

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD AGENDA
TUESDAY, MARCH 28, 2023
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 March 28, 2023 meeting.
5. Approval of Minutes from the March 14, 2023 regular meeting.
6. New Business:
 - A. Public Hearing to consider a request to add a dwelling to a nonconforming structure at 110 Goodturn Drive.
 - B. Review the request for adding a dwelling to a nonconforming structure at 110 Goodturn Drive.
 - C. Public Hearing for a conditional use permit for an accessory dwelling unit in an R-1 zone located in 1202 Red Butte Avenue.
 - D. Review the conditional use permit request for an accessory dwelling unit at 1202 Red Butte Avenue.
 - E. Site Plan Review for a 3,500-square-foot dry storage building at 74 Road 2AB.
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 Regular Meeting
March 14, 2023

A regular 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 14, 2023 at 12:00 pm.

Carson Rowley called the meeting to order at 12:00 pm.

Present: Scott Ricard; Dan Schein; Josh White; Mathew Moss; City Attorney Sandee Kitchen; Council Liaison Andy Quick; City Planner Todd Stowell; GIS Analyst Utana Dye.

Absent: Ian Morrison;

Caron Rowley led the pledge of allegiance.

Scott Richard moved to approve the agenda for the March 14, 2023 regular meeting, seconded by Dan Schein. Vote on the motion was unanimous, motion passed.

Scott Richard moved to approve the minutes from the February 28, 2023 regular meeting, seconded by Josh White. Vote on the motion was unanimous, motion passed.

Public Meeting started at 12:02 p.m. for a proposed amendments to the Open Business/Light Industrial (D-3), Industrial (E), and Heavy Industrial (HI), Zoning District.

No public comment.

Public meeting closed at 12:09 p.m.

City Planner Todd Stowell review the proposed Amendments to the Open Business/Light Industrial (D-3), and Heavy Industrial (HI) zoning districts. Relating to hazardous materials, environmental impacts, and the architectural and landscaping plan exemption on the airport land.

Scott Richard made a motion, seconded by Dan Schein to recommend to City Council to adoption of the proposed amendments to the Open Business/Light Industrial (D-3), and Heavy Industrial (HI) zoning districts. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell discussed with the board a proposal on the minimum lot size requirements for Accessory Dwelling Units.

The Board directed staff to proceed with the public notice and review process.

P & Z Board Matters: Matt Moss will be not be at the next meeting.

Council Updates: None

Staff Items: None

Josh White made a motion, seconded by Dan Schein to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned at 12:42 p.m.

Utana Dye

GIS Analyst

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	MARCH 28, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	ADD A DWELLING TO A NONCONFORMING STRUCTURE—SHOP AT 110 GOODTURN DRIVE. SUP 2023-01	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Jeff & Norma Rudolph of 110 Goodturn Drive would like to convert an existing building to the east of their house at 110 into an accessory dwelling unit (ADU). Because the building does not meet the minimum setback requirement of 3 feet from the north property line (it is approximately two feet from the north property line), it is classified as a legal non-conforming structure and special permission to convert the building into a dwelling is required.

The public hearing for the request was advertised as required by U.S. mail to neighboring properties within 140 feet on March 9, 2023, and by publication in the newspaper on March 14, 2023.



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 has the following criteria, and staff comment is provided for each.

10-13-6: EXPANSIONS AND CHANGES:

A. The planning, zoning and adjustment board shall consider applications ... 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: Not applicable, as the building does not contain a nonconforming use—the structure is nonconforming only to current setback standards.

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 shop/storage building, or the existing building could be torn down and a new structure built one foot further to the south. Removal and reconstruction of the structure would be significantly more expensive than the proposed remodel, and the new structure would only be one foot from the current location.

The primary impact of the nonconforming setback is reduced fire protection for neighboring properties, which impact can be addressed through construction of a fire-rated wall as part of the remodel process—thus resulting in greater fire protection for the neighboring property than the current situation.

Staff views the primary intent of this required nonconforming review as an opportunity for the Board to determine whether the structure still holds significant value and therefore is justified to remain where located, or if is at the end of its “life” and should just be torn down and rebuilt to code. In this case, the structure appears rather “solid” structurally and has a new roof, so it clearly holds significant value. The remodel will occur using current code requirements. Due to the factors noted, there is very minimal, if any, benefit the public would receive from denial of the request, while the hardship on the applicant would be quite significant.

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 low-density residential area. The proposed accessory dwelling is a permitted use for the R-2 zone in which the property is located, 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. For parking, the City code requires two spaces for the main dwelling and one space for the accessory dwelling unit. How those spaces are located and configured will be reviewed with the Accessory Dwelling Unit application—a few options are available.

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

STAFF COMMENT: The biggest current issue is lack of fire protection to and from the neighboring property, but that protection will be provided with the remodel of the building.

Neighbor comments are typically a good measure of whether impacts to neighboring properties are anticipated. In this case, the city has received three responses of “no objection”, and no responses of “objection”. The favorable responses were from the neighbors immediately to the north and to the south, and from a neighbor across Shoshone Trail North (south of where the alley comes out).

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. Parking will be addressed with the ADU application. No other adverse impacts from the reduced setback are anticipated.

Other:

The zoning code language also states that it must be shown that, “in building official's judgment the work does not significantly increase any life or safety hazards.” He has reviewed the proposal and does not have any concerns, as the construction will comply with current codes.

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 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 the relief requested, as determined by the standards outlined in Section 10-13-6 of the 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 are met.

AND,

Approve the request to add a dwelling to the existing nonconforming structure.

(No conditions are necessary, as all items fall within the scope of the building code, or the Accessory Dwelling Unit application review.)



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties:

Please return this letter by March 23, 2023 to:

March 9, 2023

Cody Planning & Zoning

P.O. Box 2200

Cody, WY 82414

or email todds@codywy.gov

RE: **ACCESSORY DWELLING UNIT REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST. YOUR COMMENTS WOULD BE APPRECIATED.

The City of Cody Planning and Zoning Board will hold a public hearing Tuesday, March 28, 2023, at 12:00 p.m. (noon) or as soon thereafter as practical, in the City Council Chambers located in City Hall at 1338 Rumsey Avenue, to consider a request from Jeff and Norma Rudolph to add a dwelling to a nonconforming structure—they would convert a detached garage into an Accessory Dwelling Unit on their property at 110 Goodturn Avenue, Cody, WY. The review is required because the building is approximately two feet from the north property line, where three feet is required. The north wall of the structure would be upgraded to a "fire wall", in order to meet current building code requirements. Information regarding the proposal is available by contacting the Community Development Department in City Hall, or calling (307) 527-3472. Everyone is welcome to comment on the proposal. If hearing assistance is needed, please call 527-7511, 24 hours

(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)

Dear Planning and Zoning Board Members:

I am familiar with the application by Jeff & Norma Rudolph to convert their existing detached garage into an Accessory Dwelling Unit on their property.

