

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY APRIL 12, 2022
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 April 12, 2022 meeting.
5. Approval of Minutes from the March 29, 2022 regular meeting.
6. New Business:
 - A. Final Plat for the 2-lot Pederson Minor Subdivision, located at 225 Robert Street.
 - B. Zoning Ordinance Changes (draft)
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 March 29, 2022

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, March 29, 2022 at 12:00 pm.

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

Present: Carson Rowley; Cayde O'Brien; Karinthia Herweyer; Mathew Moss; Scott Richard; City Attorney Scott Kolpitzke; Ian Morrison, Council Liaison Andy Quick; City Planner Todd Stowell; Administrative Coordinator Bernie Butler

Absent: Andrew Murray

Cayde O'Brien moved to approve the agenda for March 29, 2022, seconded by Ian Morrison. Vote on the motion was unanimous, motion passed.

Ian Morrison moved to approve the minutes from the March 8, 2022 meeting, seconded by Matt Moss. Vote on the motion was unanimous, motion passed.

Sam and Syringa Hochhalter submitted a request for a fence-height-waiver to install a 6-foot-tall privacy fence in a portion of their front yard at 3502 Apache Road. The proposed fence is designed to provide some privacy for the yard area of an accessory dwelling unit (short-term rental) recently constructed by the owners. The fence would create an outdoor use area for the guest.

Staff reviewed the City's fence requirements. It limits the height of fences to three feet within the front yard setback area when the fence is less than 40% open. The front yard setback for this property is 20 feet in depth. The proposed fence along the street frontage is only 20 feet in length. One of the proposed side fences extends to the proposed front fence and the other would stop 8-feet from the property line. The fence is over 150 feet from the neighbor's house to the west and over 60 feet from the neighbor's house on the east side. The fence will be 20 feet off of the physical edge of Apache Road.

Ian Morrison made a motion seconded by Scott Richard to approve the proposed fence in the front yard of 3502 Apache Road per the site plan. Vote on the motion was unanimous, motion passed.

Board member Ian Morrison recused himself from the Dansie Minor Subdivision item on the agenda.

Todd Stowell reviewed the preliminary plat for the 3-lot Dansie Minor Subdivision located at 140 Robertson Street. The minor subdivision will divide a 116.6-acre parcel into three lots, consisting of two .46-acres lots and the balance. Lot 3 contains the owner's residence and farmland. Lot 3 will not need any additional improvements. The property is zoned Rural Residential.

Todd reviewed the subdivision regulations, along with the variances for the subdivision.

Mathew Moss made a motion, seconded by Scott Richard to recommend approval of the preliminary plat to City Council for the Dansie 3-lot minor subdivision with variances 1-5, and conditions 1-7 in the staff report. Vote on the motion was unanimous, motion passed.

Staff reviewed the preliminary plat for the West Avenue Duplexes Subdivision, an 8-lot subdivision. The property is zoned R-2 residential. Lot 1 is identified as a single-family lot, and the other seven lots are identified as duplex (two-family dwelling) lots. The conceptual plan of the subdivision was reviewed by the Board on December 14, 2021.

The City subdivisions regulations were reviewed, and staff comments and variances were discussed.

The Public Use Area requirement is applicable for this subdivision. The recommendation is to accept cash in lieu of the land. That amount will be \$11,577. Public Works Director Phillip Bowman talked about the storm drainage and the existing irrigation ditch that crosses the property. The ditch will be relocated to run along the west and north property lines, until the City raw water is installed on West Avenue in the next year or two. The ditch would be abandoned once the raw water is installed. The future street improvements for West Avenue will include widening the north side by 10 feet in front of the proposed subdivision, along with installing a side walk.

Several neighbors attended the meeting and were opposed to the subdivision as planned. The following neighbors addressed the Board with their concerns and impact on West Avenue: John Osgood (2630 Cowgill Road), Scott Schofield (2638 West Avenue, and Daniel Dallman (2626 West Avenue). The homeowners on West Avenue are concerned the new subdivision will ruin the character of the neighborhood.

Scott Richard made a motion, seconded by Ian Morrison to recommend to Council the approval of the preliminary plat for the West Avenue Duplexes Subdivision with variances 1-7, and conditions 1-10 in the staff report. Board members in favor motion were Scott Richard, Carson Rowley, and Ian Morrison. Members Karinthia Herweyer, Cayde O'Brien, and Mathew Moss voting against the motion. Motion failed without majority voting in favor.

