FOR REZONING

Cody, WY 82414

Or, send an email to zodds@cityofcody.com

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Dear Planning and Zoning Board Members:

I am familiar with the proposed rezoning of Lots 1-7 and Lots 10-16 of the Bakken Subdivision described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name

Address

Comments

5 STAR LLC PRINCIPAL
3127 BIG HORN AVE.

☐ 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:



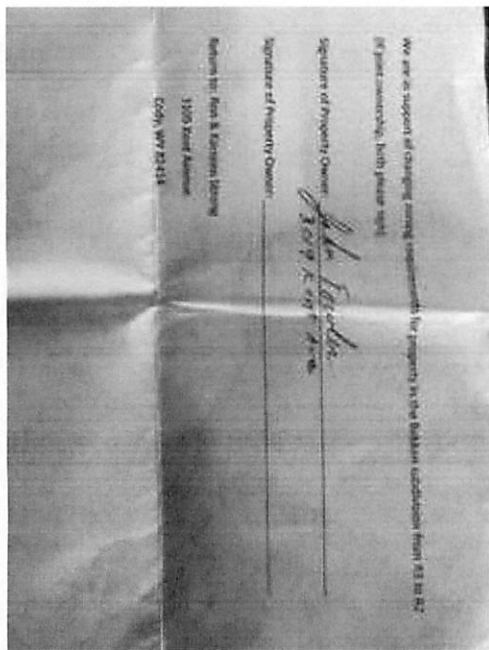
CITY OF CODY
WYOMING

Todd Stowell <todds@cityofcody.com>

Fwd: Cody Enterprise Advertising

Ron Strong <restrong@bresnan.net>
To: Todd Stowell <todds@cityofcody.com>

Fri, Nov 19, 2021 at 10:55 AM



Todd,
I just found this in my mailbox. Let me know if you need the original copy. Please add it to the zone request approval file.
Thanks,
Ron
Sent from my iPad

On Nov 8, 2021, at 10:13 AM, Todd Stowell <todds@cityofcody.com> wrote:

[Quoted text hidden]

All City of Cody electronic correspondence and associated file attachments are public records and may be subject to certain disclosure in the event of a public records request.

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	NOVEMBER 30, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	REQUEST TO REZONE 235 WEST COOPER LANE FROM R-3 RESIDENTIAL TO LIMITED BUSINESS (D-1). FILE: ZON 2021-02	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Martin Brothers, LLC, represented by Robert Martin, has submitted an application to rezone 235 West Cooper Lane from Medium-High Density Residential (R-3) to Limited Business (D-1). The rezone is necessary to accomplish the owner's desired project to build a mini-storage facility on the property. As part of that project, an existing barn and garage would be removed, while the residence would remain.

The subject property is approximately 2.4 acres in size and located on the west side of West Cooper Lane.



Existing Zoning:



Neighboring Properties:

<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONING</i>
North	Single-family development.	Planned Unit Development/ R-2
East	Single-family development.	R-2 Residential and County zoning of R-H (1/2 acre residential)
South and Southeast	Vacant.	Light Industrial/Open Business (D-3) to south. County zoning of Commercial to SE.
West	Single-family development and open space/drainage swale.	Planned Unit Development/ R-2

Existing Zoning vs. Proposed Zoning

The existing R-3 residential zoning of the property allows many forms of residential development, with the exception of multi-family buildings containing more than four dwelling units (apartments). Density is limited to one dwelling per 4,000 square feet of lot area in a multi-family situation, or a minimum lot size of 3,200 square feet for single-family detached or attached dwellings. The property could theoretically accommodate approximately 26 dwelling units with the current R-3 zoning, although due to the lot dimensions, about 18-20 dwelling units is more realistic.

The proposed Limited Business (D-1) zoning is the least intense of the four commercial zoning districts, yet it allows more residential density than any of the residential zones. In effect, residential density is not limited in the D-1 zone, other than by the need to provide access and parking and to comply with individual building size as follows: Maximum 5,000 square feet on any one story and no more than 10,000 square feet total (no limit on number of stories).

The D-1 zone also allows professional offices, storage facilities, and most retail businesses that are not auto-oriented (no auto repair, no drive-thrus, no restaurants, no hotels, no public entertainment venues, etc.). For a complete list of uses permitted in the D-1 zone see City of Cody Code 10-10A-2. The D-1 zone limits hours of operation of business activities to between 6:00 a.m. and 10:00 p.m.

Like the other commercial zones, development on D-1 zoned land requires a 6-foot-tall privacy fence and 15-foot-wide landscape buffer on the D-1 property where it abuts residential zoning. The requirement would be applicable to the north and west sides of the subject property. The buffer can accomplish much in promoting compatibility between differing uses. There is no such requirement in the residential zones.

