

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD AGENDA
TUESDAY, April 25, 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 April 25, 2023 meeting.
5. Approval of Minutes from the APRIL 11, 2023 regular meeting.
6. New Business:
 - A. Public Hearing to consider a Special Exemption request to reduce parking requirements for Pioneer Village II Apartments located at 2407 Pioneer Avenue.
 - B. Special Exemption request to reduce parking requirements for Pioneer Village II Apartments located at 2407 Pioneer Avenue.
 - C. Public Hearing to consider a Special Exemption request to waive the requirement for a perimeter 15-foot vegetative buffer, and greatly reduce the requirement for a perimeter visual screen (6-foot-tall fencing or vegetation) located at 1308 29th Street.
 - D. Special Exemption to consider a request to waive the requirement for a perimeter 15-foot vegetative buffer, and greatly reduce the requirement for a perimeter visual screen (6-foot-tall fencing or vegetation) located at 1308 29th Street.
 - E. Site plan review for the construction of a mini-storage facility on a portion of 2.1-acres property locate at 1308 29th Street.
 - F. Site plan review for Pilot Peak Dog Wash Facility located at 707 Blackburn Street.
 - G. Site plan review for Bear Paw Coffee Kiosk located at 701 Blackburn Street.
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
April 11, 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, April 11, 2023 at 12:00 pm.

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

Present: Carson Rowley; Dan Schein; Josh White; Mathew Moss; Ian Morrison; Council Liaison Andy Quick; City Planner Todd Stowell; GIS Analyst Utana Dye.

Absent: Scott Richard; City Attorney Sandee Kitchen;

Caron Rowley led the pledge of allegiance.

Ian Morrison made a motion to approve the agenda for April 11, 2023 regular meeting, seconded by Dan Schein. Vote on the motion was unanimous, motion passed.

Dan Schein made a motion to approve the minutes from the March 28, 2023 regular meeting, seconded by Josh White. Vote on the motion was unanimous, motion passed.

Under “6. Tabled Item” Dan Schein made a motion, seconded by Josh White to remove the consideration of the conditional use permit for an accessory dwelling unit at 1202 Red Butte Avenue from the table and move it to item D under “New Business”. Vote on the motion was unanimous, motion passed.

Todd Stowell gave a brief review of the special exemption request to reduce the setback requirements for 203 C Street for a 16’ by 80’ manufactured home to be placed on the property.

The Public Hearing started at 12:07 p.m. for a special exemption request to reduce the setback requirements for 203 C Street for a 16’ by 80’ manufactured home to be placed on the property.

No public comment.

Public meeting closed at 12:07 p.m.

Mathew Moss made a motion, seconded by Ian Morrison to approve the setback reductions as requested (5-foot rear setback and 16-foot front setback), for the proposed 16’ by 80’ manufactured home located at 203 C Street with findings 1-4 in the staff report and the condition that the manufactured home is to be placed on a permanent foundation and be “attached” to the land so that it becomes real property, as opposed to remaining personal property. In order for this to occur, the ownership of the manufactured home must exactly match the ownership of the land, and a form completed with the County Assessor’s office once the home is installed. Evidence of the matching ownership is to be provided prior to issuance of the building permit. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell reviewed the site plan for a solar building display and fabrication facility at 3120 Duggleby Drive.

Dan Schein made a motion, seconded by Ian Morrison to approve the site plan for Envigor Energy Facility located at 3120 Duggleby Drive for a fabrication and sales facility for solar energy buildings, subject to Conditions 1-4 in the staff report. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell reviewed the conditional use permit request for an accessory dwelling unit at 1202 Red Butte Avenue.

Public Comment

The applicants (Rust/Wright) spoke on the intend use of their ADU.

Jessica Undeberg (1226 Alpine Avenue) spoke against the ADU

Raymond Zubik (2008 12th Street) spoke against the ADU

Ian Morrison made a motion, second by Josh White to approve the conditional use permit for the ADU in an R-1 zone at 1202 Red Butte Avenue with ADU review criteria 1-14 and conditional use criteria 1-7 in the staff report. Ian Morrison, Josh White, and Carson Rowley voted for the motion. Matt Moss and Dan Schein voted against the motion. Vote on the motion failed. (Lacked a majority of the quorum.)

P&Z Board Matters (announcements, comments, etc.): The Board asked about replacing the seventh board member. Todd gave an update that the mayor is still working on getting someone. If we don't get anybody, they will have to advertise the position.

