

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY MAY 10, 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 May 10, 2022 regular meeting.
5. Approval of Minutes from the April 26, 2022 regular meeting.
6. New Business:
 - A. Public Hearing for a special exemption setback and nonconforming structure change, for a building at 1020 Alger Avenue.
 - B. Review the request for a special exemption setback and nonconforming structure change, for a building at 1020 Alger Avenue.
 - C. Site Plan review for a request to modify and allow the fabric structure to remain at 3202 Big Horn Avenue.
7. P & Z Board Matters (announcements, comments, etc.)
8. Council Update
9. Staff Items
10. Adjourn

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

City of Cody
Planning, Zoning, and Adjustment
Board Meeting April 26, 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, April 26, 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; Andrew Murray; Ian Morrison; City Attorney Scott Kolpitcke; Council Liaison Andy Quick City Planner Todd Stowell; Administrative Coordinator Bernie Butler

Ian Morrison moved to approve the agenda for April 26, 2022, seconded by Cayde O'Brien. Vote on the motion was unanimous, motion passed.

Ian Morrison moved to approve the minutes from the April 12, 2022 meeting, seconded by Andrew Murray. Vote on the motion was unanimous, motion passed.

A Public Hearing opened at 12:03 to consider rezoning 1614, 1626, & 1634 Alger Avenue from Residential (R-3) to Limited Business (D-1). There were no comments from the public. The hearing closed at 12:04. Staff reviewed the rezone request, stating that the owner of 1608 Alger Avenue withdrew their request to rezone their property and the associated special exemption related to the parking. As the owners of 1614, 1626, and 1634 Alger Avenue signed a petition, their requests must still be considered by the Planning and Zoning Board and City council. Staff recommended no action be taken on the rezone request, and allow it to die for the lack of motion. There were no motions from the Board, therefore the Board is not recommending any action on the rezone by the City council.

A Public Hearing opened at 12:07 pm for the rezone of 2310 and 2302 Mountain View Drive from Industrial (E) to General Business (D-2). Applicant James Blair commented that there is a house on 2310 Mountain View Drive, in addition to the two houses at 2302. Maurice Bent of 2125 23rd Street, addressed the Board with concerns about water if the area was developed with several houses. The Public Hearing closed at 12:10 pm.

Todd Stowell reviewed the rezone request for 2302 and 2310 Mountain View Drive from Industrial (E) to General Business (D-2). The existing dwellings on the properties are presently non-conforming uses in the Industrial (E) zone, but would become permitted uses under the proposed General Business (D-2) zone. The rezone would development of additional housing at 2310 Mountain View Drive. The property to the west is also zoned General Business (D-2).

Scott Richard made a motion, seconded by Ian Morrison to recommend to City Council the approval of the rezone request for 2310 and 2302 Mountain View Drive, from Industrial (E) to General Business (D-2). Vote on the motion was unanimous, motion passed.

Board member Ian Morrison recused himself from item 6 E on the agenda, the preliminary Plat for the Sunridge Minor Subdivision, due to a conflict of interest.

Todd Stowell reviewed the preliminary plat for the Sunridge 2-lot minor subdivision, located at 1937 29th Street. The vacant lot is a 1.88-acre parcel which would be divided into two lots, consisting of a 7,515 square foot lot and a 1.7-acre lot. The property owner would like to divide the large lot into additional lots in the future, and is providing access and utility easements with that intent, based on the conceptual plan.

The City subdivision regulations were reviewed by staff. A pathway is planned on 29th Street. The

property owner may make a payment to the City for the pathway in lieu of constructing the asphalt pathway. The two subdivision variances would be to waive the alley requirement, and waive the block length requirement. It is recommended that the applicant provide an updated preliminary plat before the it is taken to City Council for approval.

Scott Richard made a motion, seconded by Cayde O'Brien to recommend to City Council the approval of the preliminary plat for the Sunridge minor subdivision, with variances 1-2, and conditions 1-10 in the staff report. Add a condition (11) to recommend that the easement be drawn to extend to the west boundary of the neighboring property, to continue the 30-foot access. Vote on the motion was unanimous. (Board member Ian Morrison did not vote on the motion).

Todd Stowell reviewed the preliminary plat for the McKinney 31st Street 2-lot minor subdivision. The proposal is to divide a 0.46-acre property into two lots. Lot A would be 10,000 square feet and is planned for a duplex. Lot B would be about 9,985 square and is planned for a single-family dwelling and accessory dwelling unit. The two mobile homes that are on the property will be removed. The property is zoned R2 Manufactured Home (R-2MH).

The City subdivision regulations were reviewed by staff. Todd suggested a one-inch water line instead of a three-quarter inch line for the duplex. If there is a gas line that goes across the middle of the property, it will need to be noted on the plat. The recommended variances to the subdivision would be to the alley requirement, streetlighting requirement, and the block length requirement.

Cayde O'Brien made a motion, seconded by Ian Morrison to recommend to City Council the approval of the preliminary plat of the McKinney 31st Street minor subdivision, with variances 1-3, and conditions 1-8 in the staff report. Vote on the motion was unanimous, motion passed.

Cayde O'Brien made a motion, seconded by Ian Morrison to adjourn the meeting. Vote on the motion was unanimous. Carson Rowley adjourned the meeting at 12:41 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	MAY 10, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SETBACK SPECIAL EXEMPTION AND NONCONFORMING STRUCTURE CHANGE FOR BUILDING AT 1020 ALGER AVENUE. SUP 2022-05	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Chad McDougall of would like to convert an existing building to the south of his main house at 1020 Alger Avenue into an accessory dwelling unit (ADU). Because the building does not meet the minimum setback requirement of 3 feet from the east property line (it is within one foot of the east property line), special permission to convert the building into a dwelling is required. If that permission is not granted, the existing building could not be converted into a dwelling, but could remain as a storage building.

In addition, the accessory dwelling standards require the accessory dwelling unit to share an electric meter with the main dwelling. The property owner requests an exemption to allow the accessory dwelling unit to use an existing second electric meter located on the garage near the alley.



The public hearing for the request was advertised as required by U.S. mail to neighboring properties within 140 feet on April 25, 2022, and by publication in the newspaper on April 28, 2022.

CODE REQUIREMENTS:

Section 10-13-4(A) of the City code states, "*Legal nonconforming structures may be remodeled, repaired, and enlarged by up to fifty percent (50%), provided that any enlargement meets the current development standards of this title, no new dwelling units are created, the use of the structure is a permitted use, and in the building official's judgment the work does not significantly increase any life or safety hazards. If additional dwelling units are desired, enlargement exceeds fifty percent (50%) of the existing structure, or the building official has a life or safety concern, the property owner may submit an application for review by the planning, zoning and adjustment board under section 10-13-6 of this chapter.*"

Section 10-13-6 states the following, and staff comment is provided for each criterion.

10-13-6: EXPANSIONS AND CHANGES:

A. The planning, zoning and adjustment board shall consider applications for: the enlargement or expansion of a legal nonconforming use within a lot; expansion of a nonconforming use onto adjacent lands; the change of a legal nonconforming use to a different, less intensive nonconforming use; repair and maintenance of a legal nonconforming use exceeding the limitations of subsection 10-13-5F of this chapter; voluntary replacement of a structure containing a nonconforming use; and the expansion of a legal nonconforming structure by more than fifty percent (50%). The board may grant the relief requested if they find the following:

1. In the case of a nonconforming use, that the use was lawful at the time of its inception;

STAFF COMMENT: To my knowledge, the City did not have setback requirements until November 3, 1952, the adoption date of Ordinance No. 328. The County Assessor shows the structure as being completed in 1952. As the structure likely took more than two months to construct, it likely was under construction before setbacks were required, and therefore was lawful at the time of its inception.

2. That the significance of any hardship to the applicant from denial of the request is more compelling than, and reasonably outweighs, the benefit the public would receive from denial of the request;

STAFF COMMENT: If the change to the nonconforming structure is not granted, the building could continue to be utilized as a storage building. However, in order to establish an accessory dwelling, the existing building would have to be torn down and replaced. The applicant points out in the application letter that full reconstruction would likely cost twice as much as renovating the structure. As will be discussed below, the nonconforming setback impacts can largely be addressed through fire rated construction in the remodel process.