The approval of the Preliminary Plat for the West Avenue Duplexes Subdivision will go to Council without a recommendation from the Planning and Zoning Board.

A Public Hearing opened at 1:43 pm for a request to reduce the amount of required parking by 50% at 1732 Sheridan Avenue. With there being no comments from the public the hearing was closed at 1:44 pm.

Todd Stowell reviewed the Special Exemption request for the required parking by 50% for the Cody Craft Brewing located at 1732 Sheridan Avenue. This would allow the seating at the Brewery to be 210. They are currently limited to seating for 117. This request would require the Brewery to provide one parking space per six seats (1:6 ratio) for the first 33 spaces, and one space per three seats thereafter.

Owner Brian Walker addressed the Board on the reasoning for the Special Exemption parking request. He stated that they do have a parking agreement with Farmers Insurance. The insurance building is still owned by Dave Balling. The Fire Marshall is fine with the increased occupancy.

Board Member Mathew Moss excused himself, as he had other appointments to attend.

Ian Morrison made a motion, seconded by Cayde O'Brien to approve the request to reduce the amount of required parking by 50% at 1732 Sheridan Avenue, with recommendations 1-4, and the Special Exemption with the parameters identified in the staff report. Vote on the motion was unanimous, motion passed.

Ian Morrison made a motion, seconded by Scott to adjourn the meeting. Vote on the motion was unanimous. Carson Rowley adjourned the meeting at 1:53 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	APRIL 12, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	FINAL PLAT FOR THE PEDERSON MINOR SUBDIVISION—A 2-LOT SUBDIVISION. SUB 2021-05	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Mikel and Retha Pederson have submitted the final plat application for their 2-lot subdivision at 225 Robert Street. The proposal will divide a 1.5-acre property into two lots. The property is located in the medium-high density residential (R-3) zoning district. The final plat drawing is attached.

SUBDIVISION REGULATIONS

The subdivision ordinance requirements were reviewed with the preliminary plat. The final plat is attached, as well as an "Improvement Plan" sheet showing the improvements for the pathway and irrigation pipeline.

Variances approved with the preliminary plat are as follows:

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.



Status of Preliminary Plat Conditions:

The recommended conditions of the preliminary plat were as follows. The status of each condition is noted.

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 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.

Status: The pathway is shown on the attached "Improvement Plan" for the subdivision. Public Works indicates that they may need additional design detail, which can be addressed through the street encroachment permit application to Public Works. A general note has been added to the final plat about the outstanding requirements (Note 2). Alternatively, the applicant could make payment to the City for the estimated cost of the pathway and the City would include its construction as part of a larger project.

Construction of the pathway will necessitate some grading outside of the right-of-way. To accommodate the slope of the pathway shoulder, a slope easement is needed, which is included as a condition of approval.

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.

Status: The water distribution plan is attached. It has been approved by Cody Canal. Construction is still needed and will need to be completed prior to a building permit being issued for Lot 16B or any additional dwelling on Lot 16A, whichever occurs first. A note about the requirement is on the final plat (Note 2).

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.

Status: The piping of the irrigation ditch is shown on the attached "Improvement Plan", and has been approved by Cody Canal. A 10" PVC pipe will be used, and pump access provided for both lots. Note 2 on the plat identifies that the subdivision has outstanding improvements, including the piping of the ditch.

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.

Status: Noted.

Other:

The final plat includes a 25-foot-wide access and utility easement across the north side of Lot 16B, so that an additional lot or two can be created west of Lot 16B at some time in the future. The label of the easement should also include "irrigation".