Council Updates: None. Andy asked that if there is anything the board wants to go before the council get with him after the meeting.

Staff Items: Todd wanted to get the Board's preference for a likely upcoming evening meeting—whether a Tuesday or Wednesday evening worked better. Two Board members prefer Tuesday night, but they could do a Wednesday if need be. For the other three, either.

Phillip has received the final report for the Big Horn Avenue Corridor Study. He is working on setting up an Urban Systems Committee meeting to review the final report and then present it to City Council for approval of the report. This would allow Public Works and Planning to use it as a tool for projects submitted along Big Horn Avenue.

Josh White made a motion, seconded by Dan Schein to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned at 1:10 p.m.

Utana Dye

GIS Analyst

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

MEETING DATE:	APRIL 25, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	PUBLIC HEARING AND SPECIAL EXEMPTION REQUEST TO REDUCE PARKING REQUIREMENTS FOR PIONEER VILLAGE II APARTMENTS. SUP 2023-04	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Housing Solutions, LLC has plans for, and has received funding from the Wyoming Community Development Authority, to construct a 24-unit apartment building immediately east of the 24-unit apartment they finished last year. The proposed project is called Pioneer Village II, and like Pioneer Village, will be income restricted to low-income tenants. Based on their experience with the first building (Pioneer Village), they



have found that a significant portion of the parking spaces in the parking lot are not utilized. They have monitored the Pioneer Village parking lot for one week, from the hours of 7:30 a.m. to 5:30 p.m. and no more than 23 vehicles were parking at any one time—approximately 1 vehicle per apartment. The current application requests that the number of required parking spaces for Pioneer Village II be reduced from 51 to 36 for the 24-unit apartment building. This would represent 1.5 spaces per apartment. The applicant has provided a more detailed explanation, which is attached for your review.

The public hearing for the exemption request was advertised as required by mail to neighboring properties within 140 feet on the 4th of April, 2023; and by publication in the newspaper on April 11, 2023.

REVIEW CRITERIA:

Pursuant to Section 10-14-2(B)(1)(d) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to parking requirements. The standards for approval of a special exemption are listed below, 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: The requested reduction of required parking spaces appears to be reasonable, and at 36 spaces is still well above the 23 observed vehicles with Pioneer Village. 23 vehicles in a 36-space parking lot would calculate to just under 2/3 full. So long as the parking lot has sufficient capacity to accommodate the number of vehicles, there should be no “overflow” onto the Pioneer Avenue, and no detriment to neighboring properties from the reduction.

It is noted that a neighbor expressed concern over the potential for tenant work trailers and similar vehicles being parking on Pioneer Avenue, as this has occurred at Pioneer Village. This situation has been observed at other apartment and townhouse developments around town. However, it is often not related to whether there is sufficient parking at the developments, but based on having a vehicle that does not fit in a standard parking space. That situation is not addressed by our current parking standards, and technically the on-street parking of those vehicles does not violate any City code, provided on-street parking is not prohibited where the vehicle is parked. It is noted that Pioneer Avenue is barely wide enough to allow parking on both sides (33' from curb to curb)—which is not as convenient as a wider street, but meets the minimum.

While the income restriction runs for 40 years, the life of the buildings will likely extend beyond that. However, what typically occurs with these Low-Income-Housing-Tax-Credit projects, is that once the initial restriction period is up, the owner acquires additional funding to renovate the facility, which requires extension of the rent restriction for another long time period. Once a facility is income restricted, it is extremely likely that it will remain income restricted, so long as existing programs continue.

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

Staff Comment: The Board has historically considered neighbor comment as one of the primary methods for determining the extent of any undesirable change to the character of the neighborhood. Eight neighboring property owners were notified of the proposal. As of the time of this staff report, we have only received one response, and it noted “no objection”.

- 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: The initial draft of the site plan shows 40 parking spaces. That is about all that can fit based on the proposed layout. The request for 36 spaces presumes that a few of those spaces may be lost before the final site plan is worked out. That may be the case, as they have not yet accounted for a dumpster/garbage area.

- 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: Reconfiguration of the site plan is unlikely to provide the 51 spaces recommended by the parking ordinance, and requiring significantly more spaces than necessary does not serve a public interest. The special exemption process is the most feasible option.

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

Staff Comment: All utility services are available for the project, and will not be affected by the parking reduction.

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

Staff Comment: The language in the master plan relating to parking is fairly limited and is not applicable to this situation—it deals with on-street parking issues.