3. That the proposal is compatible with the character of the neighborhood to the extent that it does not jeopardize the future development or use of the surrounding area in compliance with this title and the master plan;

STAFF COMMENT: The master plan shows this neighborhood as a medium density residential area. The proposed accessory dwelling is a permitted use for the zone, so the use itself is not an issue, just the nonconforming setback.

4. That the project will otherwise comply with all applicable development standards and codes, such as parking and landscaping, unless a special exemption or zoning variance is granted for such;

STAFF COMMENT: The applicant plans to have the project comply with all applicable development standards and codes, including fire rated construction and parking, with the exception of a requirement that the accessory dwelling share the electric meter with

the main house. A special exemption request has been submitted for that, and will be discussed later in this report.

5. That the proposal will not otherwise be significantly detrimental to the public health, safety, or welfare.

STAFF COMMENT: The biggest issue is lack of fire protection, but that will be provided with the remodel of the building. To ensure that the building is not otherwise substandard or increasing potential impacts to the neighboring property or occupants of the structure, it is recommended that the building be required to meet all current building and electrical codes as if it were a new structure.

Drainage from the roof onto the adjacent property should be addressed by requiring a gutter and downspout to collect storm water from that side of the roof and directing it within the subject property. The neighbor to the east, who would be the most impacted, does not have any concern with the proposal.

Of the neighbor responses that were received, one response noted that they would not want the dwelling to be a short-term rental due to lack of parking, and another also expressed concerns about lack of parking a couple responses expressing some level of "objection". Compliance with the City parking requirements will be necessary. The City code requires two spaces for the main dwelling and one space for the accessory dwelling unit. The property has those spaces available (two tandem spaces in front of the house, one in back, plus a garage if it were cleaned out), but some are not usable due to storage. At least three parking spaces must be available and usable before occupancy of the accessory dwelling will be permitted.

B. The board may impose conditions on any approval granted in accordance with this section as necessary to mitigate potential adverse impacts to neighboring properties, public facilities, and natural systems.

STAFF COMMENT: The fire rating of the building wall next to the property line is already covered by the building code. Dealing with the stormwater will be listed as a proposed condition. Neighbor concerns related to parking will be addressed by requiring compliance with the parking code—three parking spaces must be available for use on the property before the dwelling is occupied.

REVIEW CRITERIA FOR SPECIAL EXEMPTION:

The accessory dwelling standards include a requirement that "...Both dwelling units are to be serviced from a...single electric meter." However, that requirement is identified as being able to be waived through the Special Exemption process. The applicant has requested to waive the requirement to allow the accessory dwelling to share the electric meter with the garage next to the alley, which already has an electric meter separate from the house.

The criteria for approval of a special exemption are as follows, with staff comments provided.

No special exemption shall be approved unless the planning and zoning board finds:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*

Staff Comment: Neighbor response is typically a good indicator of whether the result will produce an undesirable change in the character of the neighborhood, or other detriment. Eighteen neighboring property owners were notified of the proposal by mail. As of the time of this staff report, six responses of "no objection" have been received, and none expressing "objection". Also, none of them mentioned the electrical waiver, so it must not be a concern to them.

- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;*

Staff Comment: No impacts to neighborhood compatibility have been identified by not sharing the meter with the main house.

- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;*

Staff Comment: Either the electrical meter is shared with the main house, or it is not.

- d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;*

Staff Comment: A waiver can only be considered through the current special exemption process. No other feasible options have been identified.

- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use;*

Staff Comment: The building and electrical plans have not been submitted, so it is not known if the electrical service on the garage will need to be upgraded (changed) to accommodate the electrical demands of the new dwelling. However, the City transformer and power lines have capacity.

- f. The special exemption is consistent with the goals, policies and future land use map of the master plan.*

Staff Comment: Nothing in the master plan speaks to this specific requirement.

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Application materials and neighbor responses.

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:

(Draft, subject to information received at the public hearing.)

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by U.S. mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request;
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-13-6 and 10-14-2(B)(2) are met

AND,

Approve the Nonconforming Structure Change and Special Exemption to allow conversion of the existing storage building into an accessory dwelling subject to the following:

- 1) Compliance with all Accessory Dwelling Unit (ADU) requirements of City code, except that the ADU may share power with the garage next to the alley.
- 2) Providing a minimum of three usable parking spaces on the property prior to occupancy of the ADU.
- 3) Install a gutter and downspout along the east side of the building to collect and contain stormwater from the east side of the building within the property.
- 4) The building shall meet all building and electrical codes as if it were a new building, including installation of required fire-resistant construction along the east side of the building.

To Members of the Planning and Zoning Board:

The McDougall Family owns the property at 1020 Alger. We are requesting a special exemption for the following:

- 1. This structure is approximately 12' X 30' and was a rental until a fire in the 1990's.**
- 2. The Structure sets on the property line. There is a small room 2' X 3' that is over the property line which will be torn down.**
- 3. The electrical is fed from a 70 amp service from the existing house.**
- 4. We would like to feed the proposed guest house from existing newer 100 amp service that feeds the garage only.**
- 5. This guest house has existing sewer water and natural gas.**
- 6. We will upgrade the electrical to code.**
- 7. Replace the gas line and new heat and hot water.**
- 8. Upgrade the sewer and water hook up.**
- 9. Take out the existing wooden floor and replace with concrete and upgrade the foundation.**
- 10. Replace the windows doors, insulation, dry wall, and trim.**
- 11. Put in new bathroom and kitchen.**
- 12. We are proposing this special exemption because if we moved the building it would take a lot out of the already small back yard. The cost to build the new building would be \$120,000.00 to \$150,000.00. The proposed special exemption and remodel would cost about ½ of that figure.**
- 13. The main house was built about 1925 and we know this apartment has been there since before the 1970s.**

Please Consider this Special Exemption,

The McDougall Family.

☒ I have NO OBJECTION to the request.

Name EVAN C MATTHEWS

Address: 1026 ALGER

Comments: AS LONG AS THE OUTSIDE FOOT PRINT DOES NOT CHANGE

☒ I have NO OBJECTION to the request.

Name Randy Spiering

Address: 1312 224 W. Tenni Lane Cody WY 82414

Comments: _____

☒ I have NO OBJECTION to the request.

Name Kate Sandberg

Address: 1319 11th St. Cody, WY 82414

Comments: no problem

I did not initial with the proposal by Chad H. Houghton.

☒ I have NO OBJECTION to the request.

Name Frank L. Smith (landowner)

Address: 1325 11th Street, Cody, WY. 82414

Comments: This is their Property. They can do as they like.

☒ I have NO OBJECTION to the request.

Name Frances M. Audier

Address: 1032 Alger Ave. Cody WY 82414

Comments: I would not like to see a B+B in the space

due to lack of parking. If it is for the family or

for a long-term tenant, I have no objection.

☒ I OBJECT to the request, or a portion thereof:

Name: Same as above.

Address: _____

Reason for Objection: Do not want a B+B due to

lack of parking on street + in the alley.

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: faudieraix@gmail.com

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

MEETING DATE:	MAY 10, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: 3202 BIG HORN AVENUE—REQUEST TO MODIFY AND ALLOW FABRIC STRUCTURE (KANYE WEST TENT) TO REMAIN. SPR 2022-06	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

The deadline for removal of the temporary fabric structure at 3202 Big Horn Avenue is May 15th. The City has received an application from the current property owner GordonJosh, LLC (Gordon and Josh Allison) to architecturally enhance the structure and to allow it to remain on the property as a storage building (i.e. remove temporary status).

Concept of proposal:



REVIEW CRITERIA:

The property is located within the Open Business/Light Industrial (D-3) zoning district, which permits storage buildings.

Section 10-10C-5 of the zoning regulations states:

All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

Section 9-2-3 is as follows:

Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building

and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.