☒ I have NO OBJECTION to the requested Nonconforming Structure Change.

Name: Janet + Joyce Lipton

Address: 100 Goodturn Dr. Cody, WY 82414

Comments: _____



☐ I OBJECT to the requested Nonconforming Structure Change.

Name: _____

Address: _____

Specific Reason(s) for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____



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(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)

Dear Planning and Zoning Board Members:

I am familiar with the application by Jeff & Norma Rudolph to convert their existing detached garage into an Accessory Dwelling Unit on their property.

☒ I have **NO OBJECTION** to the requested Nonconforming Structure Change.

Name: Frances Wells (2008 Shoshone Tr North)

Address: PO Box 2812 Cody 82414

Comments: The Rudolfs take excellent care of their property, and the proposed structure would be an asset to the neighborhood.

☐ I **OBJECT** to the requested Nonconforming Structure Change.

Name: _____

Address: _____

Specific Reason(s) for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____





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March 9, 2023

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(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)

Dear Planning and Zoning Board Members:

I am familiar with the application by Jeff & Norma Rudolph to convert their existing detached garage into an Accessory Dwelling Unit on their property.

☒ I have **NO OBJECTION** to the requested Nonconforming Structure Change.

Name: Thomas & Sheri Schmidt

Address: 2007 Shoshoni Trail N

Comments: _____



☐ I **OBJECT** to the requested Nonconforming Structure Change.

Name: _____

Address: _____

Specific Reason(s) for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

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

MEETING DATE:	MARCH 28, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CONDITIONAL USE REQUEST FOR ACCESSORY DWELLING UNIT IN R-1 ZONE: 1202 RED BUTTE AVENUE. SUP 2023-02	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Kayleigh Rust and Alex Wright have submitted a Conditional Use application for authorization to convert an existing 568-square-foot, attached garage on their property at 1202 Red Butte Avenue into an Accessory Dwelling Unit. The 13,850-square foot property is a corner lot, located southeast of the Red Butte Avenue and 12th Street intersection, within the R-1 (Single-family Residential) zoning district.



The zoning ordinance defines a dwelling as, "*a building, structure, or portion thereof, designed or used exclusively for residential occupancy as a separate living quarter, with sleeping, cooking and sanitary facilities provided.*" As can be seen in the floor plan on the next page, the proposed garage conversion contains sleeping, cooking and sanitary facilities, and therefore meets the definition of a dwelling.

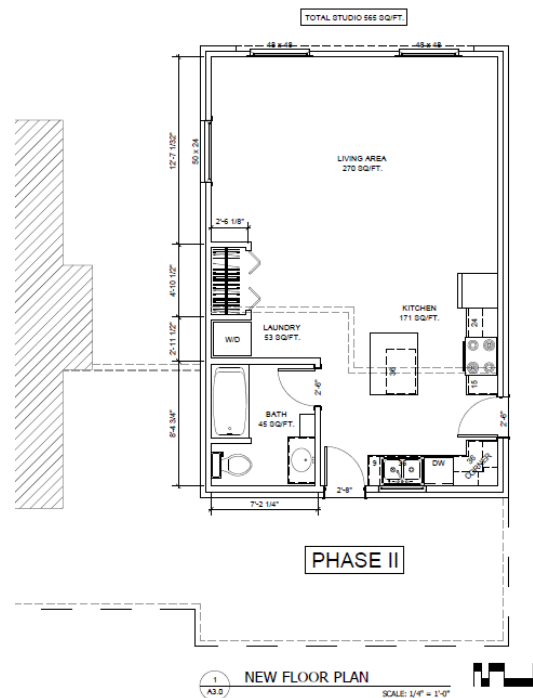
REVIEW PROCEDURE:

Accessory dwelling units can only be permitted in the R-1 zone by Conditional Use Permit, which permit request is considered and determined by the Planning and Zoning Board. In addition, there are supplementary development standards for accessory dwelling units (ADUs), as outlined in Chapter 10-8 of the City Code.



Notice of the public hearing for the conditional use permit was provided as required, at least 10 days prior to the meeting by publication in the Cody Enterprise (March 14) and mailing to neighboring property owners within 140' (March 10).

Neighbor responses to the notice have been generally opposed to the request. However, as staff held additional conversation with the applicant, it was evident that the applicant's intended use of the accessory dwelling unit was not explained in the notice, which led many of the neighbors to presume a "worst case scenario." The applicant has stated, and is agreeable to put into a written agreement, that the accessory dwelling unit will not be rented. They intend it only as a separate living area for their guests that visit—typically their parents, siblings, and other relatives. As such, it will not have the same impacts as a full-time rental, or as some neighbors speculated, a short-term rental, which is not permitted in the R-1 zoning district. The applicant intends to make contact with the neighbors with concerns before the public hearing to inform them of their intent.



To be upfront, the only difference between needing a conditional use permit and not in the proposed scenario, is that the current proposal includes cooking facilities. If it did not have any cooking facilities, no special authorization would be needed. They could still have their guests, and the neighbors would likely have the exact same impacts, or lack thereof. In this case, the homeowners are following the available process, as opposed to trying to sneak it in later, which is appreciated by staff.

REVIEW CRITERIA:

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

1. Location: An accessory dwelling unit, where permitted, may be located only in one of the following manners:
 - a. Within a detached single-family dwelling, either initially at time of construction, or any time thereafter.
 - b. Within an addition to a detached single-family dwelling.
 - c. Above or within a residential garage or other building accessory to a detached single-family dwelling.
 - d. Within an accessory building on the same parcel as a detached single-family dwelling unit.

Comment: Met. The garage being converted was an addition to the main house.

2. Lot Area, Dwelling Size, And Density: The minimum lot size required for an accessory dwelling unit (ADU) is seven thousand (7,000) square feet. Accessory dwelling units are not subject to the minimum dwelling size requirement of this title and are not included in the density calculations for a lot.

Comment: Met. The property is 13,850 square feet in size.

3. Number: Only one (1) accessory dwelling unit (ADU) per lot may be permitted and the ADU must be accessory to a detached single-family dwelling. A lot already occupied by two (2) or more dwellings is not permitted to have an accessory dwelling unit.

Comment: Met. Only one dwelling currently exists on the property.

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

Comment: Height and setback requirements are met.

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

Comment: Not applicable, as the building is existing.

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

Comment: Met. The ADU is approximately 568 square feet.

7. Type of Construction and Architecture:

a. Within the RR, R-1, R-2 and R-3 Zoning Districts, ADUs are to be of either conventional site-built or modular construction and meet the requirements of the adopted residential building code. ADUs in new buildings must have architectural features and materials that closely resemble those of the primary dwelling and/or are commonly found on architecturally significant houses in the immediate neighborhood, except when the ADU will be located behind the primary dwelling on an interior lot.