As noted initially, the applicant plans to develop the property as a storage facility. However, if the rezone is granted, any form of development that met the D-1 standards could be developed.

PROCEDURE:

The following section is found in the City of Cody code.

10-5-1: CITY COUNCIL AUTHORITY: The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing.

The public hearing has been advertised to occur with the Planning and Zoning Board, based on the thought that the Board needs public input in order to make a fully informed recommendation. Notice of the public hearing was published in the *Cody Enterprise* on November 11, 2021 and sent by mail to neighbors within 140 feet (plus R/W) on November 8, 2021.

REVIEW CRITERIA:

Rezoning is a legislative action, subject to the full discretion of the governing body. The Cody zoning ordinance does not have specific criteria outlined for granting or denying rezoning requests. For the purpose of providing guidance, staff will refer to the following general standards for zoning that are found in Wyoming state law, Section 15-1-601(d). Please note that the standards are in the context of initially adopting an overall zoning plan for a community, yet they can provide guidance for reviewing site specific proposals as well.

(d) All regulations shall be made:

(i) In accordance with a comprehensive plan and designed to:

Staff Comment: The City adopted a new comprehensive plan in March of 2014. Per the master plan "*The Future Land Use Map...will be the guide for future zoning and development within the City.*" The portion of the Future Land Use Map for this area is shown on the following page, which shows the property as low-density residential. The undeveloped property to the south is shown as light industrial.

The Master Plan specifically states that, "*the boundaries between land use designation are not rigid and can accommodate reasonable rezoning requests that may encroach across boundaries depicted on the map.*" In effect the requested rezoning to commercial is an extension of that light industrial/commercial area, but stepped down in intensity to the least intense of the commercial zones. Stepping down the intensity of the commercial zoning before it reaches residential zoning is preferred when possible.



(A) Lessen congestion in the streets;

Staff Comment: West Cooper Lane is major collector street and still has capacity to carry additional traffic.

(B) Secure safety from fire, panic and other dangers;

Staff Comment: Any new construction or use would need to comply with applicable development codes, which codes are intended to ensure that adequate protections occur so as to secure safety from fire, panic, or other physical dangers.

(C) Promote health and general welfare;

Staff Comment: Any effect on the general health and welfare is difficult to determine, especially since it can have more to do with how a use is operated than the use itself. Furthermore, there is no guarantee of what the future use of the property will be. The D-1 zone is intended to be generally compatible with neighboring residential uses, and the City's site plan review process is intended to ensure mitigation of significant negative effects of any specific development proposal. Depending how a site is designed can do a lot to help or hurt compatibility.

(D) Provide adequate light and air;

Staff Comment: This standard is typically related to providing sufficient open space and setbacks for residential development. Current building codes and zoning setbacks/buffers are intended to meet this requirement. If the rezone to D-1 is granted, a 15-foot landscape buffer and a 6-foot-tall solid fence would be required along the north and west boundaries of any development of the site.

(E) Prevent the overcrowding of land;

Staff Comment: What constitutes "overcrowding" is subject to personal interpretation. While D-1 zoning would allow high-density residential development, that

is apparently not the applicant's intent. If the property is developed with mini-storage, there would likely be only the one existing residence, and all storage buildings would be single-story. That scenario does not appear to be clearly constitute overcrowding.

(F) Avoid undue concentration of population;

Staff Comment: See "E" above.

(G) Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.

Staff Comment: The property has access to all standard utilities and other public facilities necessary for development, regardless of the zone.

(ii) With reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses;

Staff Comment: It is necessary to consider what other uses would have a potential to be conducted on the property under the D-1 zoning district. As mentioned previously, D-1 zoning permits all forms of residential and permits retail uses such as hardware stores, grocery stores, bakeries, and clothing stores. However, it does not permit the more intense retail uses like drive-thrus, restaurants, hotels, auto repair, banks, public entertainment venues, and vehicle sales lots. While the intent of the D-1 zone is to permit services normally accessory to a residential area with only moderate interference to the neighborhood, staff is concerned that the standard D-1 requirements are inadequate to ensure compatibility with the surrounding residential development when it comes to the retail type uses, and perhaps full-scale multi-family development.

(iii) With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town; and

Staff Comment: This determination needs the input of the public hearing. One of the most affected property owners claims that selling his residential lots will be more difficult if this property is developed commercially. If true, that would likely ultimately mean a direct impact to the value of those properties and houses.

Perhaps the most compelling argument for the neighbors opposed to the rezone is that the historical residential zoning of the property has given them reasonable assurance that commercial development would not extend into the neighborhood. When traveling north on West Cooper Lane, the south boundary of the property has the feeling of the neighborhood boundary. Moving that boundary has never been their expectation. One of the primary purposes of zoning is to provide some predictability to neighboring landowners of how properties will develop, and this proposal upsets that predictability.