STAFF COMMENTS:

This property and structure have a history. The decision before the Board at this meeting should occur with a knowledge of that history. For that reason, the staff reports and most relevant documents from the Board's earlier actions relating to this structure are attached for your review, commencing with the initial application.

Please review those items and then continue reading the remainder of this staff report, which is found after those documents.



PLANNING, ZONING AND ADJUSTMENT BOARD
COMMERCIAL SITE DEVELOPMENT APPLICATION

STAFF USE

File #: SPR2019- 17
P&Z Invoice: SPR-10/17-0001
Date Submitted: 10-15-19

Applicant's Name: JOHN SKOLNICK Business Name: PSALM Cody Commercial, LLC
Applicant's Mailing Address: 3202 Bighorn Ave City: Cody State: WY Zip: 82414
Phone: [REDACTED] Cell: Sam Email: [REDACTED]
Project Address: 3202 Bighorn Ave. Cody, WY Zoning: [REDACTED]
Property Owner's Name: PSALM Cody Commercial, LLC Phone/Cell: [REDACTED]
Property Owner's Mailing Address: 3202 Bighorn Ave City: Cody State: WY Zip: 82414
Description of Proposal (attach additional sheets as necessary):
Temporary (< 180 days) Storage Facility (40' x 120')
Slab foundation to be used as a parking lot after use.
Legal Description of Property (or attach copy of deed): 3202 Bighorn Ave
Estimated Construction Start Date: _____
Representative Attending Planning and Zoning Meeting: JOHN SKOLNICK
Signature of Property Owner: _____
Signature Date

APPLICATION MATERIALS:

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

- 1) **FEE:** Each application shall be accompanied by one of the following review fees. Payment may be made by cash, check, or credit card (Visa, MasterCard, Discover).

- ☐ Site Plan Review (also includes Landscape, Architecture, and Sign Plan).
Size of Building/Addition: 4800 S.F. @ \$0.05 per square foot = \$ 250 \$250.00 minimum
☐ Landscape, Architecture and Sign Plan only. (Typically modifications to existing development.) \$100.00
☐ Minor Commercial Review. (Windows, doors, awnings, building access or exterior finish only.) \$50.00

- 2) **COPIES:**

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

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

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

Please include the following Architectural and Site Plan components:



BIG HORN AVENUE

LOT 2

LOT 4

LOT 7

CONSTRUCTION NOTES:

PROPOSED IS A PREFABRICATED "AKS" (ALASKA STRUCTURES) -40'X120' GTX GABLE TRUSS TENTS.

INTENDED FOR TEMPORARY USE ONLY ~ 60-180 DAYS.

TEMPORARY STRUCTURE WILL NOT INCLUDE BATHROOM OR PLUMBING SERVICES.

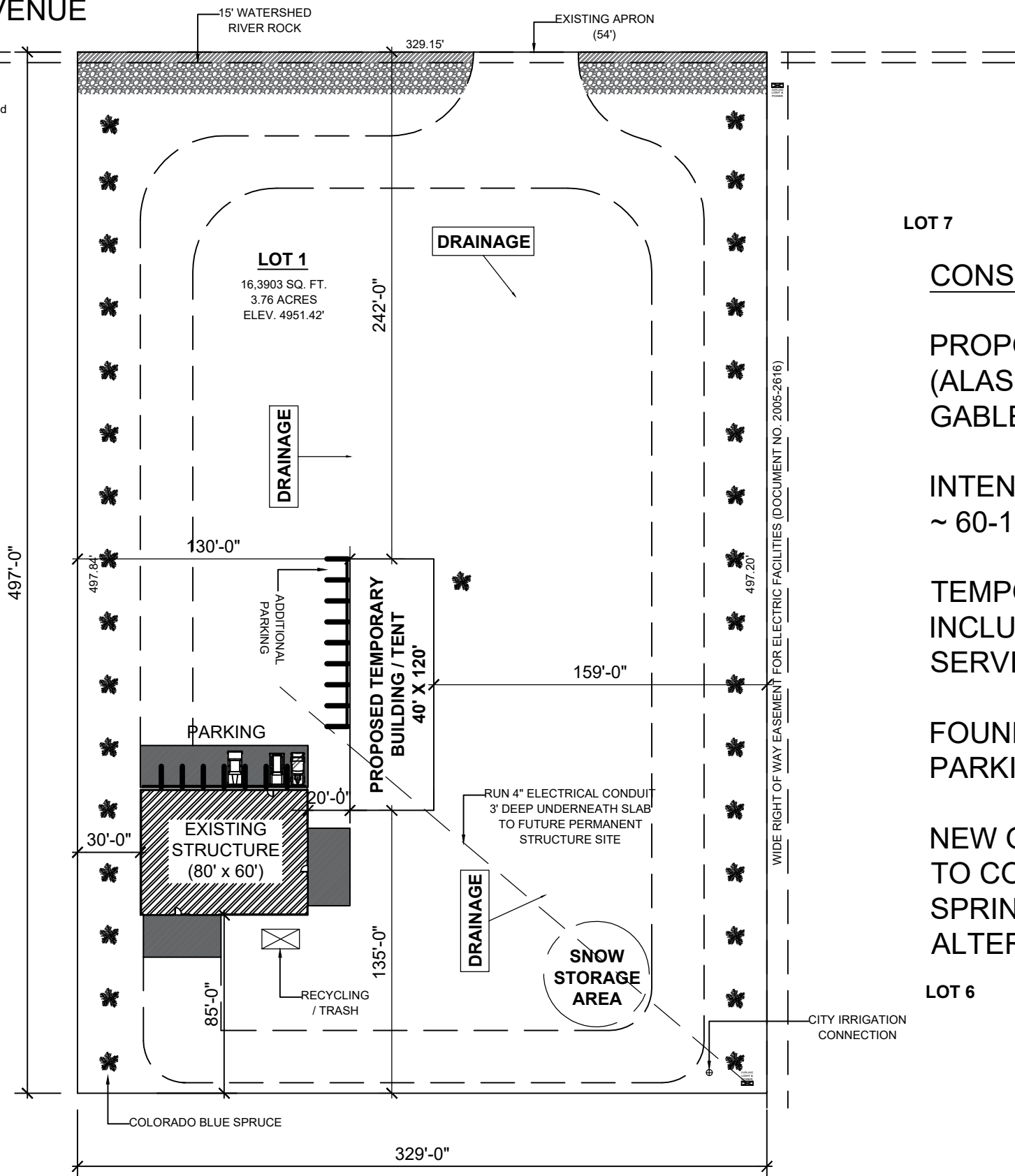
FOUNDATION SLAB TO DOUBLE AS PARKING LOT AFTER USE.

NEW OWNER ACCEPTS RESPONSIBILITY TO COMPLETE LANDSCAPING BY SPRING OR UPON COMPLETION OF AN ALTERNATIVE PERMANENT STRUCTURE.

LOT 6

S1.0 SITE PLAN

SCALE: 1/64" = 1'-0"



Client:

Project title:
Storage Tents
3202 Bighorn Ave
Cody, WYOMING 82414

DATE: 10/09/19
CLIENT PROJECT No.: 000001
INSPC PROJECT No.: 100919
PROJECT MGR: Jim P.
DRAWN BY: Dennis M.
CHECKED BY: John S.

Sheet No.:

S1.0 ALPINE

PO Box 6544
Sheridan, WY 82801
Ph. 307-752-9529

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

MEETING DATE:	OCTOBER 22, 2019	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: 4,800 SQ. FT. TEMPORARY STORAGE STRUCTURE. SPR 2019-17	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Psalm Cody Commercial, LLC is under contract to purchase 3202 Bighorn Avenue—the former Mountain Equipment dealership. They have submitted a site plan application to construct a 40' by 120', temporary storage structure. The structure is intended to be constructed as soon as possible and be in place for up to 180 days—until a new facility is located or constructed. The structure will apparently serve as temporary storage of materials and merchandise related to the apparel and music businesses that will be conducted out of the existing building on the property.



REVIEW CRITERIA:

Section 10-10C-5 of the zoning regulations states:

All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

Section 9-2-3 is as follows:

Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.