Comment: Likely met. The exterior of the ADU is existing and matches the brick on the main house. The garage door will be removed. Details of the exterior material where the garage door is now located are not identified at this time.

b. N/A

c. N/A

8. Bedrooms: An ADU may not contain more than two (2) bedrooms/sleeping areas.

Comment: Met. A single studio bedroom/living area is proposed.

9. Parking: An ADU must have a minimum of one off-street parking space...When required, the parking space shall meet the standards of chapter 16, "Off Street Parking", of this title. Any required existing parking may not be displaced by the ADU, unless such parking is replaced elsewhere on the lot.

Comment: Met. There is a two-car garage for the main house off of 12th Street, which satisfies the two spaces required for the main house. Although the garage space where the ADU is proposed will be eliminated, there is an adjacent one-car carport plus a parking pad in front, so more than the minimum amount is still available. The spaces meet the applicable standards.

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

Comment: Met. The applicants indicate that this is their plan.

11. Timing: N/A.

12. Utilities: Both the primary dwelling and the ADU must be connected to public sewer and public water, and be served with a functional fire hydrant meeting applicable requirements for distance to the dwellings. Utility services for the ADU may either be individual-serving only the ADU, or shared with the primary dwelling.

Comment: Met. City water, sewer, and power will be shared with the primary dwelling. The location is within this required distance from a fire hydrant (approx. 450 ft., 600' is the max. allowed).

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

Comment: No home occupations are proposed at this time.

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

Comment: An address would be issued with the building permit.

CONDITIONAL USE CRITERIA:

The conditional use standards of review are found in Section 10-14-1(D) of the City of Cody Code, and are listed below, with staff comments provided. The Board has authority to approve, impose conditions on, or deny conditional use applications. The Board is to base its determination upon the following considerations.

1. *Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?*

Comment: Yes, the ADU complies with the dimensional standards of the zoning ordinance, including height, building setbacks, lot size, lot coverage, and parking.

2. *Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?*

Comment: The question of compatibility with other uses in the immediate area is the crux of the conditional use review process. In this case we are dealing with a proposed dwelling unit, and dwelling units are the primary use in residential neighborhoods, so the use should be considered entirely compatible. The difference is density. ADUs typically represent an increase in density.

Neighbor comment is often an indicator of compatibility, and also serves to identify specific issues that may need mitigated. Of the 10 neighbors that were directly contacted, one has responded "no objection" and three have stated they object. Three additional neighbors beyond the notice area also submitted responses of "objection". All written responses are attached for your review. The map indicates the location of the responses, with green indicating no objection and pink indicating objection.

As stated in the introduction to this report, the lack of information in the notice triggered a worst-case interpretation from the neighbors. The Board should consider how neighbors responded after they have been more informed. Comments at the public hearing will also need to be considered.

Initial feedback is that much of the opposition would be removed if the ADU is indeed used only as guest quarters for family and other known visitors, and not for rental. To address concerns related to its use by future owners, the conditional use permit could be limited to the current owners, and require that the kitchen be removed prior to any transfer, unless the new potential owner first applies for and is granted a conditional use permit for an ADU. The agreement would be recorded against the property, so that it would be identified in a title search. Neighbors could help ensure it is enforced by letting the city know of any change in ownership.



3. *Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive*

production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?

Comment: Only standard residential activities are anticipated.

4. *Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, storm water facilities, and sidewalks/pathways?*

Comment: Yes. All standard utilities and public facilities are available.

5. *Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?*

Comment: No such excessive additional costs are anticipated.

6. *Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?*

Comment: No such features exist on or immediately near the property.

7. *Is the proposed use consistent with the applicable provisions of the Cody Master Plan?*

The master plan shows this neighborhood as a low-density residential area. Even with the added unit, it is within the definition of low-density due to the relatively large lot size.

Some guidance is provided in Principle 3.2.b, Design of New Development: "Encourage infill and redevelopment that matches the desired future character of a neighborhood by matching size and scale where possible." The scale and architectural character of the ADU structure are consistent with the neighborhood, in that it fits within an existing structure that has the appearance of any other home in the neighborhood.

Principle 5.2.c notes that ADUs are one of many potential options for providing an adequate supply of housing. Although in this case, the dwelling is not proposed to be used for housing, but only visitor accommodations.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve, deny, or approve with conditions.

RECOMMENDATION:

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

Staff would recommend approval of the conditional use permit for the ADU if the owners make a written agreement to abide by the proposal to not rent the ADU, but to use it and the primary dwelling only for personal occupancy, or for accommodating family and guests without compensation; and, that the conditional use permit is limited in duration to the ownership and residency of Alex Wright and/or Kayleigh Rust on the property, with a provision that the kitchen be removed from the ADU prior to any transfer of the property, unless the new potential owner first applies for and is granted a conditional use permit for an ADU.

The above agreements can be written into the conditional use permit, which is signed by both the owners and the City and is to be recorded with the County Clerk's Office prior to issuance of a building permit for the ADU.

The conditional use permit form would be drafted by staff if the Board authorizes the permit.



**NOTICE OF PUBLIC HEARING
AND OPPORTUNITY TO COMMENT**

Notice to Owners of Neighboring Properties:

Please return this letter by March 23, 2023 to:

March 8, 2023

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or email todds@codywy.gov

RE: ACCESSORY DWELLING UNIT REQUEST

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The City of Cody Planning and Zoning Board will hold a public hearing Tuesday, March 28, 2023, at 12:00 p.m. (noon) or as soon thereafter as practical, in the City Council Chambers located in City Hall at 1338 Rumsey Avenue, to consider a request from Alex Wright & Kayleigh Rust to construct an Accessory Dwelling Unit on their property at 1202 Red Butte Avenue, Cody, WY. The Accessory Dwelling Unit would be located in the existing garage off of Red Butte Avenue. Information regarding the Accessory Dwelling Unit review process and the current proposal is available by contacting the Community Development Department in City Hall, or calling (307) 527-3472. Everyone is welcome to comment on the proposal. If hearing assistance is needed, please call 527-7511, 24 hours in advance.

(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)

Dear Planning and Zoning Board Members:

I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.



☒ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: Marty Stannard & Linda Sudduth

Address: 1225 Moorhous Lane CY

Comments: no objection at this time

☐ I OBJECT to the requested Accessory Dwelling Unit:

Name: _____

Address: _____

Specific Reason(s) for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____



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(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)

Dear Planning and Zoning Board Members:

I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.



☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Ray + Donna Zubik

Address: 2008 12th St. Cody, WY 82414 (Next door neighbors)

Specific Reason(s) for Objection: See attachment

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: rayzubik@gmail.com

3/22/23

Accessory Dwelling input on 1202 Red Butte Avenue

I, Raymond Zubik and my wife Donna Zubik oppose the accessory unit dwelling request. Our reasons include:

When we moved to the area it was rated R1 single family area which meant no additional units in our area.