Another point likely in their favor is the answer to the question of "what is the most appropriate use of the land from a community-need perspective?" Is it mini-storage (or other commercial D-1 activity) or additional residential dwellings? The perception of the City planner, is that the low availability of quality residential land and its lack of development for housing is the primary limitation on growth of the community. Admittedly, D-1 zoning would allow more residential density than the

existing R-3 zoning, but we know that is not the owner's intent. (And increased residential density could be accomplished by a rezone to R-4.) The point that there are 97 acres of vacant commercial land immediately to the south (20 acres on the west side of Cooper Lane and 77 acres on the east side), lessens the argument that the City needs additional commercial land. Conversely, while in the year and a half since the below photo was taken, there are at least seven new homes in that area. At present rates, all lots in Trailhead will have been sold by the developer within about the next two years.



(iv) With consideration given to the historic integrity of certain neighborhoods or districts and a view to preserving, rehabilitating and maintaining historic properties and encouraging compatible uses within the neighborhoods or districts, but no regulation made to carry out the purposes of this paragraph is valid to the extent it constitutes an unconstitutional taking without compensation.

Staff Comment: The property itself may have some historic components (Cooper family homestead?), but the existing farm buildings are in a state of disrepair. There are no restrictions on removal of the current buildings.

OTHER:

Significant Changes:

When reviewing rezones, it is beneficial to consider whether there has been a change in circumstances since the property was designated with its current zone. It appears that the property has been zoned residential since it was annexed into the city in 1985.

While the City has seen significant changes, the immediate area has only seen residential development. The commercial lands to the south remain undeveloped.

Proximity to Like Zoning:

The subject property abuts commercial zoning to the south. While the commercial zoning is of a different variety, the D-1 zone has historically been used as a separation between more intensive commercial zones and residential zoning, without respect to the size of the individual D-1 zone. As such, a rezone to D-1 would not constitute a 'spot zone', which is to be avoided. Examples of using the D-1 in this manner are shown here:



Public Hearing:

Please note that this staff report was prepared without the benefit of the information that will be provided at the public hearing. All public comments need to be considered.

The map here represents comments received thus far, with green indicating "no objection" and pink indicating "objection". All comments are attached.



ATTACHMENTS:

Neighbor comments.

ALTERNATIVES:

Recommend approval or denial of the requested rezone to the City Council.

RECOMMENDATION:

The Planning and Zoning Board will need to provide a recommendation to the City Council. The City Planner is not making a staff recommendation at this time, as there is a high likelihood that additional information could still be presented to influence the decision.

Notice to Owners of Neighboring Properties:

Please return your comments by Nov. 23, 2021 to:

Date: November 8, 2021

Cody City Planner

P.O. Box 2200

Cody, WY 82414

Or, send an email to: todds@cityofcody.com

RE: **REQUEST FOR REZONING**

THE CITY OF CODY HAS RECEIVED AN APPLICATION TO REZONE THE PROPERTY IDENTIFIED BELOW. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Martin Brothers, LLC

Subject Property: 235 West Cooper Lane. Property is described in the deed recorded as document 2021-7581, records of Park County, WY.

Description of Request: Rezone the subject property from Medium-High Density Residential (R-3) to Limited Business (D-1). To view the zoning and development standards for the D-1 Zone see Title 10 of the City of Cody Code.

<https://codebook.amlegal.com/codes/codywy/latest/overview>
(The property owner contemplates development of a mini-storage facility on the property.)



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, November 30, 2021 at 12:00 p.m.** in the City Hall Council Chambers, at 1338 Rumsey Ave. Anyone is welcome to attend and comment at the public hearing. After the public hearing, the Board will make a recommendation for consideration by the City Council at a later date—likely at the Council's December 7, 2021 meeting at 7:00 pm.

Response Letter from Owners of Neighboring Properties either within, or within 140 feet of, the 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 proposed rezone of 235 West Cooper Lane to Limited Business (D-1).

☐ I have **NO OBJECTION** to the rezone request.

Name _____

Address: _____

Comments: _____

☒ I **OBJECT** to the rezone request:

Name: Jesse & Katy Brittain

Address: 3539 Cooper Ln

Reason for Objection: Please see attached letter

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: _____

To Whom it May Concern,

We are writing to object to the rezone request by Martin Brothers, LLC at 235 West Cooper Lane. We own multiple properties adjacent to this property on Twin Creek Trail and Hardpan Ave and we live farther down Cooper Lane.