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

STAFF COMMENTS:

The property to be developed is zoned Open Business/Light Industrial (D-3), which allows storage buildings.

What is unique about this building, is that it is proposed as a temporary structure that will be removed within approximately 180 days. Based on this commitment, staff is not overly concerned with the architectural compatibility criteria of the zoning ordinance. If it were to be in place on a permanent basis, staff would be discussing relocation to a less visible portion of the property and the need for heavy screening with tall vegetation.

Architecture:

The building would measure 140 feet wide by 120 feet long, with 10-foot side walls and overall height of 21'6". It would appear similar to the building in the photo shown here.

The proposed location is in the anticipated parking area for future development, so it will not be in the way of the construction of any permanent structures.



Staff is not convinced that the tent-like structure is architecturally compatible with that of surrounding developments, yet being lenient to the extent of effectively waiving the "architecturally compatible" requirement for this temporary structure seems entirely reasonable. The language of the zoning ordinance does not anticipate such temporary structures, and the requirement for full architectural compatibility would undermine the intent of the quick, temporary storage solution that will only be in place until a permanent building is available.

The Board will need to determine if the architectural components of the structure are acceptable on the temporary basis requested.

Landscaping: The property is within the entry corridor overlay district, which requires landscaping for new development and redevelopment in the amount of up to 5% of the developed area. Although they did some dirt work in preparation, the Mountain Equipment business never installed the landscaping indicated on their approved site plan. We have been having ongoing conversations with them about getting that done, but now that ownership is transferring and landscaping is tied to obtaining a permanent Certificate of Occupancy, they are providing a financial security and agreement to the City to help ensure it is installed this next spring. The landscaping plan is roughly indicated on the attached site plan, showing the rows of Colorado Blue Spruce trees along the sides of the property and landscaping rock along the front. The plan also includes islands of vegetation in the front landscape rock area, which are not shown on this plan. The existing approved landscaping plan prepared by Mountain Equipment will remain in place until and unless a new landscaping plan is presented for review.

Access and Parking:

The proposal will utilize the existing driveway and parking area. Additional parking is proposed along the west side of the temporary structure. Unfortunately, it appears that the fire code does not allow vehicle parking within 20 feet of a temporary structure—where the parking is proposed. (Fire Marshal commented that Section 3103.8 does not allow parked vehicles or internal combustion engines within 20 ft. of the temporary structure.) As such, the proposed parking will need to be relocated. Either the east side of the temporary structure or the west side of the existing parking area may be available. Please provide an updated parking layout for review. The parking ordinance allows the City Planner and City Engineer to authorize modifications in the parking lot layout.

Note that each space will need to be at least 10 feet wide and provided with a wheel stop to delineate the parking spaces. No parking space should block the 24-foot backup area of the existing spaces or be within 20 feet of the temporary structure.

The existing ADA parking space meets the accessibility parking requirement, provided a pathway is provided to connect the paved parking area to the temporary structure. Coordinate the pathway construction with the building official.

Exterior Lighting

No exterior lighting is indicated. If exterior lighting is proposed, it should be full cut-off in style.

Setbacks and Buffers

All setback requirements are met. There are no buffer requirements, as there is no adjacent residential zoning.

Storm Water Plan:

As the structure is temporary and future development is planned, staff did not request a detailed storm water plan. The site has an approved infiltration area on the east side of the property and the increased amount of impervious area is relatively small compared to the site. In addition, the site is graded such that excess stormwater beyond the swale's calculated capacity will still pond within the property.

The site plan shows the flow of drainage on the property as it now exists. What is not clear is how grading around the temporary structure will be done to allow stormwater to continue to flow to the east. It appears visually that there is enough elevation difference that the ground can be sloped on the west side of the building to direct drainage to the north and east around the building. Alternatively, piping could be used. Plans for the grading, to confirm flow paths, must be provided prior to construction.

Utility Services

As the building will function as part of the business in the existing building, the restrooms in the existing building are adequate. No plumbing is proposed in the temporary building.

The temporary building will have electricity for lighting, supplied from the existing building. No change to the electrical service feed is proposed.

Signs

No signs are included in the application packet.

Hydrants/Fire Protection

The building will rely on a fire hydrant on the property next to Big Horn Avenue for fire protection.

Frontage Status

Curb, gutter, sidewalk and streetlights exist along the full property frontage.

ATTACHMENTS:

Site plan and building elevations.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board approve the project as proposed for up to 180 days, subject to the following items:

1. Submit a revised parking plan for review and approval by staff.

2. Verify grading will allow storm water to flow around the building by providing proposed ground elevation and finished floor elevation data. If piping is proposed, submit plans for staff review.
3. Applicable ADA access to the building must be provided. Coordinate with the building official.
4. Complete landscaping in accordance with the approved landscaping plan by May 29, 2020, unless authorized otherwise by the Board in conjunction with a site plan for a future permanent structure.
5. If exterior lighting is proposed, it should be full cut-off in style and modest in intensity. Any exterior lighting must be detailed on the building plans.
6. The project must otherwise comply with the project description and site plan as explained in the application and staff report.
7. A building permit is required. The project must comply with applicable building, fire and electrical codes. Necessary permits must be obtained within one year or this authorization will expire.
8. Authorization is limited to 180 days, commencing on the day of occupancy. Removal of the structure must commence and be diligently carried on until completely removed, starting no later than 181 days from occupancy of the structure.

City of Cody
Planning, Zoning, and Adjustment
Board Meeting October 22 2019

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, October 22, 2019 at 12:00 pm.

Present: Chairman Kayl Mitchell, Richard Jones, Stan Wolz, Klay Nelson, Buzzy Hassrick, Sandi Fisher, Deputy City Attorney Sandee Kitchen, City Planner Todd Stowell, Administrative Coordinator Bernie Butler, Council Liaison Glenn Nielson

Absent: Erynne Selk

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

Klay Nelson made a motion, seconded by Buzzy Hassrick to approve the agenda for the October 22, 2019 meeting. Vote on the motion was unanimous, motion carried.

Klay Nelson made a motion, seconded by Richard Jones to approve the minutes from the October 8, 2019 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

A. Todd Stowell reviewed a site plan for a 4,800 sq. ft. temporary storage structure located at 3202 Big Horn Avenue for Psalm Cody Commercial, LLC. A 40' x 120' structure is intended to be constructed as soon as possible and will be in place for up to 180 days. The structure will serve as temporary storage of materials and merchandise related to the apparel and music business that will be conducted out of the existing building on the property.

Richard Jones made a motion seconded by Stan Wolz to approve the project as proposed for up to 180 days, subject to recommendations 1-8 in the staff report. Recommendation number 8 in the staff report was amended to include 60 days for structure removal after the 180 days of occupancy. Vote on the motion was unanimous, motion carried.

Stan Wolz made a motion, seconded by Richard Jones to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the Board, Chairman Kayl Mitchell adjourned the meeting at 12:23 pm.

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	AUGUST 25, 2020	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	REQUEST FOR 1-YEAR EXTENSION OF 4,800 SQ. FT. TEMPORARY STORAGE STRUCTURE. ORIGINAL FILE NO. SPR 2019-17	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

On October 22, 2019, the Planning and Zoning Board authorized a request from Psalm Cody Commercial, LLC to install a temporary storage tent for up to six months at 3202 Bighorn Avenue.

The storage tent was installed and occupied in March of 2020. The six months ends in a few weeks.

We have received the attached letter requesting a one-year extension for the temporary storage tent. The letter also indicates the intent to further develop the site—a Phase 2 with a potential start date of Spring 2021, and eventually a Phase 3 that includes this property and other lots. The intent is to have enough of Phase 2 completed in one year that the tent can be removed.



STAFF COMMENTS:

Staff is not overly surprised at the current request for an extension, as six months seemed quite aggressive to develop a plan for the property and get the new buildings constructed. However, the initial review was definitely based on the commitment that the tent was temporary. Staff believes it appropriate to extend the timeline, provided there remains a commitment to further develop the site with structures that are more permanent and aesthetically compatible.