An additional dwelling will create the potential for more people, children, pets, and noise both short and long term depending on who lives in the dwelling.

Parking will increase and may become a problem especially on the school side on 12th street which is already congested during drop off and pickup.

To summarize my wife and I are opposed to the accessor dwelling at 1202 Red Butte Ave.

We do not plan to come to the meeting but would appreciate being informed of the outcome.

Sincerely,

Raymond Zubik
Donna Zubik



NOTICE OF PUBLIC HEARING
AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties:

Please return this letter by March 23, 2023 to:

March 8, 2023

Cody Planning & Zoning

P.O. Box 2200

Cody, WY 82414

or email todds@codywy.gov

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Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Mary Schock

Address: 1208 Red Butte Ave, Cody, WY

Specific Reason(s) for Objection: This is a Single Family Dwelling zoned.

I feel that if you allow this it will open the door for others. The owners should have looked at zoning before buying. Doing this will effect taxes and Resale value of my home. Currently there are no ADU's, multi family dwellings or short term Rentals.

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: off this passes who will make sure it stays family Resited only?



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Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Marilyn Townsend

Address: 1226 Red Butte Cody, WY

Specific Reason(s) for Objection: I want our house to stay in the zoning it is now. Single dwelling houses only.

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: _____





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Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Leah Ann Lakout & Devin Lakout

Address: 1219 Red Butte Ave.

Specific Reason(s) for Objection: live Residential neighborhood
don't want that to change. DO NOT WANT SHORT
term RENTALS in Neighborhood

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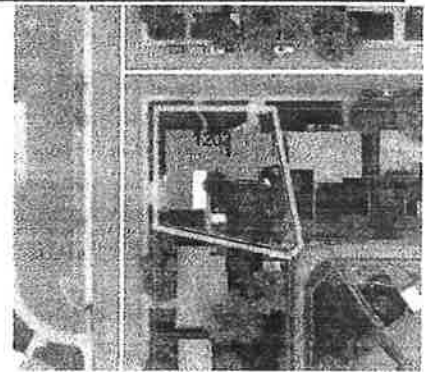
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Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Larry Dean Hazlett and Lynette Hazlett

Address: 1225 Red Butte Avenue, Cody

Specific Reason(s) for Objection: We are afraid if one accessory dwelling in our neighborhood is allowed that would open the door for more to be allowed and short term rentals we want our zoning to remain as is.

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: deanhazlett@gmail.com



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Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Stephen & Kately Payne

Address: 2014 12th Street Cody WY

Specific Reason(s) for Objection: We object in that ADU is essentially creating a two family dwelling in a single family dwelling neighborhood. An illegal who finally just left our neighborhood and we don't want to return to overcrowded that use.

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:

Swilsonpayne@gmail.com



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Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Jerry Tamara Clark

Address: 1231 Red Butte Ave

Specific Reason(s) for Objection: We do not agree as it could be used as a rental in the future.

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: _____



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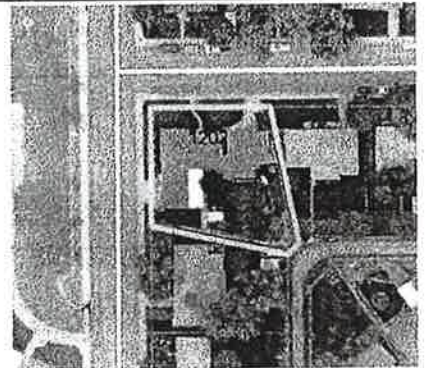
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☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: _____

Address: _____

Comments: _____

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Shirley Popewinter

Address: 1232 Red Butte Ave, Cody, WY 82414

Specific Reason(s) for Objection: Sub division not zoned for the kind of dwelling. Keep it the way it is.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

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

MEETING DATE:	APRIL 13, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: BLOCK ONE LLC, DRY STORAGE, 73 ROAD 2AB. SPR 2023-04	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Block One, LLC has submitted a site plan application to construct a 3,500-square-foot storage building in the middle of their property at 73 Road 2AB.

The property is approximately eight acres in size and located in the Heavy Industrial (HI) zoning district. It has historically contained the Bromley Log business. The proposed storage building would not interfere with the historical use.



REVIEW CRITERIA:

The Heavy Industrial zoning district permits storage buildings, subject to compliance with applicable standards. Storage buildings are not classified under the category of "intensive industrial use", so those provisions of the Heavy Industrial Zone are not applicable. The Heavy Industrial zoning district specifies the following:

10-10F-9: SITE PLAN REVIEW:

As required by this Code, all new or expanded development in the Heavy Industrial Zoning District shall be subject to site plan review by the Planning, Zoning, and Adjustment Board prior to issuance of any building permit or establishment of such use. The board shall review the site plan for the following:

- A. Compliance with the specific provisions of this title.*
- B. General site plan conditions and layout, including access and traffic flow (as related to public safety), commercial signage, parking, landscaping, lighting, site grading, stormwater facilities, and utilities. Consideration of adjacent uses shall be made in respect to the location of specific activities within the site, so as to reduce any*

potential conflicts from odors, dust, noise, vibration, glare, visual impacts, and stormwater runoff.

C. Assurance of compliance with applicable State and Federal safety and environmental standards pertaining to hazardous materials.

The board may specify conditions as necessary to ensure compliance with applicable standards. The issuance of a development permit shall be contingent upon the applicant receiving an affirmative vote from the majority of the board that the applicant has satisfied the above requirements.

REGULATIONS:

Building Height: The heavy industrial zone allows buildings up to 100 feet tall. The proposed structure would be approximately 18 feet in total height.

Yards and Buffers: No buffer or visual screen is required, as there is no adjacent residential zoning.

Development Standards:

Uses conducted within this district shall comply with the following standards:

A. Compliance With State, Federal and Local Requirements: Evidence of compliance with applicable State, Federal, and Local permitting requirements shall be provided with all applications for new or expanded intensive industrial uses in the following manner. An outline of necessary State, Federal, and Local permits for the proposed use and the status of those applications shall be provided by the applicant for the Planning and Zoning Board site plan review outlined in section 10-10F-9 of this article. Potential permits will typically relate to air quality, stormwater, and hazardous waste storage and handling. All such required permits shall be obtained prior to issuance of a certificate of occupancy, or as otherwise directed by the Planning and Zoning Board.

STAFF COMMENT: The relatively small size of the project and the characteristics of the use make it exempt from all state and federal permits. Local requirements will be address through this review, the building permit review, and the fire marshal review.

B. Emergency Response Plans: All intensive industrial uses shall submit emergency response plans to the Park County Fire Marshal for review and approval prior to receiving a certificate of occupancy and conducting such operations.

Comment: Not applicable.