Most of my reasons for objecting to this request have to do with the effects a commercial property could have on a residential neighborhood. We are afraid that a commercial property could add to the traffic in this area as well as create more noise and potential debris. We also have concerns about it affecting the property value. This would adversely affect the people who own houses in the neighborhood as well as those of us contractors who own land in the area. It will be very difficult to sell a house that borders a storage unit facility. We also think it could affect the value of properties farther down Cooper Lane.

We have spoken with our clients who are in the process of purchasing 3344 Hardpan Ave. They are very against the idea of a storage unit being built directly behind their new house. We also own the lot directly north of the property and worry about the ability to sell a house there.

We feel like there are many empty commercial properties in Cody that would be a better fit for a storage unit. There are very few residential properties available in city limits and with the increasing number of people moving in lots are becoming almost impossible to find.

We feel that there are more negatives than positives to the request and the rezone would place a commercial property right in the center of completely residential neighborhoods.

Sincerely,

Jesse and Katy Brittain
Brittain's Remodel and Custom Homes
3539 Cooper Ln
Cody, WY 82414
307-899-5196

Notice to Owners of Neighboring Properties:

Please return your comments by Nov. 23, 2021 to:

Date: November 8, 2021

Cody City Planner

P.O. Box 2200

Cody, WY 82414

Or, send an email to: todds@cityofcody.com

THE CITY OF CODY HAS RECEIVED AN APPLICATION TO REZONE THE PROPERTY IDENTIFIED BELOW. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Martin Brothers, LLC

Subject Property: 235 West Cooper Lane. Property is described in the deed recorded as document 2021-7581, records of Park County, WY.

Description of Request: Rezone the subject property from Medium-High Density Residential (R-3) to Limited Business (D-1). To view the zoning and development standards for the D-1 Zone see Title 10 of the City of Cody Code.

<https://codelibrary.amlegal.com/codes/codywy/latest/overview>
(The property owner contemplates development of a mini-storage facility on the property.)



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, November 30, 2021 at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave. Anyone is welcome to attend and comment at the public hearing. After the public hearing, the Board will make a recommendation for consideration by the City Council at a later date—likely at the Council's December 7, 2021 meeting at 7:00 pm.

Response Letter from Owners of Neighboring Properties either within, or within 140 feet of, the 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 proposed rezone of 235 West Cooper Lane to Limited Business (D-1).

☐ I have NO OBJECTION to the rezone request.

Name _____

Address: _____

Comments: _____

☒ I OBJECT to the rezone request: -strongly against-

Name: Cory and Shildon Krebes

Address: 3502 Maple Leaf Ave

Reason for Objection: We do not want the extra traffic, people, etc that would come along with it. We believe it would instantly lower our property value.

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: skrebes3@gmail.com

Notice to Owners of Neighboring Properties:

Date: November 8, 2021

RE: **REQUEST FOR REZONING**

Please return your comments by Nov. 23, 2021 to:

Cody City Planner

P.O. Box 2200

Cody, WY 82414

Or, send an email to: todds@cityofcody.com

THE CITY OF CODY HAS RECEIVED AN APPLICATION TO REZONE THE PROPERTY IDENTIFIED BELOW. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Martin Brothers, LLC

Subject Property: 235 West Cooper Lane. Property is described in the deed recorded as document 2021-7581, records of Park County, WY.

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(The property owner contemplates development of a mini-storage facility on the property.)



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, November 30, 2021 at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave. Anyone is welcome to attend and comment at the public hearing. After the public hearing, the Board will make a recommendation for consideration by the City Council at a later date—likely at the Council's December 7, 2021 meeting at 7:00 pm.

Response Letter from Owners of Neighboring Properties either within, or within 140 feet of, the 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 proposed rezone of 235 West Cooper Lane to Limited Business (D-1).

☒ I have NO OBJECTION to the rezone request.

Name: Charles & Karen Winkle

Address: 227 Cooper Lane W

Comments: _____

☐ I OBJECT to the rezone 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:	NOVEMBER 30, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY AND FINAL PLAT OF THE BLESSING 2 ND ADDITION. SUB 2021-06	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

OVERVIEW

Engineering Associates, on behalf of Malcolm Blessing of Lazy DVM Enterprises and the Blessing Family Trust, Gregory Blessing of Blessing Enterprises, and Curt S. Dansie and Spencer Barton (Cody Overhead Door), has prepared a preliminary plat that is a replat of the original 3-lot Blessing Addition subdivision, and which incorporates two other metes-and-bounds parcels into the new plat. The resulting 5-lot subdivision does not create any additional lots. The platting process was determined, in consultation with the City, to be the cleanest way to address the proposal.