POTENTIAL MOTION:

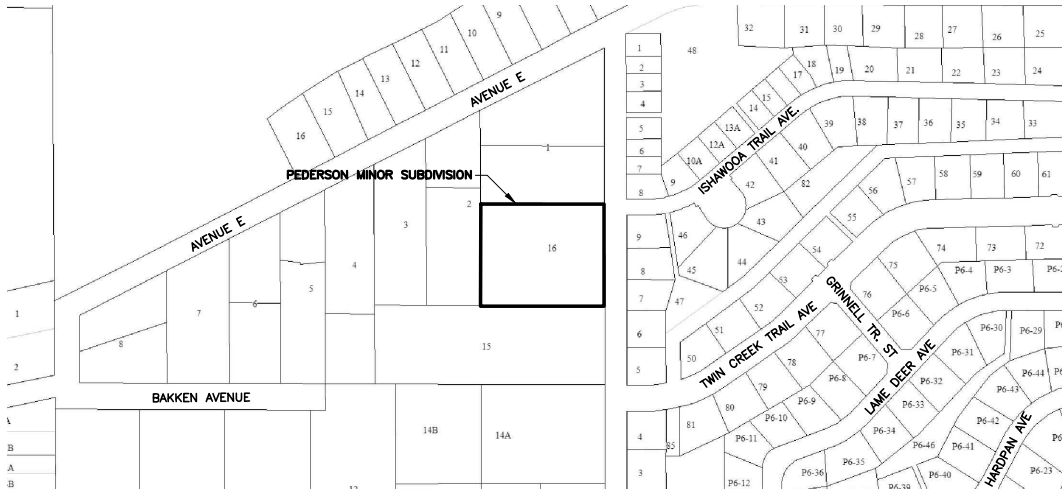
Recommend approval of the Pederson Minor Subdivision final plat, subject to the following conditions:

1. Installation of the pathway along Robert Street must occur prior to a building permit being issued for Lots 16B, or any additional dwelling on Lot 16A, whichever occurs first. Alternatively, the developer may make payment to the City for the estimated cost of the pathway and the City would include its construction as part of a larger project at the City's convenience.
2. Add a slope easement for the pathway shoulder by adding the following or similar language to the final plat, "Slope easement granted along the east side of Lots 16A and 16B as necessary to accommodate a 4:1 slope for the pathway shoulder."
3. The irrigation mainline must be installed per the approved plan prior to issuance of any building permits for new dwellings.
4. Add "irrigation" to the easement along the north side of Lot 16B.
5. The existing approach to Lot 16B is to be removed at the time Lot 16B is developed, as access for Lot 16B will be from the easement along its north side.
6. 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.
7. Development of Lot 16B will require a new electrical service from the pole near the southeast corner of the lot. Coordinate removal of the unused overhead power line and pole on the lot with the electric division.

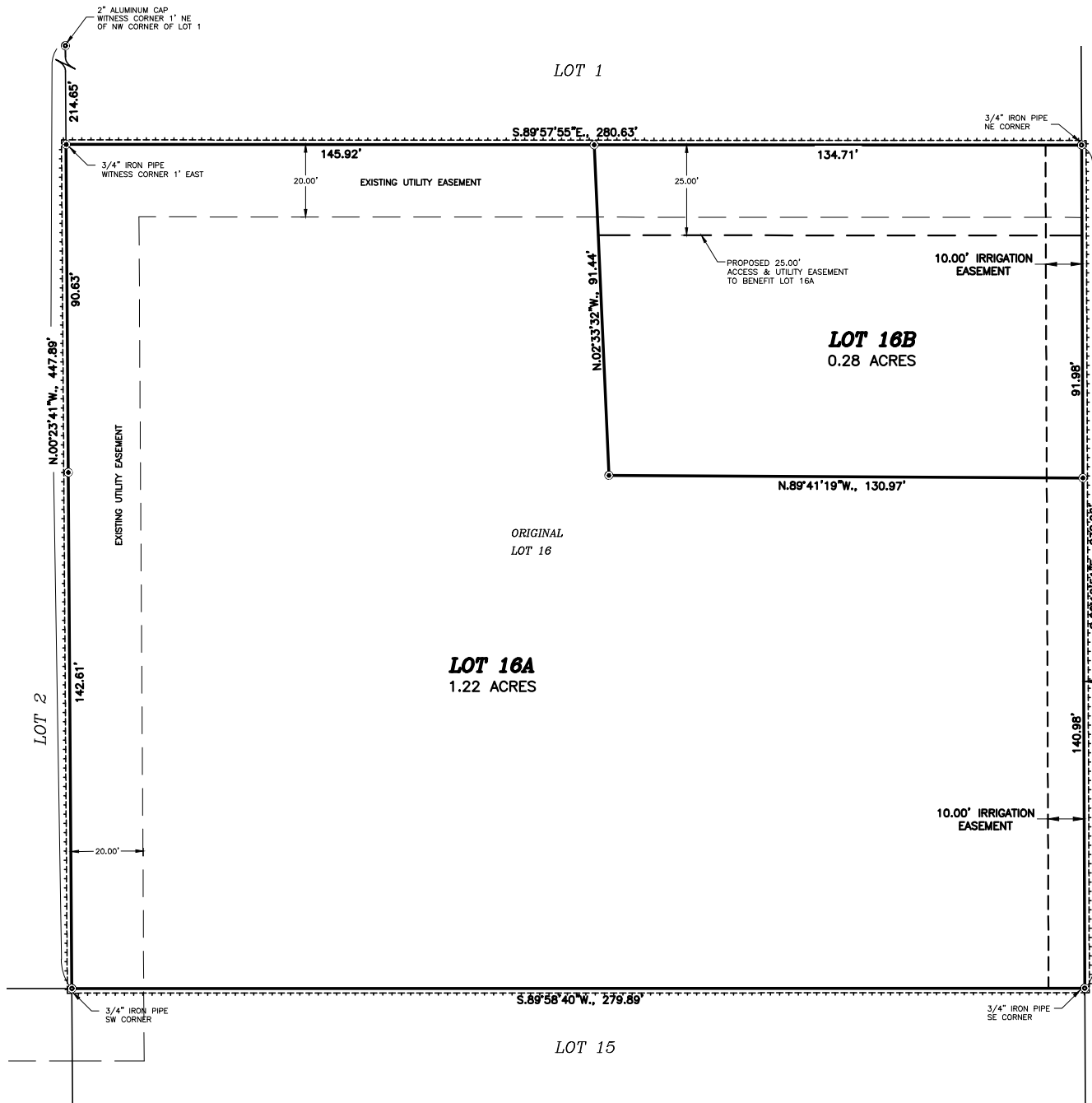
ATTACHMENTS:

Final Plat
Improvement Plan
Water Distribution Plan

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



VICINITY MAP



NOTES

- BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM 1983 WEST CENTRAL ZONE.
- OUTSTANDING SUBDIVISION IMPROVEMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR LOTS 16B AND 16C. CONTACT COMMUNITY DEVELOPMENT AT CITY HALL FOR INFORMATION.

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 OF BAKKEN SUBDIVISION NO. 2, CITY OF CODY, AS LOCATED IN BOOK "E" 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 #2011-7555 IN SAID CLERK AND RECORDER'S OFFICE; THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE PEDERSON 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.

BY: MIKEL L. PEDERSON

BY: RETHA E. PEDERSON

STATE OF WYOMING }
COUNTY OF PARK } SS.

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY MIKEL L. PEDERSON AND RETHA E. PEDERSON, THIS ____ DAY OF _____, 2022, WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

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 IN MARCH, 2021 AND MARCH, 2022 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 _____, 2022 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

CHAIRMAN

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2022 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 _____, 2022, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____

PARK COUNTY CLERK

BY: _____, DEPUTY.

- PLAT SHOWING -
PEDERSON MINOR SUBDIVISION

BEING A FURTHER SUBDIVISION
OF
LOT 16, BAKKEN SUBDIVISION NO. 2,
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

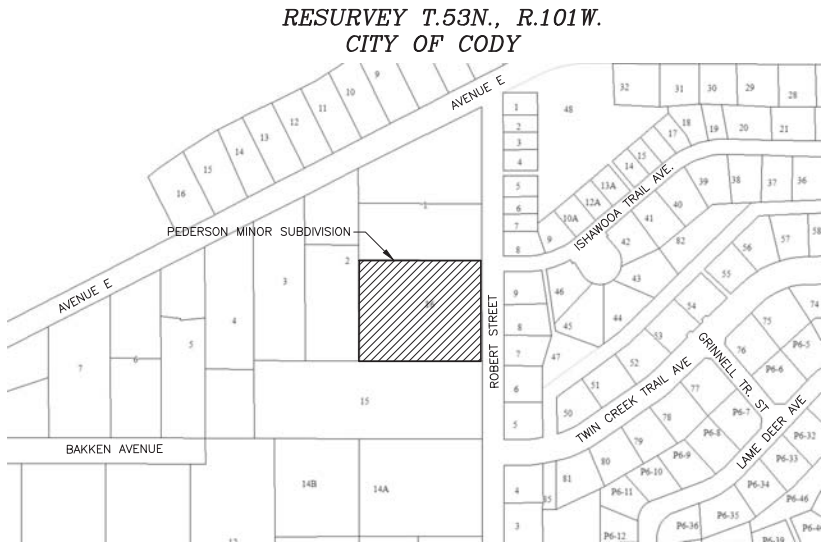
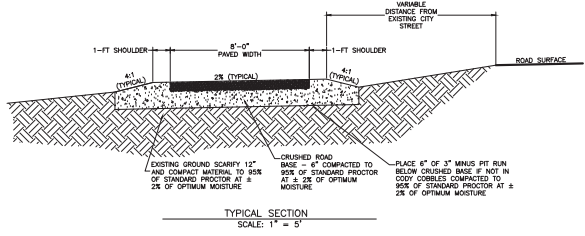