C. The day-night average sound level (L_{dn}), measured at the property line, shall not exceed fifty-five decibels (dB) where the adjacent property is zoned residential (AA, A, B, C, F-1, F-2, RR, and County R-H) or sixty-five decibels (dB) where the adjacent

property is zoned commercial, industrial, or agricultural; provided, the Board may authorize a louder threshold when a sound easement is granted by the owner(s) of the property where the sound threshold would be exceeded. The Board may require sound testing to verify compliance at the time a new or expanded use is established.

Comment: The characteristics of a story storage building use are such that the sound levels will not be exceeded.

D. Landscaping and Screening. New uses, and existing uses which expand in building size or outdoor use area by more than fifty percent, shall be provided with landscaping near the entrance to the property and/or building and along any collector or arterial street frontage, in the following manner:

1. Provide a landscaped area at least two hundred (200) square feet in size near the property entrance and/or building and include vegetation such as decorative grasses, planted trees, shrubs, flowers, lawn, or ground cover.

Incorporating the business signage into the landscaped area is encouraged.

2. Provide landscaping along any collector or arterial street frontage, consisting of a minimum of one (1) tree per fifty (50) linear feet of such frontage (rounded to the nearest whole number) and decorative rock or ground cover at each tree. Provided, the Planning and Zoning Board may consider alternative landscaping methods when tree placement cannot occur due to the restrictions of title 7, chapter 4 of this Code.

3. Required landscaped areas shall be watered and maintained, with replacement of dead vegetation as needed so that at least ninety percent (90%) of the trees and ninety percent (90%) of the other landscape vegetation initially required are living.

Comment: The applicant has stated his intent to comply with the landscaping requirement. The 200 square feet of landscaping near the property entrance will be installed with the building construction. For the present time it is proposed to be a rock garden (landscape rock with large boulders), as the applicant requests, with staff support, that the vegetation and installation of trees along Road 2AB be delayed until additional buildings are constructed, as there is no active water service active on the property at this time and the current project is relatively small and minor in scale.

E. Height of open storage. Storage of materials outside of buildings or containers shall be no higher than eight feet plus one foot in height for every additional two feet of setback from a property line.

Comment: Not applicable. There is no open storage proposed as part of this current project.

F. When the use of the property is a wrecking yard or similar use that stockpiles scrap or junk materials, site-screening fences up to eight feet tall and/or additional landscaping sufficient to form a view-obscuring barrier shall be provided to screen those activities from major roads and residential areas.

Comment: Not applicable. The project does not involve the stockpile of scrap or junk materials.

Storm Water/Grading:

The applicant proposed to comply with the City's stormwater policy by installing infiltration trenches at each building corner, where stormwater from the building gutters and downspouts will be directed. Each infiltration trench will be 190 cubic feet, which was calculated using Table "G" of the manual.

Access/Traffic Flow:

Access to the site will remain from existing driveway along the east side of the property.

Parking:

Storage facilities do not trigger any parking. The driveway and maneuvering area around the building will need to be maintained with a gravel surface. The requirement for a paved entrance is not triggered by the current project.

Lighting:

Two exterior lights are proposed, both on the door (south) side of the building. The fixture styles are full-cut off, as the Board typically requests. However, illumination levels are rather high (100W LED fixtures). Staff would suggest that fixtures more in the 28 to 40-watt range would be more than sufficient. If the Board agrees, it is recommended that the applicant simply provide specifications for the lower wattage fixtures for staff approval.

Utility Services

No modifications to existing utility services are identified as necessary for the current project. No water or sewer is proposed to the building. Power will come from an existing service to the north.

Signage

No additional signs are proposed at this time.

Snow Storage

Plenty of area is available.

Other potential conflicts from odors, dust, noise, vibration, glare, visual impacts, and stormwater runoff.

None have been identified beyond those already mentioned and discussed above.

Architecture

Architectural review is not required in the Heavy Industrial zone. However, it is noted that it is a metal building, with a 1:12 roof pitch. Wall color is saddle tan, while the trim

and roof color is white. Wall height is 16 feet, and one side of the building has four overhead doors.

ATTACHMENTS:

Narrative, site plan, building elevations.

ALTERNATIVES:

Approve, deny, or approve the site plan with conditions.

RECOMMENDATION:

Approve the site plan for the 3,500 square foot dry storage building, subject to the following:

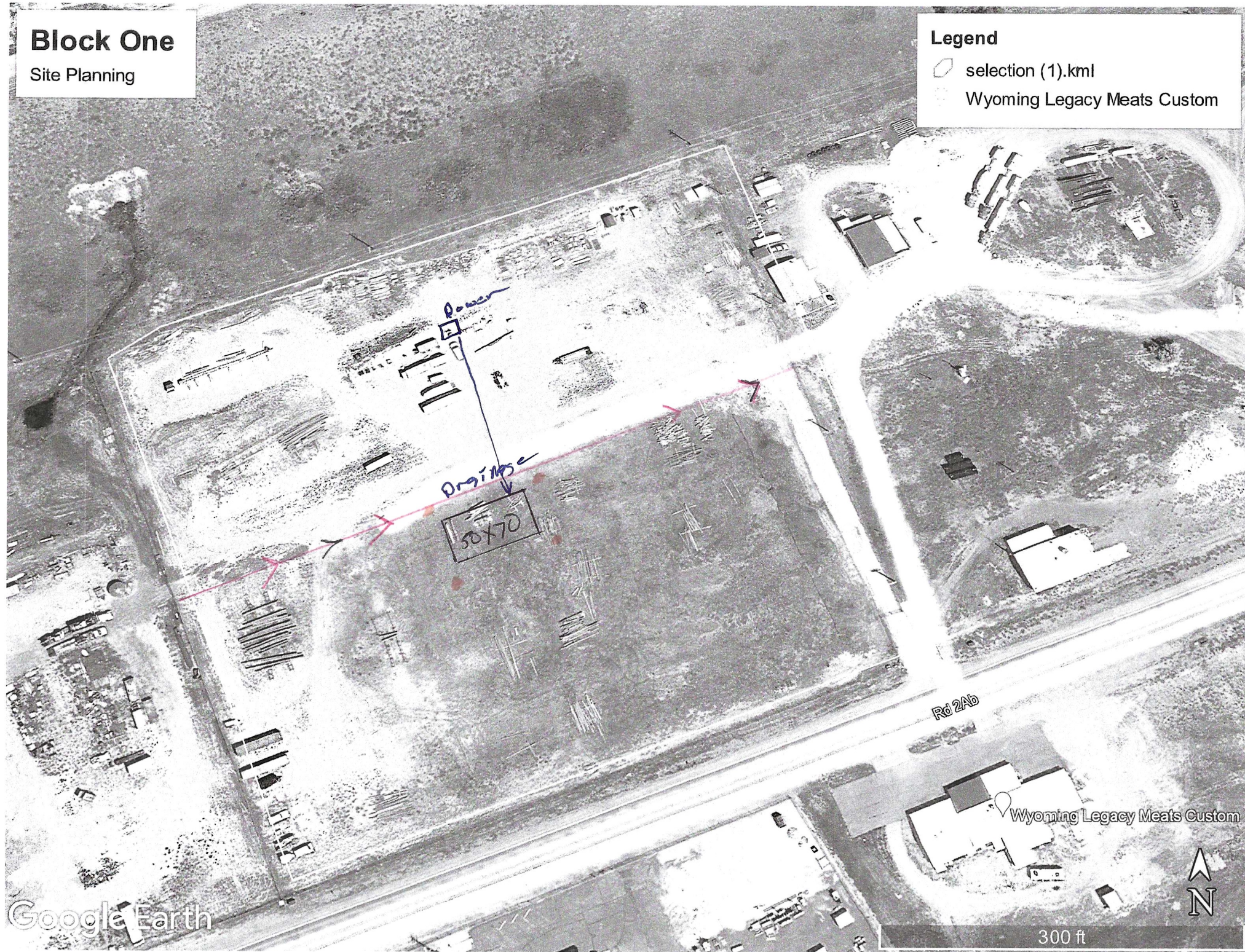
1. All outdoor lighting fixtures, whether new or replacement fixtures, are to be full-cut-off style. Staff is authorized to authorize the specific fixture, based on meeting this condition and determining that lighting levels are not excessive. unless otherwise authorized at that time by the Planning and Zoning Board.
2. The 200-square foot area of landscaping is to be installed as a rock garden within 30 days of occupancy. The rest of the landscaping requirement is delayed until additional buildings are constructed.