Landscaping: The property is within the entry corridor overlay district, which requires landscaping for new development and redevelopment. In the initial review for the tent, it was noted that the landscaping for this property still needed to be installed (from the

time the initial metal building was constructed by Mountain Equipment), and was planned for installation in 2020. Some dirt work in preparation for landscaping has been done in the last month. It is my understanding that Gail Construction is working on getting the landscaping installed, but I wouldn't be surprised if they have problems with plant availability this late in the season.

ATTACHMENTS:

Letter requesting extension.

ALTERNATIVES:

Approve or deny the request for a 1-year extension.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board approve an extension for the temporary tent to September 15, 2021, with the condition that the site plan application for "Phase 2" be submitted no later than April 26, 2021. This extension and application deadline should allow sufficient time for enough of Phase 2 to be constructed that the temporary tent can be emptied before the September 15, 2021 deadline. The tent must be completely removed by November 15, 2021.

If the site plan for "Phase 2" is not submitted by April 26, 2021, the Board may review the status of the situation and determine if the extension should be cancelled for lack of compliance with the condition of authorization.

(Any direction on landscaping?)

YEEZY

The intended use of the tent structure on 3202 Big Horn Ave will be to continue its purpose as a storage structure. We want to extend the permit for the structure for another year. As far as its longevity we are currently treating the site in 3 phases for the properties on Big Horn Ave to be developed.

Phase 1 - Renewing the permit for the tent structure for the current timeframe of one year.

Phase 2 - Is to be determined. It might consist of steel structures for phasing of construction to the overall site plan. Start date would potentially be Spring 2021.

Phase 3 - This is a larger construction project for the lots. It will include workspaces for fabrication and R&D. During these phases there will be a transition into the newly developed workspaces. If intermediate buildings have been constructed to transition into those spaces they will be removed/and or re-evaluated at a later set time. Start date to be further considered.

Please be aware that these phases are speculative, and we will work with the planning and zoning committee as things change.

City of Cody
Planning, Zoning, and Adjustment
Board Meeting August 25, 2020

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, August 25, 2020 at 12:00 pm.

Present: Richard Jones; Wade McMillin; Kayl Mitchell; Sandi Fisher; Scott Richard; City Deputy Attorney Sandee Kitchen; Council Liaison Glenn Nielson; City Planner Todd Stowell; Administrative Coordinator Bernie Butler

Absent: Rodney Laib; Klay Nelson

Kayl Mitchell called the meeting to order at 12:00 pm, followed by the pledge of allegiance. The Board welcomed new Board member Scott Richard.

Richard Jones made a motion, seconded by Wade McMillin to approve the agenda for the August 25, 2020 meeting. Vote on the motion was unanimous, motion carried.

Wade McMillin made a motion, seconded by Richard Jones to approve the minutes from the August 11, 2020 meeting. Vote on the motion was unanimous, motion carried.

BUSINESS:

A. Todd Stowell presented a request from Psalm Cody Commercial, LLC / Yeezy for a 1-year extension of the 4,800 square foot temporary storage structure, located at 3202 Big Horn Avenue.

The temporary tent was approved for six months. The storage tent was installed and occupied in March of 2020. Yeezy submitted a letter requesting the one-year extension for Phase 1 of the site plan. Phase 2 has a potential start date of the Spring in 2021. Phase 3 start date is undetermined.

Richard Jones made a motion, seconded by Sandi Fisher to approve the 1-year extension of the temporary tent with the recommendations in the staff report. Vote on the motion was unanimous, motion carried.

TABLED ITEM:

Final Plat and Final Planned Unit Development plan for Cody Legacy Estates 18-unit development, located west of the 29th Street and East Carter Avenue intersection.

Richard Jones made a motion, seconded by Sandi Fisher to remove the Cody Legacy Estates Final Plat and Plan from the table. Vote on the motion was unanimous, motion carried.

A. Todd Stowell presented the Final Plat and Plan for the Cody Legacy Estates. He reviewed the process background and project overview from the previous Planning and Zoning meetings. The staff report listed edits to the final plat, and construction plans that need to be addressed. Some of the items have been agreed on with the applicant. Other items will need to be addressed by the applicant.

Applicant Bryan Edwards, and engineer Frank Page with Morrison-Maierle, commented on several items in the staff report that they either agreed or disagreed on. City Planner Todd Stowell and Public Works Director Phillip Bowman commented on City Codes and Standards that will need to be on the final plat.

With several outstanding items at this time, staff recommends further meetings with the applicant to work out edits to the Final Plat and construction plans before it goes to City Council for approval.

Richard Jones made a motion, seconded by Wade McMillin to table this item indefinitely. Vote on the motion was unanimous, motion carried.

Richard Jones made a motion, seconded by Sandi Fisher to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned the meeting at 1:26 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	OCTOBER 26, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	REQUEST FOR A 6-MONTH EXTENSION TO REMOVE A TEMPORARY STORAGE STRUCTURE AT 3202 BIG HORN AVE. ORIGINAL FILE NO. SPR 2019-17	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

DESCRIPTION:

The 4,800 square foot storage structure (tent) at 3202 Big Horn Avenue was originally authorized on October 22, 2019 for a period of six months from occupancy, as requested by Psalm Cody Commercial, LLC. The storage tent was installed and occupied in March of 2020. On August 25, 2020, the Planning and Zoning Board considered and approved an extension to continue to utilize the tent until September 15, 2021, followed by a 60-day time period to remove the tent. The current deadline for removal of the tent is November 15, 2021.



Although staff had conversations with Psalm Cody Commercial representatives as recently as last month about future development of the site, the property has since been listed for sale and is already under contract.



An attorney representing the unnamed purchaser has submitted a request for an additional six months to remove the temporary tent. Her letter is attached and clearly outlines the reasoning. Due to the circumstances, a six-month extension does not seem an excessive amount of time to staff.

It is also noted that implementation of the landscaping plan for the property would also be appropriately delayed. Provided a more permanent plan for the property is implemented within the next year or so, staff is okay with the delay. It does not make sense to install landscaping that would need to be removed or relocated based on a more permanent development plan. However, if no plans are forthcoming, installation of landscaping is still required.

ATTACHMENTS:

Letter requesting extension.

ALTERNATIVES:

Approve or deny the request for a six-month extension.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board approve an extension for the temporary tent to remain on the property until May 15, 2022.

It is also recommended that the Planning and Zoning Board allow implementation of the landscaping plan to be further delayed until September 2022, or further if a site plan for more permanent and aesthetically compatible structures is submitted for Board review before September 1, 2022.



3429 Cottonwood Avenue – Cody, WY 82414 – 307-578-8216

October 14, 2021

City of Cody, Planning & Zoning
ATTN: Todd Stowell, Community Development Director/City Planner
1338 Rumsey Avenue
Cody, WY 82414
VIA EMAIL: todds@cityofcody.com

**RE: 3202 Big Horn Avenue, 4,800 square foot temporary storage structure –
Request for Extension for Removal**

Dear Mr. Stowell,

My client is currently under contract with Psalm Cody Commercial, LLC to purchase the property located at 3202 Big Horn Avenue, Cody, WY. Closing may or may not occur prior to November 15, 2021. It is my understanding the current deadline to remove the 4,800 square foot temporary storage structure and/or tent is November 15, 2021. In review of the board minutes and Staff Report from the August 25, 2020, Planning, Zoning, and Adjustment Board Meeting an additional six (6) month extension was granted to Psalm Cody Commercial, LLC. My client is respectfully requesting an additional six (6) month extension to remove said structure. This request is being made for the following reasons:

1. Closing may or may not occur prior to the November 15, 2021 deadline to remove the structure. In the event closing does occur prior to November 15, 2021 it would put my client in a difficult position to get the structure removed in such a short period of time.
2. Based upon information and belief, it may be necessary for the company that installed the structure to travel to Cody, WY to remove the structure. The company is not locally based, and this will take time and coordination.
3. My client is in the process of developing a plan for the property post-closing. It is the intent of my client to develop this property with more permanent and aesthetically compatible structures; however, such planning will take time.