The proposal includes:

1. Vacation of unnecessary access and utility easements (cross hatched on attached plat map);
2. The adjustment of the east boundary of Lot 1 and a portion of Lot 2 to include a 2-foot-wide strip of land into what will now be Lots 101 and 102;
3. The adjustment of the property line between original lots 1 and 2, as depicted by a prior boundary line adjustment (M-190);
4. The incorporation of the two additional parcels noted as lots in the plat, so as to make available the access and utility easements now indicated; and,
5. Expand some of the access and utility easements, as needed.

STAFF COMMENTS:

The proposed plat has been reviewed by applicable City departments and 3rd party utility providers. All are in agreement with the components of the project, subject to a few conditions.

Specifically, in order to provide access to the power poles within the remaining utility easement along the common boundary of Lots 3 and 102, the electrical division is requiring that the easement along the north side of Lot 102 be graded smooth. This would involve leveling or removing the dirt that has been deposited from the cleaning of the irrigation canal along the north end of the property, so that a smooth drivable surface is provided. That lane, which is within the access and utility easement, would need to be kept clear to provide utility access to the poles noted.



The second requirement relates to drainage. The easement along the common boundary of Lot 3 and Lot 102 is also a drainage easement. Admittedly, it is not entirely clear what that drainage easement was intended to address—whether it was to accommodate a common drainage facility for the lots, serve as a route for drainage to be collected and taken to the canal, or something else. If it was intended to serve as a route to the canal, the topography for that does not work, and conceptually canals are not designed or intended to accept stormwater anyway. If it was intended to be a joint drainage facility, it was not improved as such, and since then Lot 102 has been developed with its own stormwater retention area (low area at north end of lot). However, Lot 3 never constructed their on-site drainage facility that was designed as part of an expansion project in 2002 (File SPR 2002-42). It involved a swale on the east side of Lot 3, which would have been at least partially within the drainage easement). That swale should be installed fully within Lot 3, so that stormwater does not flow onto Lot 102. The original design of the stormwater swale was as follows:

Detention area: 38' by 38'
Depth: 1.4 feet
Side slopes: 10:1
Total capacity: 1,011 cubic feet.

No further improvements are proposed to be required as part of the subdivision due to the fact that all lots were previously legally established, and all lots already have utilities available. It is noted that Lot 4 has some utility work to relocate a power line and phone/cable line, which relates to the mini-storage facility that was recently authorized for the lot. An easement is not noted for those existing lines, as they will be relocated. The easement for the new line is provided on the plat.

ALTERNATIVES:

Approve or deny the plat.

STAFF RECOMMENDATION:

Recommend that the City Council approve the preliminary and final plat of the Blessing 2nd Addition, subject to the following items.

1. Prior to the mayor signing the final plat:
 - a. Remove the "preliminary" items from the final plat.
 - b. Level the area along the north end of Lot 102, and south to the power poles, so as to provide a smooth drivable surface.
 - c. Provide the stormwater retention swale on Lot 3, as designed in the 2002 site plan review, or equivalent, within Lot 3.
 - d. Ensure that Lot 3 ownership is properly reflected in the signature block.
2. As soon as possible, and no more than 10 days following recording of the plat, file deeds for the property transfers associated with this plat. (The two pieces of the 2-foot-wide strip of land.)

ATTACHMENT:

Plat

PURPOSE STATEMENT

THE PURPOSE OF THIS PLAT OF BLESSING 2ND ADDITION IS AS FOLLOWS:

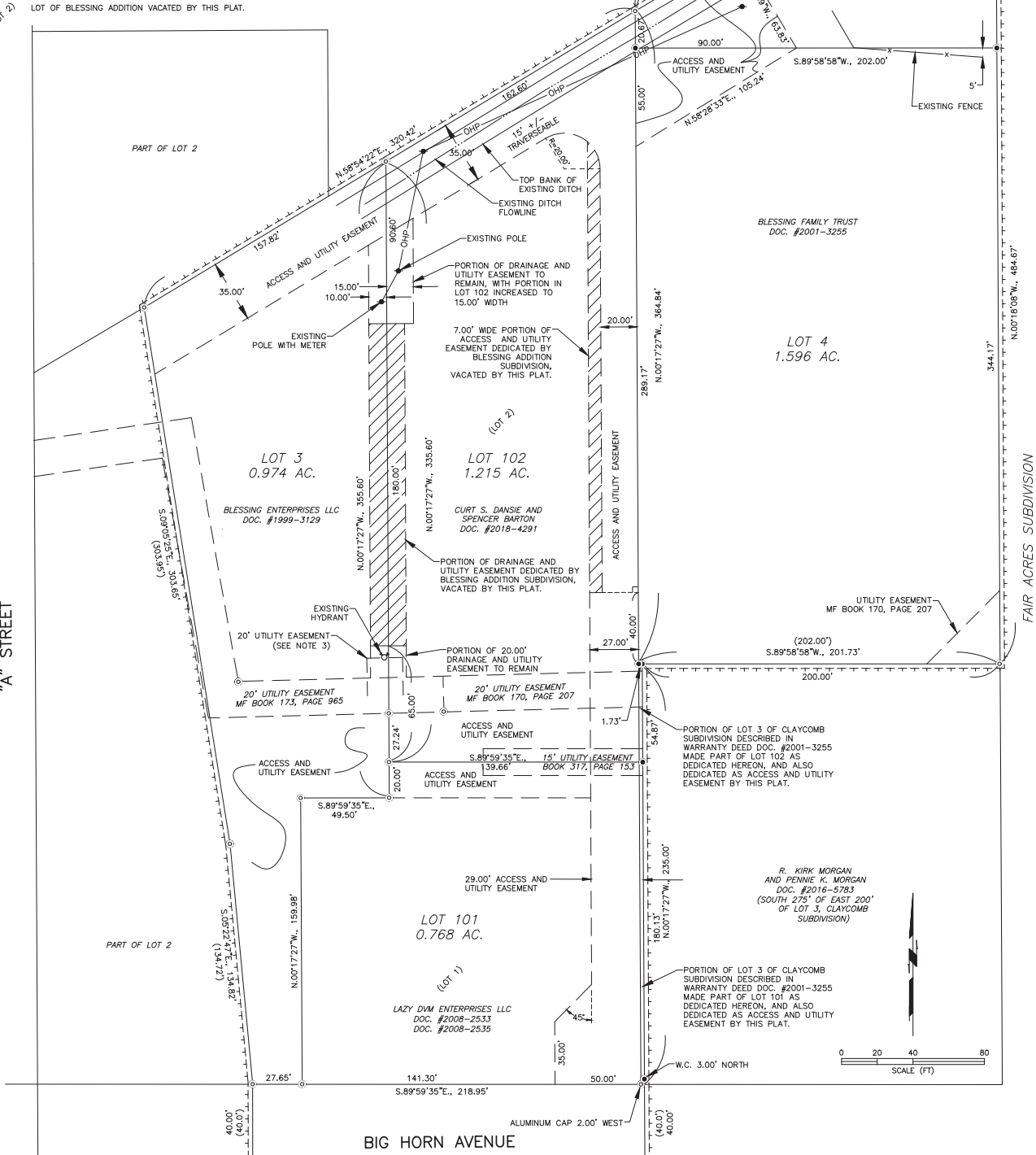
1. TO VACATE THOSE PORTIONS OF ACCESS AND UTILITY EASEMENTS DEDICATED BY THE BLESSING ADDITION SUBDIVISION, AS SHOWN HEREON, AND VACATE THAT INGRESS AND EGRESS FROM COURT DECREE RECORDED IN BOOK MF 71 AT PAGE 804.
2. TO AMEND THE LOT LINE BETWEEN LOT 1 AND LOT 2 AS REPRESENTED IN THAT RECORD OF SURVEY SHOWING BOUNDARY LINE ADJUSTMENT AS RECORDED IN PLAT CABINET M AT PAGE 190 IN THE OFFICE OF THE PARK COUNTY CLERK.
3. TO INCLUDE TWO ADDITIONAL ALREADY EXISTING PARCELS BEING PORTIONS OF LOT 3 OF CLAYCOMB SUBDIVISION THAT ARE TO BE BENEFITED BY THE ACCESS AND UTILITY EASEMENTS CONTAINED AND/OR DEDICATED HEREON.
4. TO INCLUDE THE 2 FOOT STRIP OF LAND EAST OF LOTS 1 AND 2 OF BLESSING ADDITION, AND INCORPORATE THEM INTO LOT 101 AND LOT 102 AS PLATTED HEREON (BOUNDARY LINE ADJUSTMENT).

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 BOUNDARY OF LOT 3 IS UNCHANGED FROM BLESSING ADDITION.
3. THE TOTAL AREA OF BLESSING 2ND ADDITION IS 4.927 ACRES.
4. THIS "20' UTILITY EASEMENT" IS FROM THE BLESSING ADDITION, IS NOT DIMENSIONED, AND IS VACATED BY THIS PLAT. THIS EASEMENT WAS INTENDED TO COVER AN EXISTING HYDRANT, WHICH IS COVERED BY THE REMAINING PORTION OF THE 20.00' DRAINAGE AND UTILITY EASEMENT.