JOB NO. 21000.46
03/23/2022
BOOK NO. 411
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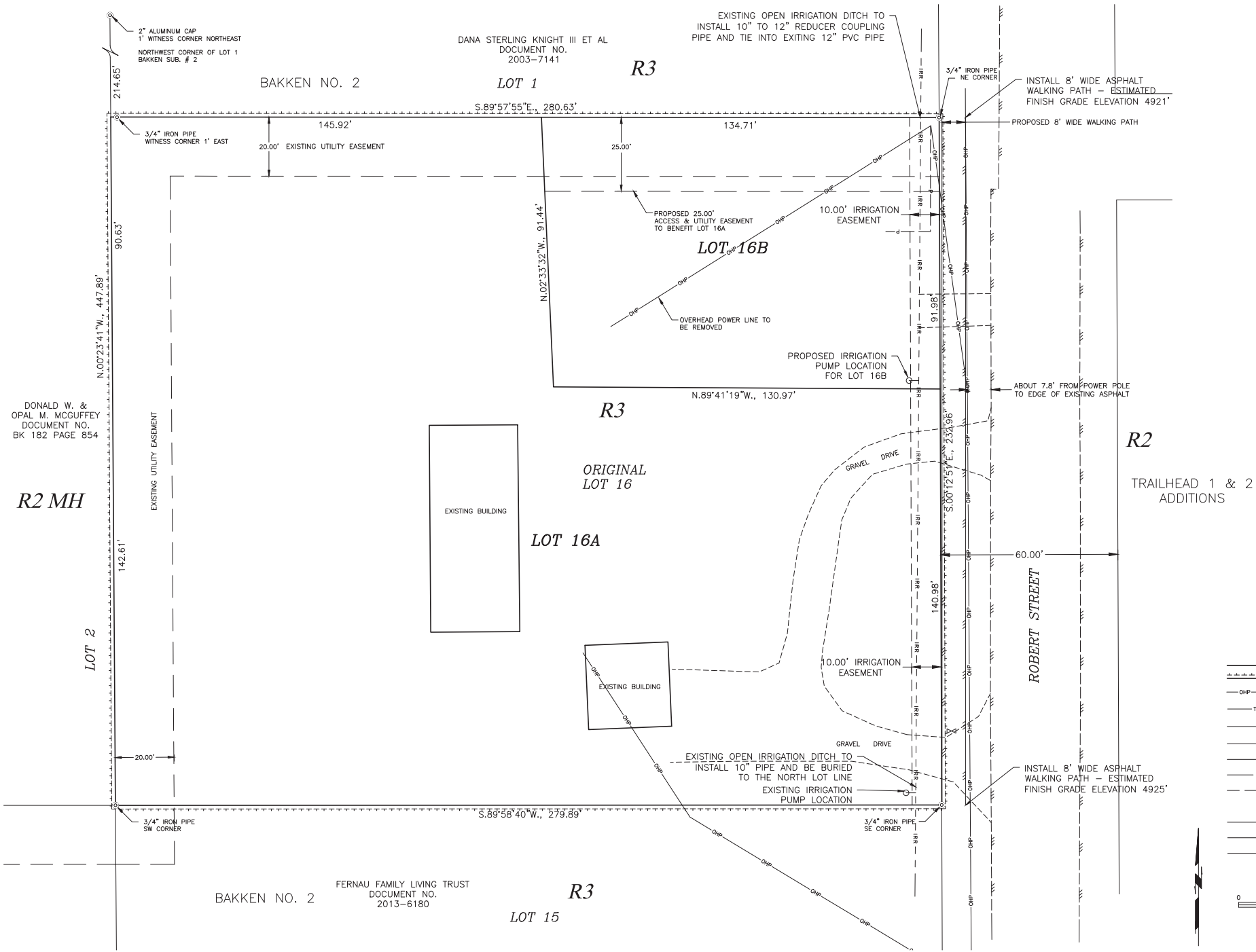
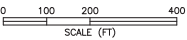
NOTES