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Application materials and neighbor response(s).

RECOMMENDATION:

That the Board make the following findings:

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

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by 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; and,

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 10-14-2(C)(2) are met.
AND,

Approve the Special Exemption to reduce the number of required parking spaces for the Pioneer Village II, 24-unit apartment building to 36. The special exemption shall continue so long as the units remain income restricted.

If the units do not remain restricted to low-income tenants, the property owner would need to present a new application to demonstrate how parking demand will be minimized so that the parking lot can continue to accommodate all parking demand.



**PIONEER VILLAGE, LIMITED LIABILITY
LIMITED PARTNERSHIP**
PO Box 2099 | MISSOULA MT 59806

April 19, 2023

Planning, Zoning and Adjustments Board
City of Cody
1338 Rumsey Ave
Cody, WY 82414

Chair and Board Members:

We are writing to request a Special Exemption reducing the number of on site parking stalls found in §10-16-9: Number of Spaces Required: Multiple Family Dwelling.

Background:

- In May 2022 we completed Pioneer Village, a 24 unit rent and income restricted rental property located at 2301 Pioneer Avenue.
- We have secured the financing for another 24 unit building, Pioneer Village II, to be located immediately to the east at approximately 2351 Pioneer Avenue (address is not yet officially assigned).
- Pioneer Village II will follow the same rent and income restrictions as the existing property, secured by a deed restriction and monitored by the Wyoming Community Development Authority
- We intent to start construction in Fall of 2023 or early Spring 2024

The table below shows the number of parking spaces required under §10-16-9 of the Zoning Code, 51 for this project, as well as the number of spaces we are requesting this Special Exemption approve, 36 for this project, which is a reduction of 15 parking stalls.

Title 10 Zoning Regulations
Chapter 16 Off Street Parking Requirements
[§10-16-9 : Number of Spaces Required:](#)

Multifamily Dwelling Parking Requirements				Special Exemption Request	
Proposed Project Unit Count	Unit Type	Spaces Required by Unit Type	Total Required by Unit Type	Spaces Requested by Unit Type	Total Requested by Unit Type
0	1 Bed Unit	1.40	0.00	1.50	0.00
14	2 Bed Unit	2.00	28.00	1.50	21.00
10	3 Bed Unit	2.25	22.50	1.50	15.00
24		Total	50.50	Total	36.00
		Round	51	Round	36

Section 10-14-2(C)(2) of the code outlines special exemption approval standards. We have addressed those individually below

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

Response: On Site Parking requirements are necessary to ensure that all new buildings have adequate parking for their users. Cody has established requirements in §10-16-9 of the Zoning Code as outlined above. These requirements certainly contemplate some residents having multiple cars and provide for guest parking. We feel the requirements are onerous for a rent and income project such as ours. With a maximum household annual income of \$43,800 and an average income limit across the property of \$34,000, it would be nearly impossible for a household to be below the income limit with two working adults. Without two working adults, and the resident income limits being what they are, it is very uncommon for a household to have more than one car.

To get a feel how many cars were in our existing project's parking lot we asked our site management team to document the number of cars 4 times per day during a seven day period from 3/16 to 3/22/2023. During this period the average number of cars parked was 17 with a maximum of 23 occurring only once. The complete results are shown in the table below.

Pioneer Village - 24 Rent and Income Restricted Apartments
2301 Pioneer Ave

Car Count	3/16	3/17	3/18	3/19	3/20	3/21	3/22
7:30 AM	20	20	23	22	20	20	22
12:00 PM	13	9	19	17	13	15	14
3:00 PM	14	13	19	16	12	17	
5:30 PM	18	17	17	17	20	19	

When considering the income limits on the apartments, as well as our actual experience at Pioneer Village, we believe 1.5 stalls per unit is more than adequate on site parking for this project. With a minimum of 36 onsite parking stalls provided this special exemption will not produce an undesirable change in the character of the neighborhood or be a detriment to the nearby properties.

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

Response: The overall project will meet all zoning requirements and design standards, the only deviation we are requesting is a reduced number of parking stalls.

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

Response: We are requesting a reduction in parking stalls of 15 from the required 51, resulting in a minimum number of parking stalls of 36. Our current schematic shows 40 stalls, but we'd like some margin for error when we move into final design.