LEGEND

- FOUND 2" DIA. ALUMINUM CAP, UNLESS OTHERWISE NOTED.
- SET 2" DIA. ALUMINUM CAP ON 5/8" DIA. STEEL REBAR.
- BOUNDARY OF BLESSING 2ND ADDITION.
- ▨ PORTIONS OF EASEMENTS TO BE VACATED BY THIS PLAT.



CERTIFICATE OF OWNERS

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 LOT 1 OF BLESSING ADDITION, AND THE SOUTHERLY 20.00 FEET OF LOT 2 OF THE BLESSING ADDITION, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE COUNTY CLERK OF PARK COUNTY, WYOMING, AS EVIDENCED BY THOSE WARRANTY DEEDS RECORDED AS DOCUMENT #2008-2533 AND DOCUMENT #2008-2535, SAID LANDS OWNED ALSO BEING REPRESENTED AS "LOT 1A" ON THAT RECORD OF SURVEY SHOWING BOUNDARY LINE ADJUSTMENT FILED IN PLAT CABINET "M" AT PAGE 190 IN THE OFFICE OF THE PARK COUNTY CLERK;
THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE BLESSING 2ND ADDITION 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 BIG HORN AVENUE AS IT CROSSES SAID BLESSING 2ND ADDITION IS HEREBY DEDICATED TO THE CITY OF CODY; THAT WE HEREBY VACATE THOSE EASEMENTS AND PORTIONS OF EASEMENTS AS SHOWN HEREON; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED FOR THE BENEFIT OF THE CITY OF CODY AND THOSE LOTS WITHIN BLESSING 2ND ADDITION; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

BY: _____
MALCOLM L. BLESSING
LAZY DVM ENTERPRISES LLC

STATE OF WYOMING } SS.
COUNTY OF PARK }

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY MALCOLM L. BLESSING, THIS _____ DAY
OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

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 LOT 2 OF BLESSING ADDITION, EXCEPT THE SOUTHERLY 20.00 FEET OF SAID LOT 2, NOW SHOWN AS LOT 2A ON RECORD OF SURVEY IN BOOK "M", PAGE 190, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2018-4291 IN THE OFFICE OF THE PARK COUNTY CLERK;
THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE BLESSING 2ND ADDITION 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 BIG HORN AVENUE AS IT CROSSES SAID BLESSING 2ND ADDITION IS HEREBY DEDICATED TO THE CITY OF CODY; THAT WE HEREBY VACATE THOSE EASEMENTS AND PORTIONS OF EASEMENTS AS SHOWN HEREON; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED FOR THE BENEFIT OF THE CITY OF CODY AND THOSE LOTS WITHIN BLESSING 2ND ADDITION; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

BY: _____
CURT S. DANSIE

BY: _____
SPENCER BARTON

STATE OF WYOMING } SS.
COUNTY OF PARK }

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY CURT S. DANSIE AND SPENCER BARTON, THIS _____ DAY
OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

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 LOT 3 OF BLESSING ADDITION, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #1999-3129 IN THE OFFICE OF THE PARK COUNTY CLERK;
THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE BLESSING 2ND ADDITION 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 BIG HORN AVENUE AS IT CROSSES SAID BLESSING 2ND ADDITION IS HEREBY DEDICATED TO THE CITY OF CODY; THAT WE HEREBY VACATE THOSE EASEMENTS AND PORTIONS OF EASEMENTS AS SHOWN HEREON; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED FOR THE BENEFIT OF THE CITY OF CODY AND THOSE LOTS WITHIN BLESSING 2ND ADDITION; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

BY: _____
GREGORY T. BLESSING
BLESSING ENTERPRISES LLC

STATE OF WYOMING } SS.
COUNTY OF PARK }

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY GREGORY T. BLESSING, THIS _____ DAY
OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