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 ESTIMATED AT 1.8% FROM THE SOUTH TO THE NORTH

TYPICAL CROSS SECTION WALKING PATH

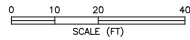


VICINITY MAP



LEGEND

- ⊙ FOUND 3.5\"/>
- FOUND 2\"/>
- ⊙ SET 2.5\"/>
- PROPOSED SUBDIVISION LOT LINES.
- SUBDIVISION BOUNDARY
- OHP --- OHP EXISTING OVERHEAD POWER LINE.
- TEL --- TEL EXISTING BURIED TELEPHONE / FIBER LINE.
- G --- G EXISTING BURIED NATURAL GAS LINE.
- TW --- TW EXISTING BURIED TREATED WATER LINE.
- SA --- SA EXISTING BURIED SANITARY SEWER LINE.
- EXISTING EASEMENT
- PROPOSED EASEMENT
- ⊙ PROPOSED IRRIGATION TIE-IN POINT / PUMP LOCATION
- P --- P PROPOSED BURIED POWER
- SA --- SA PROPOSED BURIED SANITARY SEWER LINE
- TW --- TW PROPOSED BURIED TREATED WATER LINE



IMPROVEMENT PLAN
FOR
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
03/23/22 P:\21000.46\ACAD\BASE

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. CITY OF CODY IS NOT RESPONSIBLE FOR ENSURING PROPER MAINTENANCE OR DISTRIBUTION
4. ALL LOTS SHALL BE SPRINKLE ONLY BY PUMP POINT LOCATIONS. WATER WILL BE SUPPLIED TO THE PEDERSON MINOR SUBDIVISION BY MEANS OF DITCH ON THE EAST SIDE OF THE SUBDIVISION ALONG ROBERTS STREET.
5. WATER USERS WILL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, AND REPAIR OF THEIR IRRIGATION SYSTEM.

IRRIGATED LANDS UNDER PEDERSON MINOR SUBDIVISION (ACRES)		
LOT 16A	LOT 16B	TOTAL
1.22	0.28	1.50

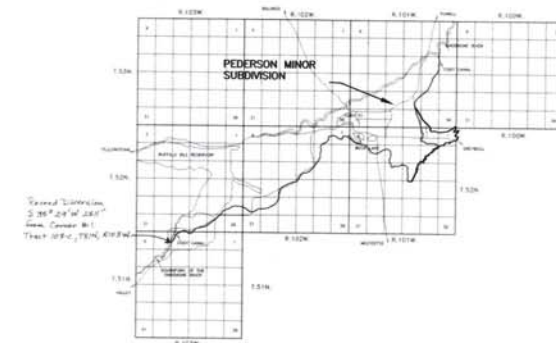
THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE PARK COUNTY CLERK AND
RECORDER ON THIS _____ DAY OF _____, 2021, AND FILED
FOR RECORD AT _____ UNDER DOCUMENT NUMBER _____ IN PLAT
CABINET _____, AT PAGE _____.