Block One

Site Planning

Legend

- selection (1).kml
- Wyoming Legacy Meats Custom





Date: 03/09/23

Project address: 73 Rd 2 AB

To: Cody Planning and Zoning Dept

This letter is attached to the Commercial Site development Application

Site Plan, Building Plans and Foundation Engineering Included,
Building Engineering is Sunward Steel Buildings, Elevations are included
Foundation Engineer is Elevation Structural Design – Dane Hopkin

2 exterior lights PDF included

Building Color- Saddle Tan, Trim Color – White, Roof Color – White E

The Historical Drainage is the Red Line with the Red Arrows to indicate the direction of the Historical flow of run off water . The Water drains from West to East .

For the Building we would Plan to Install 190 cubic feet infiltration pit at the corner of the Building where the downspouts from the Gutters would drain into . Orange Marks on the Site Plan

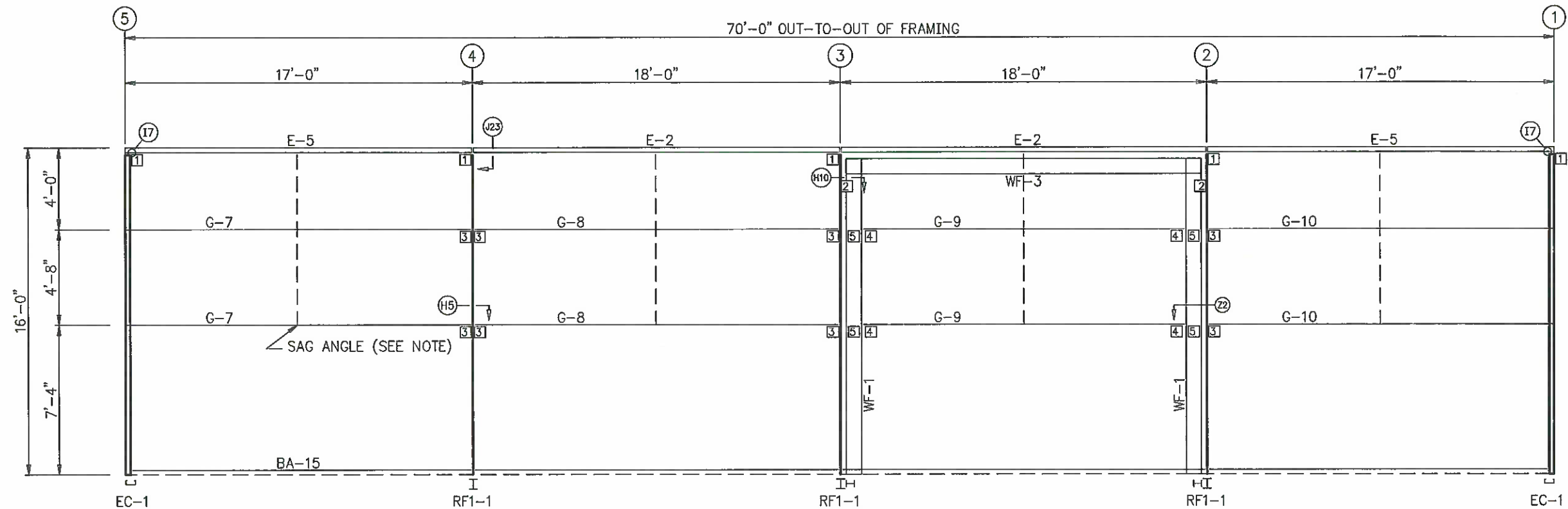
We would commit to a 200 sq ft Phased Landscaping after completion .

We do not have Water service, Sewer Service or Garbage Service .

The Electrical Service is already in Place at Distribution Panel , we would like to trench over and install conduit to the building.

MEMBER TABLE	
FRAME LINE D	
MARK	PART
WF-1	W09542
WF-3	W09542
E-2	8C16
E-5	8C16
G-7	8Z16
G-8	8Z16
G-9	8Z16
G-10	8Z16

CONNECTION PLATES	
FRAME LINE D	
ID	MARK/PART
1	FC063
2	BS-1
3	FC033
4	FC031
5	ZA-45



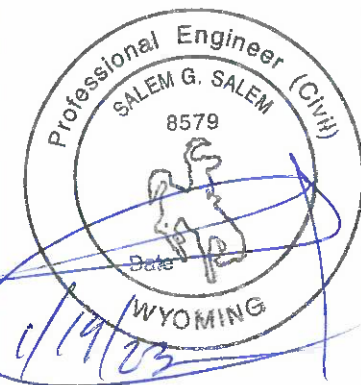
ELEVATION AT: FRAME LINE D

OVERHEAD DOOR NOTE:

BUILDING IS DESIGNED TO HAVE ADEQUATE HEADROOM FOR A STANDARD LIFT SECTIONAL DOOR, UNLESS NOTED OTHERWISE ON THE DRAWINGS. IF USING ANY OTHER TYPE OF DOOR (FOR EXAMPLE: HYDRAULIC, BI-FOLD, SLIDING, COIL/ROLL-UP, ETC.) THEN PLEASE PROVIDE REQUIRED HEADROOM TO ENSURE PROPER DOOR CLEARANCES.