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 THOSE LANDS DESCRIBED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2001-3255 IN THE OFFICE OF THE PARK COUNTY CLERK AS LOT 3 OF CLAYCOMB SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN BOOK "D" OF PLATS AT PAGE 36, PARK COUNTY, WYOMING, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS:
a. TRACT CONVEYED BY MARIE F. CLAYCOMB, A SINGLE WOMAN, TO BOBBIE D. CLAYCOMB AND MARVIN E. CLAYCOMB BY WARRANTY DEED DATED 14 NOVEMBER, 1962, RECORDED 19 NOVEMBER, 1962, IN BOOK 273, AT PAGE 228 OF THE RECORDS OF PARK COUNTY, WYOMING, DESCRIBED AS FOLLOWS, TO-WIT:
THAT PART OF LOTS 2 AND 3, CLAYCOMB SUBDIVISION, PARK COUNTY, WYOMING, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 2; THENCE SOUTHERLY ALONG THE WEST BOUNDARY LINE OF SAID LOT 2 FOR A DISTANCE OF 323 FEET TO A POINT, THENCE NORTHEASTERLY TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE WESTERLY ALONG THE NORTHERLY BOUNDARY LINES OF SAID LOTS 3 AND 2 TO THE POINT OF BEGINNING.
b. TRACT CONVEYED BY W.E. CLAYCOMB ET UX TO COMMERCIAL MORTGAGE COMPANY, A TEXAS CORPORATION, BY WARRANTY DEED DATED JANUARY 28, 1961, RECORDED JANUARY 30, 1961, IN BOOK 254, AT PAGE 77 OF THE RECORDS OF PARK COUNTY, WYOMING, DESCRIBED AS FOLLOWS:
THE EAST 200 FEET OF THE SOUTH 211 FEET OF LOT 3, CLAYCOMB SUBDIVISION.
c. TRACT CONVEYED BY ERNESTA WILLIAMS BEAR, WILLIAM TED BEAR AND MARIE F. DELONG, FORMERLY KNOWN AS MARIE F. CLAYCOMB, TO N.L. SAMUELSON AND VIOLA Z. SAMUELSON BY DEED DATED DECEMBER 17, 1971 AND RECORDED IN BOOK 361, AT PAGE 549 OF THE RECORDS OF PARK COUNTY, WYOMING, DESCRIBED AS FOLLOWS, TO-WIT:
THE SOUTH 275 FEET OF THE EAST 200 FEET OF LOT 3, CLAYCOMB SUBDIVISION, PARK COUNTY, WYOMING, EXCEPT THE SOUTH 211 FEET THEREOF.

THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE BLESSING 2ND ADDITION 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 BIG HORN AVENUE AS IT CROSSES SAID BLESSING 2ND ADDITION IS HEREBY DEDICATED TO THE CITY OF CODY; THAT WE HEREBY VACATE THOSE EASEMENTS AND PORTIONS OF EASEMENTS AS SHOWN HEREON, AND FURTHER VACATE ALL PORTIONS OF THE INGRESS AND EGRESS ALONG THE EXISTING ROAD RUNNING NORTH AND SOUTH ALONG THE WESTERLY BOUNDARY OF LOT 3 OF CLAYCOMB SUBDIVISION THAT WAS GRANTED BY COURT DECREE FILED 10TH OF MAY, 1982 THAT LIE OUTSIDE OF THE EASEMENTS LAID OUT AND PLATTED HEREON; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED FOR THE BENEFIT OF THE CITY OF CODY AND THOSE LOTS WITHIN BLESSING 2ND ADDITION; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

BY: _____
MALCOLM L. BLESSING
TRUSTEE, BLESSING FAMILY TRUST, DATED MAY 25, 2001

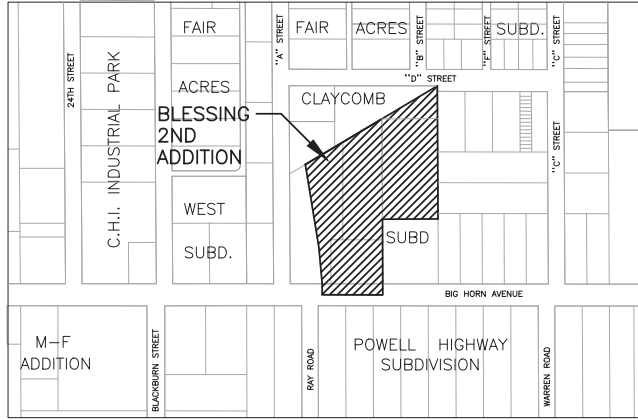
BY: _____
DEANNA O. BLESSING
TRUSTEE, BLESSING FAMILY TRUST, DATED MAY 25, 2001

STATE OF WYOMING } SS.
COUNTY OF PARK }

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY MALCOLM L. BLESSING AND DEANNA O. BLESSING, THIS _____ DAY
OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CITY OF CODY



VICINITY MAP

N.T.S.

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 OCTOBER 22, 2019 AND AUGUST 24, 2020; 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 _____, 20____, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____.

PARK COUNTY CLERK

BY: _____, DEPUTY.

PRELIMINARY PLAT OF BLESSING 2ND ADDITION

BEING A REPLAT OF BLESSING ADDITION SUBDIVISION AND PORTIONS OF LOT 3 OF CLAYCOMB SUBDIVISION AS DESCRIBED IN DOCUMENT #2001-3255 (INCLUDING A PARCEL PREVIOUSLY DESCRIBED IN MF BOOK 246 AT PAGE 525), IN THE OFFICE OF THE PARK COUNTY CLERK, CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: MALCOLM L. BLESSING
2627 BIG HORN AVE.
CODY, WY 82414

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



JOB NO. 21100.30
11/15/21