A six-month extension from November 15, 2021 would provide the necessary time for my client to remove the structure and/or to put together a development plan for this property and address the removal of the structure. Under the current circumstances with the pending sale of the property to my client, I am hopeful the City of Cody Planning and Zoning will approve this request. If I can be of further assistance or provide any other information, please do not hesitate to reach out to me by phone or email.

I appreciate your time and attention to this matter and look forward to hearing from you and Planning and Zoning.

Best Regards,



Sarah N. Miles,
Attorney for JCA Companies
sarah@jcacompanies.com

City of Cody
Planning, Zoning, and Adjustment
Board Meeting October 26, 2021

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the City Hall Council Chambers on Tuesday, October 26, 2021 at 12:00 pm.

Present: Richard Jones; Carson Rowley; Karinthia Herweyer; Scott Richard; City Attorney Scott Kolpitcke; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Cayde O'Brien; Sandi Fisher; Rodney Laib

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

Scott Richard made a motion, seconded by Carson Rowley, to approve the agenda the October 26, 2021 meeting. Vote on the motion was unanimous, motion passed.

Carson Rowley made a motion, seconded by Karinthia Herweyer, to approve the minutes from the October 12, 2021 meeting. Vote on the motion was unanimous, motion passed.

Todd Stowell presented the request for a 6-month extension to remove a 4800 square foot temporary storage tent at 3202 Big Horn Avenue. The current deadline for removal is November 15, 2021. A new buyer for the property will be developing this property with more permanent and aesthetically compatible structures in the future. Todd also discussed an extension to the landscaping of the property until September of 2022.

Scott Richard made a motion, seconded by Carson Rowley, to approve the 6-month extension to remove the temporary storage tent until May 15, 2022. Landscaping will be delayed until September 2022, or further if a site plan for development of the property is submitted by September 1, 2022. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed an offsite parking agreement for 2401 G Avenue. The site plan was approved by the Planning and Zoning Board on May 12, 2020. A condition of approval was that "any proposed change of use from storage/warehouse use is subject to review in accordance with applicable parking, building, utility, fire and other City Codes." The south half of the building is now going to be used as a beauty school/salon. The rest of the building will remain as storage/warehouse.

The operator of the beauty school anticipates the current business will need approximately 25 parking spaces, with long-term potential for more. She is currently the only instructor. Future expansion of the business could be 3 instructors, up to 20 students, and up to 10 clients. Todd reviewed the criteria for the number of spaces required, and off-site parking. The adjacent lot is not developed and the owner of the salon building owns both lots, which could allow expanded parking if needed in the future.

Carson Rowley made a motion, seconded by Scott Richard, to approve the parking agreement for 2401 G Avenue for 25 parking spaces, with recommendations 1-5 in the staff report. Recommendation number 4 will be amended to add "no more than 4000 kelvin lighting will be used." Vote on the motion was unanimous, motion passed.

A Public Hearing for a special exemption opened at 12:23 p.m. This is to reduce the rear setback requirement at 3420 Twin Creek Trail Avenue.

The hearing was closed at 12:24 p.m. with no comments from the public. Carson Rowley made a motion, seconded by Scott Richard to close the hearing. Vote on the motion was unanimous, motion passed.

Todd Stowell gave a description and background on the exemption request. Jesse Brittain the contractor and Gary and Marilyn Cabe as the property owners, are requesting that the rear setback requirement at 3420 Twin Creek Trail Avenue be reduced from 15 feet to approximately 10 feet in order to authorize an existing 12-foot

by 19-foot covered porch on the back (south) side of the house. Staff reviewed the criteria for special exemptions to setback requirements.

Scott Richard made a motion, seconded by Karintha Herweyer, to grant the special exemption with findings 1-4, conditions 1-2 in the staff report. Vote on the motion was unanimous, motion passed.

A Public Hearing for a special exemption opened at 12:32 p.m. This is to reduce the rear setback requirement at 3414 Twin Creek Trail Avenue.

The hearing was closed at 12:33 p.m. with no comments from the public. Carson Rowley made a motion, seconded by Scott Richard to close the hearing. Vote on the motion was unanimous, motion passed.

Todd Stowell gave a description and background on the exemption request. Jesse Brittain the contractor and owner, is requesting that the rear setback requirement at 3414 Twin Creek Trail Avenue be reduced from 15 feet to approximately 8 feet in order to authorize an existing 12-foot by 20-foot covered porch on the back (south) side of the house.

Scott Richard made a motion, seconded by Karintha Herweyer, to grant the special exemption with findings 1-4 and with the conditions 1-2 in the staff report. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed the site plan for the Robinson Storage Facility, located at 1808 Demaris Street. The applicant would like to build two storage buildings on 1.5 acres. The northern building will provide 16 units, measuring 15' wide by 40' deep. The southern building will provide 21 units measuring 15' wide x 50' deep. The property is zoned D-3 open business/light industrial, which allows storage warehouse buildings.

The grading plan and drainage report will still need to be reviewed by Public Works. The storage facility will have two accesses into the property. There is a high point on the gravel part of Demaris Street. It will need to be lowered a foot or two, to eliminate the site distance obstruction it creates. The zoning and location of the property will allow one billboard, but not two as proposed.

Applicant J.W. Robinson, and Engineer Quinn Jules, answered questions from the Board. The Board discussed the exterior lights. The applicant was planning on leaving the lights on all night. They asked if he would be willing to install motion activated lights, except on the entrance sign which will be a low wattage light.

Scott Richard made a motion, second by Carson Rowley, to approve the site plan for Robinson Storage Facility, located at 1808 DeMaris Street with conditions 1-12, with amending recommendation five and six to read:

5. The high point in Demaris Street must be lowered a foot or two in order to eliminate the sight distance obstruction it creates, Coordinate details with the City of Cody Public Works Department.

6. Exterior lighting fixtures must be full cutoff in style as proposed, with motion sensors, except for the low wattage entrance sign. The wattage and spacing of the fixtures will not exceed 18 watts and spacing no less than 60 feet. A color temperature of 4,000 K (soft light) or less is recommended.

Vote on the motion was unanimous, motion passed.

Todd Stowell told the Board that he will review the setbacks on open porches and pergolas and see if they need to be revised.

Scott Richard made a motion, seconded by Carson Rowley, to adjourn the meeting. Vote on the motion was unanimous, motion passed. Meeting was adjourned at 1:25 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator



PLANNING, ZONING AND ADJUSTMENT BOARD
COMMERCIAL SITE DEVELOPMENT APPLICATION

STAFF USE
File #: SPR2022-
P&Z Invoice: SPR-0422-0603
Date Submitted: 4-21-22

Applicant's Name: Gordon Allison Business Name: Gordy/Josh LLC
Applicant's Mailing Address: 3429 Cottonwood Ave. City: Cody State: WY Zip: Phone:
Cell: Email: gnallison@gmail.com
Project Address: 3202 Big Horn Ave City: Cody, WY Zoning: D3
Property Owner's Name: Gordy/Josh LLC Phone/Cell: 719-649-7837
Property Owner's Mailing Address: 3429 Cottonwood Ave. City: Cody State: WY Zip: 82414
Description of Proposal (attach additional sheets as necessary): Modify existing engineered fabric / metal structure to show new horizontal corrugated siding on engineered north wall. Provide landscaping for site.

Legal Description of Property (or attach copy of deed): Franzen Minor Sub. Lot 1 (3.76 AC.) 3202 Big Horn Ave.

Estimated Construction Start Date: 2022

Representative Attending Planning and Zoning Meeting: Joni Collier - JC Designs LLC

Signature of Property Owner: Gordon n. Allison 4/19/22
Signature Date

APPLICATION MATERIALS:

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

- 1) **FEE:** Each application shall be accompanied by one of the following review fees. Payment may be made by cash, check, or credit card (Visa, MasterCard, Discover).