- 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;*

Response: Due to the width of the lot the project is to be built on, we cannot provide the required 51 parking stalls. There simply isn't room for the additional stalls. The development will meet all other development standards. The only other option we could pursue would be to purchase additional land to increase the width of the property. This is not financially feasible and would require the consent from the adjacent land owner to the east.

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

Response: We believe adequate services and infrastructure are available to serve the new development.

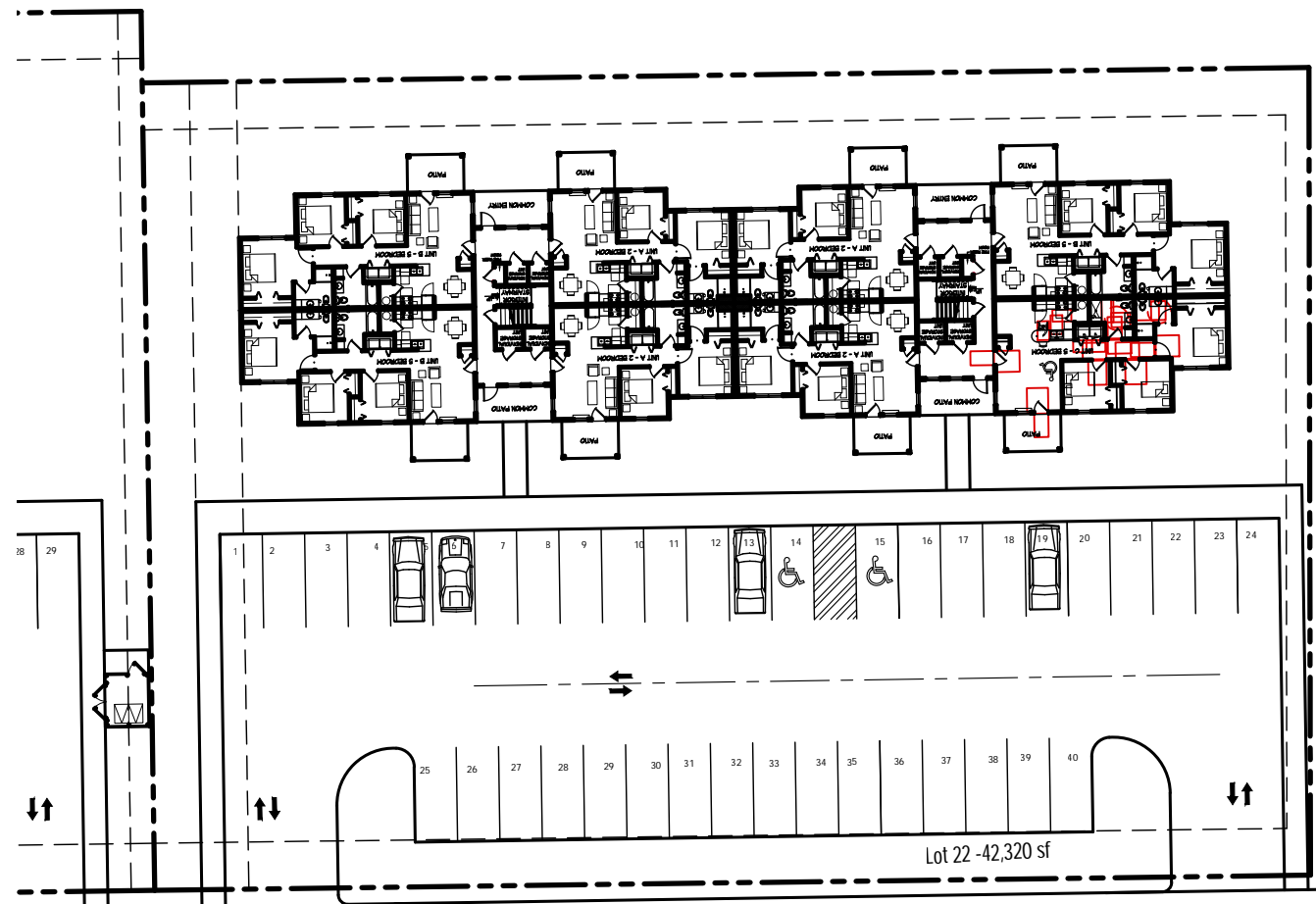
- f. *The special exemption is consistent with the goals, policies and future land use map of the master plan.*

Response: We believe our project is in alignment with the goals and policies of the city.

Thank you for your considering of this request.