PARK COUNTY CLERK AND RECORDER

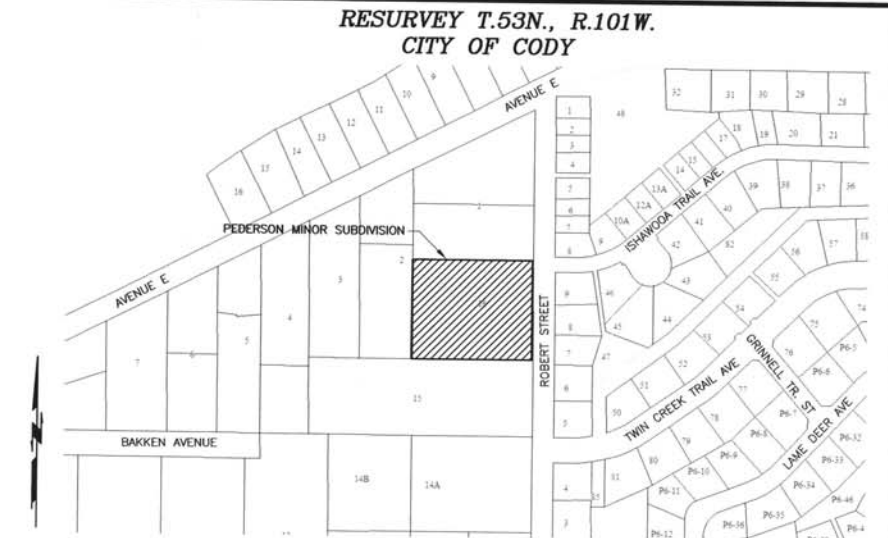
BY: DEPUTY COUNTY CLERK

APPROVED BY THE CODY CANAL IRRIGATION DISTRICT
THIS 9 DAY OF December, 20 21.


ATTEST: Dennis Reed
DENNIS REED - PRESIDENT



LOCATION MAP
NOT TO SCALE



VICINITY MAP



0 100 200 400
SCALE (FT)

MIKEL & RETHA E. PEDERSON IS THE OWNER OF THE PEDERSON MINOR SUBDIVISION, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2001-7555 IN THE PARK COUNTY CLERK'S OFFICE:

DO HEREBY CONSENT TO THE WATER DISTRIBUTION PLAN FOR THE BEST CHOICE MINOR SUBDIVISION AS SHOWN HEREON.

Mikel Pederson
MIKEL PEDERSON

RETHA E. PEDERSON

STATE OF WYOMING)
COUNTY OF PARK)SS
THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME BY MIKEL & RETHA E. PEDERSON.

THIS 14th DAY OF JANUARY, 20 22.

WITNESS MY HAND AND OFFICIAL SEAL.


 _____ NOTARY PUBLIC
 MY COMMISSION EXPIRES: 6-1-2024



③ FOUND 3.5" DIA. BRASS CAP
 ○ FOUND 2" DIA. ALUMINUM CAP, OTHERWISE NOTED
 ③ SET 2.5" DIA. ALUMINUM CAP ON 5/8" DIA. STEEL BAR.

PROPOSED SUBDIVISION LOT LINES.
 SUBDIVISION BOUNDARY

—OH— —OH— EXISTING OVERHEAD POWER LINE.
 —TEL— —TEL— EXISTING BURIED TELEPHONE / FIBER LINE.
 —G— —G— EXISTING BURIED NATURAL GAS LINE.
 —TW— —TW— EXISTING BURIED TREATED WATER LINE.
 —SA— —SA— EXISTING BURIED SANITARY SEWER LINE.
 — — — EXISTING EASEMENT
 — — — PROPOSED EASEMENT
 ○— PROPOSED IRRIGATION TIE-IN POINT / PUMP LOCATION

LOCATED WITHIN

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

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JOB NO. 21000.46 BOOK NO. 578
12/06/21 P:\21000.46\ACAD\BASE

R2

TRAILHEAD 1 & 2 ADDITIONS

ROBERT STREET

A horizontal scale bar with tick marks at 0, 10, and 20 feet. The text "SCALE (FT)" is centered below the bar.

Draft Zoning Ordinance Changes for discussion at

April 12, 2022 meeting.

Under Accessory Dwelling Unit standards:

11. Timing: Generally, an accessory use is not permitted until the primary use is also constructed. However, construction of an ADU may be authorized prior to construction of the primary dwelling when the following conditions are met: a) A site plan is provided that demonstrates the overall development plan for the property in conformance with all City codes, including locations and dimensions of the dwellings, driveway(s) and parking facilities, utility services, outdoor mechanical locations (e.g. a/c unit), and pedestrian access; b) The property owner intends to commence construction of the primary dwelling within three years of applying for the building permit for the ADU; and, c) The property owner can provide reasonable assurance of the financial ability to complete the construction of both dwellings. ~~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.~~ *(Unnecessary to note Short-term rental rules here, as they have their own section.)*