- ☒ Site Plan Review (also includes Landscape, Architecture, and Sign Plan).
Size of Building/Addition: S.F. @\$0.05 per square foot = \$ \$250.00 minimum
☐ Landscape/Architecture and Sign Plan only. (Typically, modifications to existing development.) \$100.00
☐ Minor Commercial Review. (Windows, doors, awnings, building access or exterior finish only.) \$50.00

- 2) **COPIES:**

- ☒ Twelve (12) paper copies* of the application materials (plans, project description, sign plan, and other required information).
☒ A digital copy (PDF) of each of the application documents.

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

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

Please include the following Architectural and Site Plan components:

FEATURES & SPECIFICATIONS

INTENDED USE — The OLWP provides years of maintenance-free general illumination for commercial or residential outdoor applications such as driveways, patios, loading areas and warehouses.

CONSTRUCTION — Rugged cast-aluminum, corrosion-resistant rear mounting plate.

Impact resistant polycarbonate front cover/diffuser resists fading and cracking.

Driver operates at 120V.

Operating temperature -40°C to 40°C.

OPTICS — High-performance LEDs maintain 70% of light output at 50,000 hours of service. (LED lifespan based on IESNA LM-80-08 results and calculated per IESNA TM-21-11 methodology.)

Lenses are engineered for superior lighting distribution, uniformity and fixture spacing.

See Lighting Facts Labels for specific fixture performance.

INSTALLATION — Designed for wall mounting more than 4' above the ground. Mounts to a recessed junction box (by others).

LISTINGS — UL Listed to US and Canadian safety standards for wet locations.

WARRANTY — 5-year limited warranty. Complete warranty terms located at:

www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

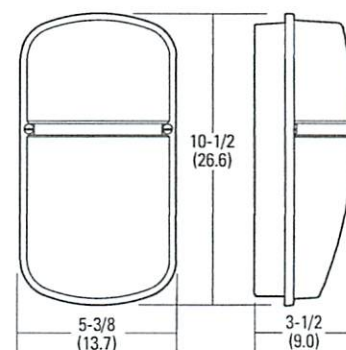
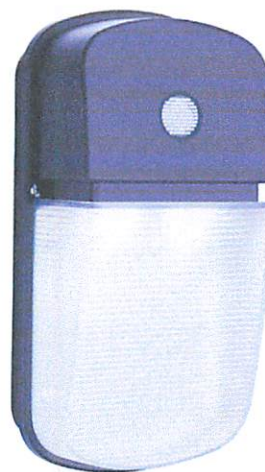
Specifications subject to change without notice.

Catalog Number
Notes
Type

Outdoor General Purpose

OLWP

LED WALL PACK



All dimensions are inches (centimeters) unless otherwise indicated.

ORDERING INFORMATION

All configurations of this product are considered "standard" and have short lead times.

Example: OLWP LED P1 40K 120 PE DDB

Series	Lumens / Color temperature (CCT) ¹	Voltage	Control	Finish
OLWP LED	P1 40K 1414 lumens / 4000K	120 120V	PE Button photocell	DDB Dark Bronze

Notes

¹ Nominal Correlated Color Temperature (CCT) per ANSI C78.377-2008.

3202 BIG HORN AVE.



NORTH PERSPECTIVE
REV 10/2022



NORTH WEST PERSPECTIVE
REV 10/2022



NORTH EAST PERSPECTIVE
REV 10/2022



NORTH WEST PERSPECTIVE
REV 10/2022

SHEET INDEX

SHEET NO.	SHEET NAME
T1.0	TITLE SHEET
A01.0	SITE PLAN / LANDSCAPE PLAN
A2.0	EXTERIOR ELEVATIONS

3202 BIG HORN AVE.
GORDON ALLISON
112 S. 10TH ST.
SPOKANE, ID 83402-1001
PH: 208.325.1001
WWW.GORDONALLISON.COM

SCHEMATIC
DESIGN
NOT FOR
CONSTRUCTION

JIC

DATE: 10/20/2022

FILE: 3202 BIG HORN AVE
CADD: 3202 BIG HORN AVE
3202 BIG HORN AVE

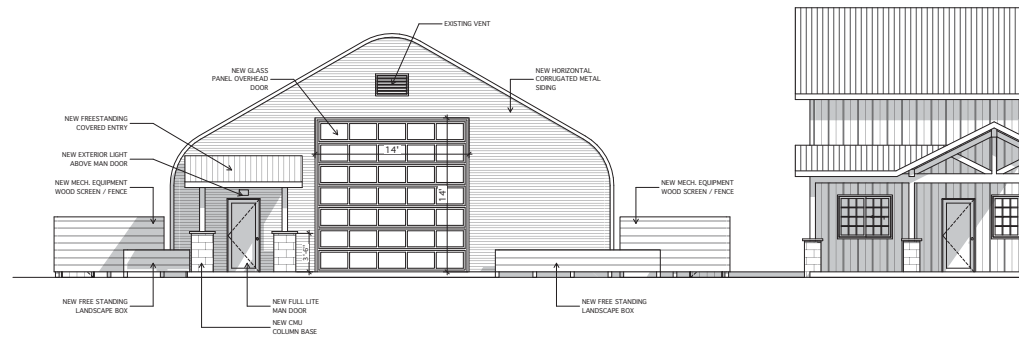
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DATE: 10/20/2022

TITLE SHEET

DATE: 10/20/2022

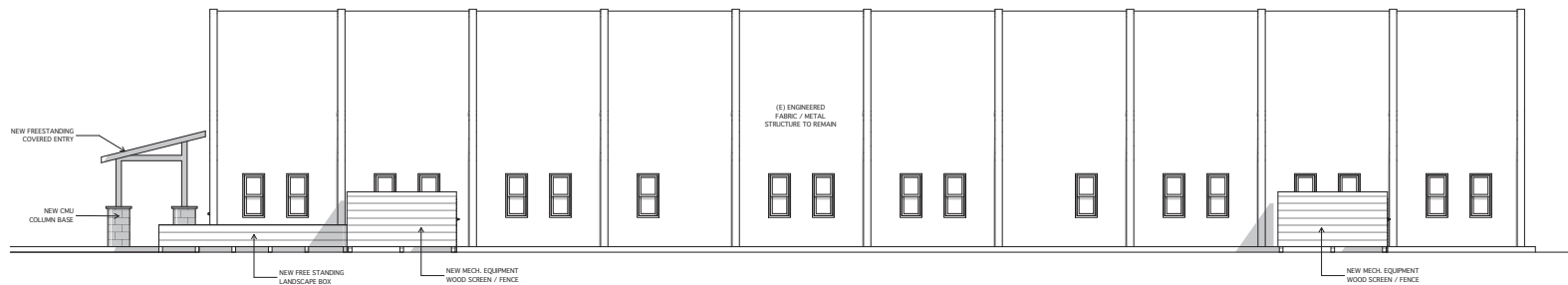
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1

NORTH ELEVATION

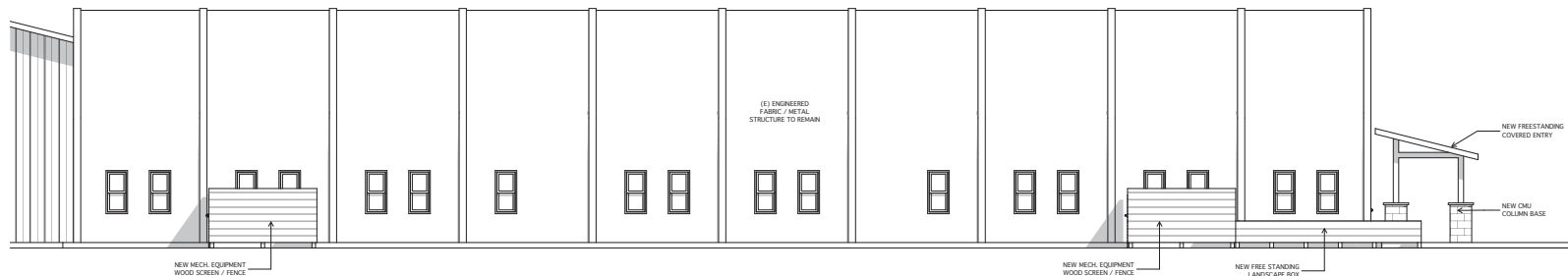
3/16" = 1'-0"