SAG ANGLE NOTES:

(MARK: PBA-10, SIZE: 1"x1"x16 GAGE)
IF SHOWN, LOCATE PBA-10 AS INDICATED ON DRAWINGS. ONE ROW IS AT MIDPOINT OF BAY, TWO ROWS ARE AT 1/3 POINTS OF BAY, THREE ROWS ARE AT 1/4 POINTS OF BAY.

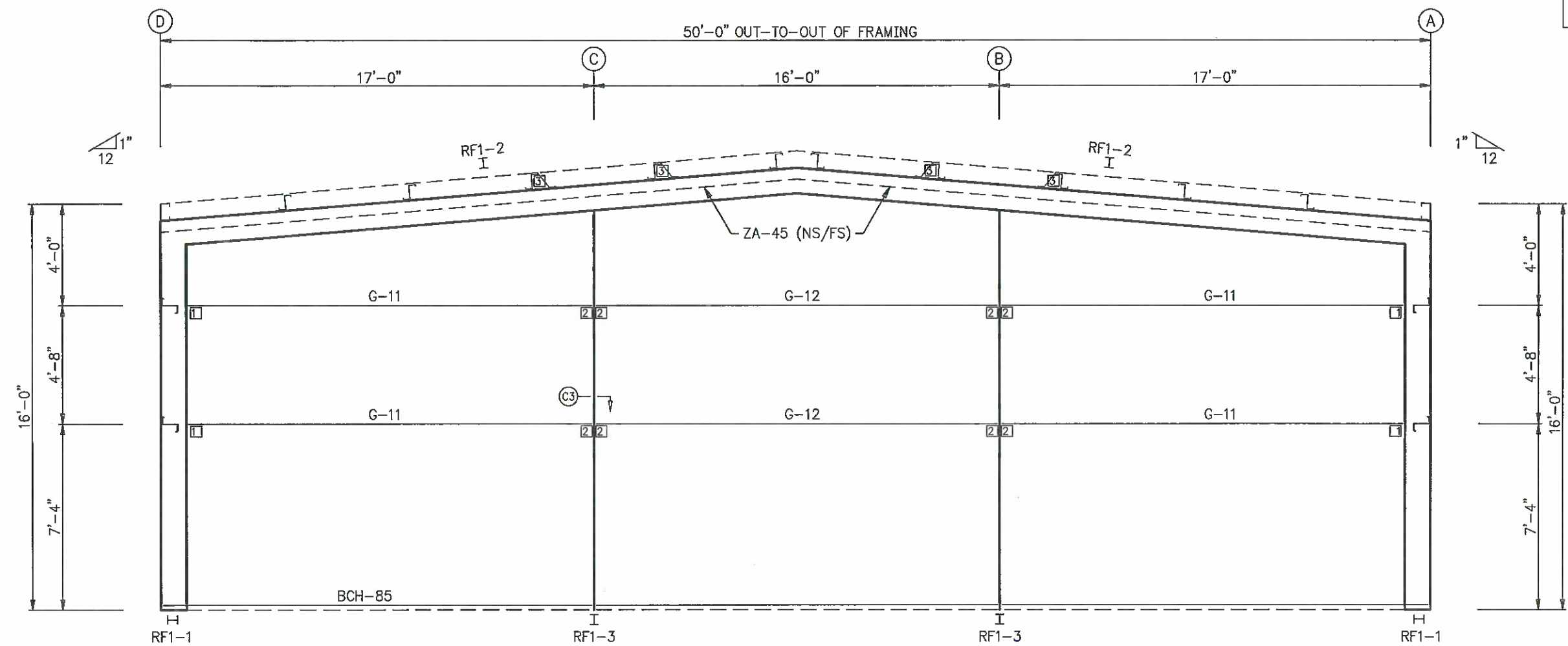


Sunward Steel Buildings

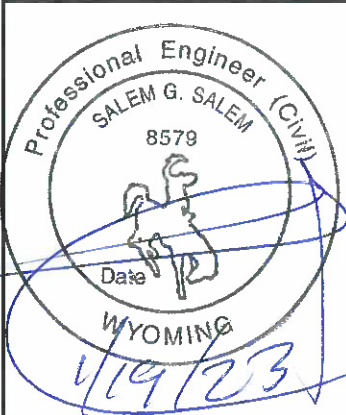
BUYER : Bromley Construction & Log Homes DRAWN BY: MS
CUST. : Bromley Construction & Log Homes 1/ 4/23
SITE : Cody, WY CHECK BY: _____
DESCR.: See Elevations DES. ENG.: _____
SCALE : NONE
JOB# : 108135 SHEET NO. E2 OF 11

MEMBER TABLE	
MARK	PART
G-11	8Z16
G-12	8Z16

CONNECTION PLATES	
ID	MARK/PART
1	FC031
2	FC033
3	FC007



PARTITION ELEVATION: FRAME LINE 2 3 4



BUYER: Bromley Construction & Log Homes	DRAWN BY: MS
CUST. : Bromley Construction & Log Homes	1/ 4/23
SITE : Cody, WY	CHECK BY: _____
DESCR.: See Elevations	DES. ENG.: _____
SCALE : NONE	SHEET NO. E4 OF 11
JOB# : 108135	


XFit
**FULL CUT OFF
WALL PACK FIXTURES**

KT-WPLED100-M2-8XX-VDIM

ARCHITECTURAL 100W FULL-CUTOFF LED WALL PACK

DESCRIPTION

Architectural 100W Full-Cutoff LED Wall Pack | 120–277V Input
| 4000–5000K | Medium-Size Bronze Housing | Wide Optic Lens

APPLICATION

Building Mount for exterior illumination (perimeters, pathways, loading docks, and other general security lighting requirements)


5YEAR
WARRANTY

PRODUCT FEATURES

- Architectural full-cutoff design improves the appearance of building exteriors and optimizes functional light distribution
- Heavy-duty, die-cast aluminum housing features modern aesthetics while retaining (5) available 1/2" threaded conduit hubs: (1) on back and (1) on all four sides
- Powered by Keystone 0–10V dimming LED drivers
- Dark Sky friendly performance, eliminates undesirable sky glow and glare
- Features one translucent 3/4" threaded plug with anti-yellowing agent for use with photocell accessory KT-WPLED-PS-UV-KO
- Precision-crafted optical lens provides wide distribution pattern ideal for increased fixture spacing and uniformity
- Covers footprint of mid-size HID wallpacks
- Ambient operating temperature: –40°C/–40°F to 50°C/122°F
- UL listed for wet locations, IP65
- 0–10V dimming, 10% min
- Power Factor: >0.95
- THD: <20%
- LED chip lifetime: L70 >100,000 hrs @ 25°C/77°F ambient fixture temp
- Meets FCC Part 15, Part B, Class A standards for conducted and radiated emissions
- Fixture impact rating IK08