2

WEST ELEVATION

3/16" = 1'-0"



3

EAST ELEVATION

3/16" = 1'-0"

PROJECT NO:

2022-06

DATE: 04.22.22

REVISION: -

PROJECT LOCATION:

CODY, WY

3202 BIG HORN AVE.

GORDON ALLISON
P.O. BOX 606
CODY, WY 82414
P: 719-648-7837
E: gordon@hcm.com

SCHEMATIC
DESIGN
NOT FOR
CONSTRUCTION

J | C

JON COLLIER DESIGNS, LLC

PLANNING / DESIGN / DRAFTING

P.O. BOX 3183
CODY, WY 82414
307.599.1165
JONCOLLIERDESIGNS@GMAIL.COM

DISCLAIMER:
BY ENGAGING A PROFESSIONAL PLANNING, DESIGN AND DRAFTING SERVICE - NOT A LICENSED ARCHITECTURAL FIRM - J.C. DESIGN WILL UNDERTAKE TO THE BEST OF ITS ABILITY TO PROVIDE AN ACCURATE SET OF WORKING DRAWINGS. HOWEVER, ERRORS AND/OR OMISSIONS MAY OCCUR DURING THE DESIGN PROCESS OR DURING THE PREPARATION OF THE WORKING DRAWINGS. IT IS THE RESPONSIBILITY OF THE OWNER OR BUILDER TO VERIFY ALL INFORMATION IN THE PLANS - INCLUDING, BUT NOT LIMITED TO: DIMENSIONS, PROPERTY LINE, SETBACKS, EASEMENTS, EXISTING UTILITIES, SOIL BEARING CAPACITY, STRUCTURAL MEMBER SIZES, AND LOAD BEARING CAPACITY. FURTHERMORE, SITE CONDITIONS AND/OR THE LOCAL BUILDING JURISDICTION MAY REQUIRE THE SERVICES OF A LICENSED STRUCTURAL ENGINEER OR ARCHITECT. J.C. DESIGN AND/OR ASSOCIATES ASSIGNED NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. J.C. DESIGN SHALL BE HELD HARMLESS FROM THE CLIENT, THE OWNER, THE CONTRACTOR OR ANY OTHER SUBCONTRACTOR OR ANY OTHER OF ANY LIABILITY IN ACCORDANCE WITH THE ABOVE STATED TERMS, CONDITIONS AND CIRCUMSTANCES.

SHEET TITLE

EXTERIOR
ELEVATIONS

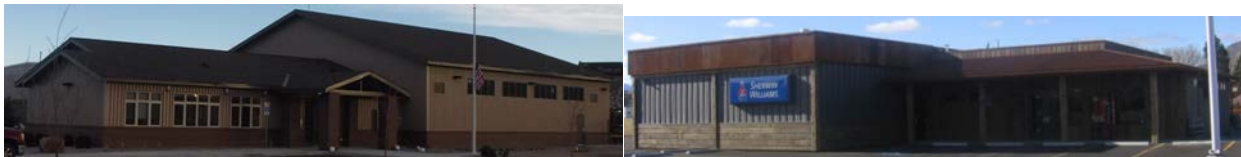
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A2.0

PART 2 OF STAFF REPORT

There are two primary options. One option is to hold to the original commitment, as already extended, and require removal of the structure, because that is what the original application presented, and what was reviewed and permitted. The Board has taken that approach at least once in the past, such as with the request to allow transfer of the authorization of the tea room on Stampede Avenue to a new owner. That did not move forward because the original agreement on the tea room was that it was temporary, and only for the original applicant.

The justification for denial of the current request (to require removal) would need to be based on a conclusion that the structure is not architecturally compatible with the surrounding area. Refer to photos of the existing structure (without proposed architectural enhancements, see page 1 of report for proposed rendering) and buildings on neighboring properties below for comparison.





The other option for the Board is to permit the structure to be modified and allow it to remain, either as requested or with additional conditions.

The proposal does significantly improve the front of the building by adding a large glazed overhead door, horizontal siding, and an entry canopy. Additional improvements include visually screening the HVAC equipment with privacy fencing and adding planters and landscaping at the front corners of the building. It is noted that additional landscaping would occur along the side property lines in the form of Colorado Blue Spruce trees spaced 30 feet on center, which trees were included in the landscaping plan for the original metal building on the property, but which were never installed as proposed and required.

If the structure is allowed to be modified as proposed, and allowed to remain, staff would recommend that it be subject to additional landscaping beyond what is shown on the plans, using trees along the sides of the structure. Doing so would visually break up the stark and uninviting sides of the building.

No staff recommendation is provided at this time. Part of the reason being that I sent an email to several of the neighboring property owners and would like to hear from as many of them as possible before or at the meeting. I would think they would have an interest in the decision. Any comments received will be presented before or at the meeting.

ALTERNATIVES:

Approve or deny the site plan application, with or without changes.

If the application is approved, it should be based on the following agreed items. If the applicant is not agreeable, that must be considered.

1. A minimum of five trees must be planted along each side of the structure. (Anticipate two near the corners and three between the mechanical screens, on each side.) The trees are to be nursery grade and climate appropriate.
2. The tree lines along the side property lines are to have ground cover, such as native grass or landscape rock, to minimize weeds.
3. All landscaping is to be provided with irrigation systems.
4. All exterior lighting is to be full cut-off style.
5. The structure is not to be occupied, even on a temporary basis, until all architectural enhancement, screening, and landscaping is completed per the approved plans and verified by the City.
6. Use of the structure is approved for storage only at this time. Any additional use is subject to further zoning, building and fire code review.



CITY OF CODY
WYOMING

Todd Stowell <todds@codywy.gov>

Structure at 3202 Big Horn Avenue (aka Kanye West temporary tent)

Todd Stowell <todds@codywy.gov>

Tue, May 3, 2022 at 11:59 AM

Cc: Barry Cook <bcook@codywy.gov>

Bcc: "Spomer, Dusty" <dspomer@to-engineers.com>, James Klessens <JKlessens@forwardcody.com>, kent@eleutian.com, Fred Bronnenberg <fbronnenberg@groathouse.com>, Harold Musser <Harold@mbauction.com>, Tony <tony@nrwdcodywy.com>, Tommy Quick <tommyleequick@gmail.com>, Jake Schrickling <jschrickling@sletteninc.com>, dgail@gailconstruction.net, jjones@freemontmotors.com

The deadline for removal of the temporary fabric structure at 3202 Big Horn Avenue is May 15th. The City has received an application from the current property owner (GordonJosh, LLC--being Gordie and Josh Allison) to modify portions of the structure and allow it to remain. See attached files. The Planning and Zoning Board will be reviewing the proposal at their May 10th meeting, which starts at noon at City Hall.

In preparation for the meeting, I will prepare a staff report to present the history of the building, the prior commitments/plans, and the current proposal.

While there is no formal neighbor notice required, I thought it appropriate to send this email, so that you are aware and can provide your opinion(s), and that they can be considered in the review process. Responses can be sent to this email. If you would like to speak at the Planning and Zoning meeting, let me know and I will pass it on to the Board, and they will determine if they will accept verbal comments at the meeting.

This email is being sent to those property owners and tenants in the immediate area for which I have an email (T-O Engineers, Forward Cody, Eleution Technologies, Bronnenberg Family Trust, Harold Musser, Northwest Rural Water, Tom Quick, Sletten Construction, Gail Construction, and Freemont Motors).
(Hopefully, the email addresses are current.)

Thanks,

Todd Stowell, AICP

Community Development Director/City Planner

City of Cody, Wyoming

(307) 527-3472

www.codywy.gov

Community Development Office Hours

7:30-5:00 Monday-Thursday, 7:30-11:30 Friday

3 attachments



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2022-06, 3202 Big Horn Ave. AS1.0.pdf
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2022-06, 3202 Big Horn Ave. A2.0.pdf
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