ELECTRICAL SPECIFICATIONS

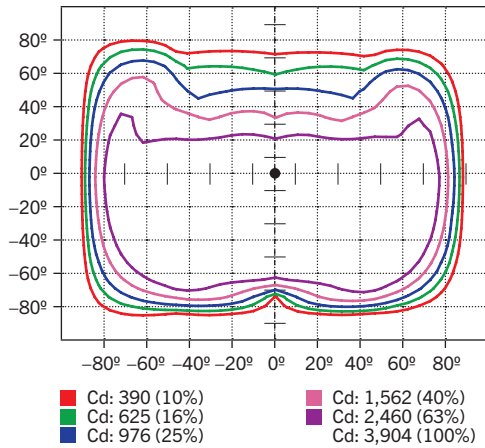
Catalog Number	Wattage	Lumens	Lumens Below 90°	Dimming	CCT	Efficacy	CRI	Housing Color	Input Voltage	Rated Life	Legacy Equivalent
KT-WPLED100-M2-840-VDIM	100W	12500 lm	12410	0–10V	4000K	125 lm/W	>80	Bronze	120–277V	50,000 hrs	400W MH
KT-WPLED100-M2-850-VDIM		13000 lm	12900		5000K	130 lm/W					

KT-WPLED100-M2-8XX-VDIM

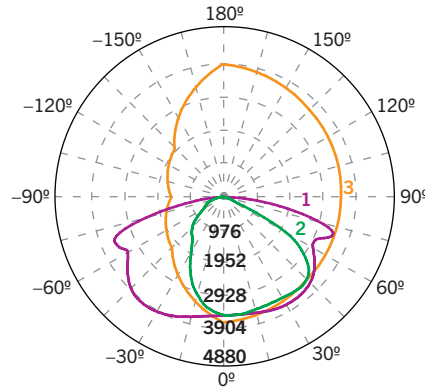
ARCHITECTURAL 100W FULL-CUTOFF LED WALL PACK

PHOTOMETRIC SPECIFICATIONS

ISOCANDELA PLOT



LUMINOUS INTENSITY DISTRIBUTION



Average diffuse angle (50%): 124.7°

1 Violet C0 – C180

2 Green C90 – C270

3 Orange G36

Unit: cd

FLUX DISTRIBUTION

Zone	Lumens	% Luminaire
Forward Light	8,446 lm	64.1%
0°–30°	1,534 lm	11.6%
30°–60°	4,104 lm	31.1%
60°–80°	2,553 lm	19.4%
80°–90°	255 lm	1.9%
Back Light	4,633 lm	35.1%
0°–30°	1,263 lm	9.6%
30°–60°	2,156 lm	16.4%
60°–80°	1,094 lm	8.3%
80°–90°	119 lm	0.9%
Up Light	102 lm	0.8%
90°–100°	13 lm	0.1%
100°–180°	89 lm	0.7%

BUG* Rating

Asymmetrical Luminaire Types

Type I, II, III, IV B3 U5 G3

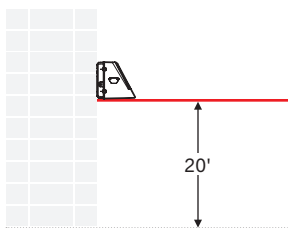
Quadrilateral Symmetrical Luminaire Types

Type V, Area Light B3 U5 G2

* Backlight, Uplight, Glare

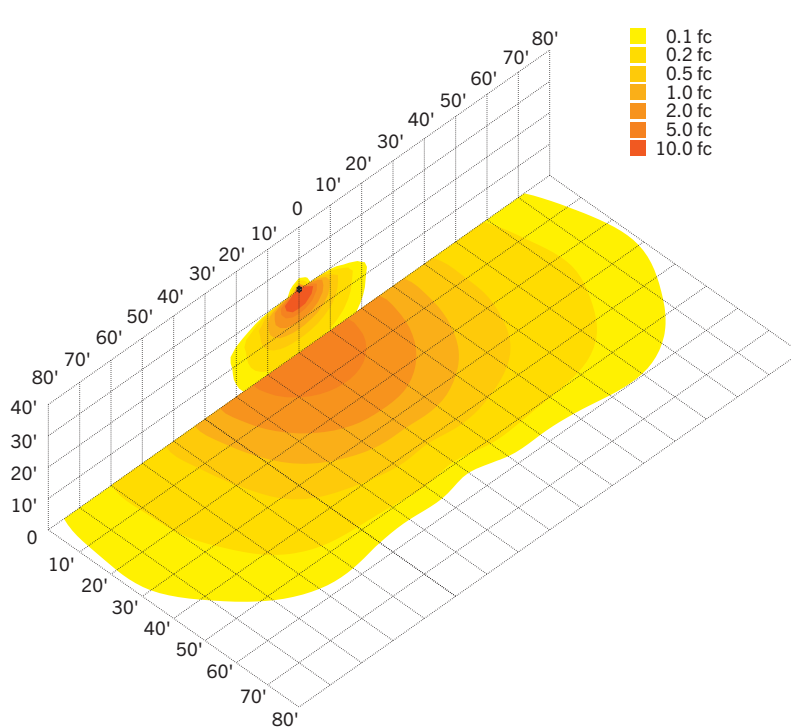
MOUNTING

Side view



LIGHT DISTRIBUTION PATTERN

Isometric view from above; Luminaire mounted at 20'



ACCESSORIES (SOLD SEPARATELY)

Catalog Number	Description
KTSP-10KV-C	Wallpack 10kV Surge Protector, Compact Design
KT-WPLED-PS-UV-KO	Keystone Wall Pack Button Photocell

CATALOG NUMBER	PACK QTY.	EASY CODE	UPC
KT-WPLED100-M2-840-VDIM	1	JFC-71	843654129099
KT-WPLED100-M2-850-VDIM	1	EXV-37	843654129105

KT-WPLED100-M2-8XX-VDIM

- | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------------------------|-------------------|---|---|---|-----------|---|---|---|--------------|
| 1 Keystone Technologies | 2 Fixture Type | | | | 5 Size | | | | 6 Style |
| 2 Fixture Type | WPWallpack | | | | MMedium | | | | 2Full-Cutoff |
| 3 LED Lamp | | | | | | | | | |
| 4 Max Wattage | | | | | | | | | |
| 5 Size | | | | | | | | | |
| 6 Style | | | | | | | | | |
| 7 CRI | 8CRI | | | | 8Color | | | | 9 Dimming |
| 8 Color | 8>80 | | | | 404000K | | | | VDIM0–10V |
| 9 Dimming | | | | | 505000K | | | | |
| 10 Sensor Options | 10 Sensor Options | | | | | | | | |
| | | | | | No option | | | | |