Kindest Regards,

Alex Burkhalter





View from Parking Lot



Bird's Eye View from Parking Lot



Street View from Parking Lot



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties

Please return this letter by April 20th to:

Date: April 10, 2023

Cody City Planner

P.O. Box 2200

RE: **SPECIAL EXEMPTION REQUEST**

Cody, WY 82414

Or email: todds@codywy.gov

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.
YOUR COMMENTS WOULD BE APPRECIATED.**

Applicant Name(s): Pioneer Village II, LLLP

Address or Location/Legal Description: 2407 Pioneer Avenue
(immediately east of 2301 Pioneer). Lot 222 of Deer Haven addition.

Description of Request:

Reduce the on-site parking requirement from 51 parking spaces to
36 parking spaces, for a proposed 24-unit apartment building. (1.5
spaces per unit.) The apartment building would contain fourteen, 2-
bedroom units and ten, 3-bedroom units, that are income restricted.



This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, April 25, 2023 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Pioneer Village II, LLLP for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Linda F Evans

Address: 2318 Big Horn Ave, Cody

Comments: _____

☐ I OBJECT to the Special Exemption Request:

Name: _____

Address: _____

Comments: _____

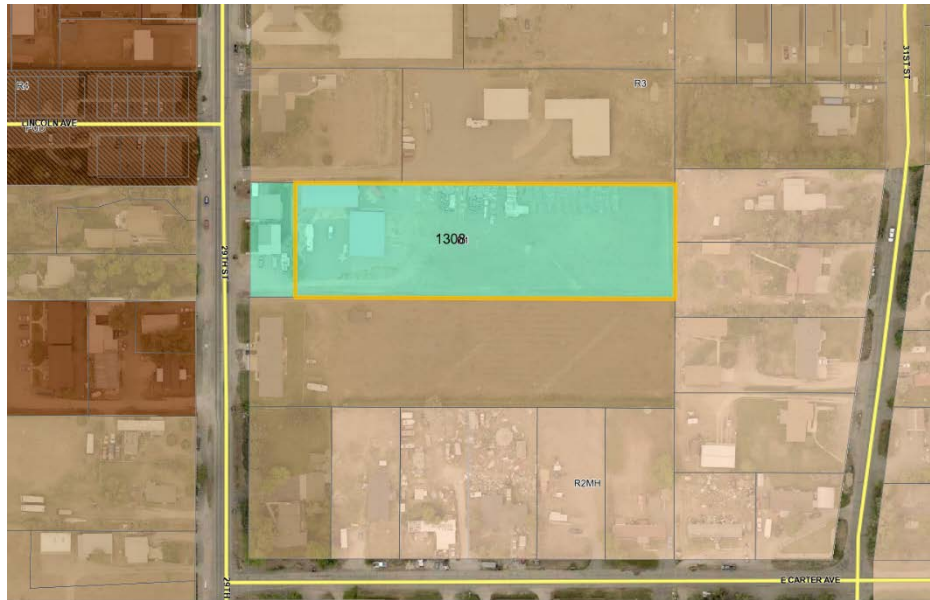
If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mailaddress: _____

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

MEETING DATE:	APRIL 25, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW, AND SPECIAL EXEMPTION PUBLIC HEARING AND REVIEW: MOORE STORAGE (MINI-STORAGE) FACILITY. SPR2023-07 AND SUP2023-05	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Greg Moore, representing Robert Moore, has submitted a site plan application for the construction of a mini-storage facility on a portion of a 2.1-acre property located at 1308 29th Street. The facility is planned to be constructed in phases, although the current zoning review is for the



entire project. The project includes nine buildings, providing a total of approximately 28,000 square feet of storage. The property is located within the Limited Business (D-1) zoning district, which permits storage buildings.

In addition, the applicant has submitted a special exemption request to waive the requirement for a perimeter 15-foot vegetative buffer, and greatly reduce the requirement for a perimeter visual screen (6-foot-tall fencing or vegetation). This staff report will first analyze the site plan, and then address the Special Exemption request.

The site plan, building elevations, grading and drainage plans, and other application materials are attached.

SITE PLAN REVIEW CRITERIA:

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:

Architecture:

The proposed buildings have a typical mini-storage appearance—metal siding, metal roofing, and overhead doors lining the fronts of the buildings. The front and rear walls of the buildings are only about 8 feet 8 inches tall. The hipped roofs have a minimal ½:12 pitch.

The siding and roofing are proposed as a typical vertical rib style. The siding, roofing and trim is proposed in a “charcoal gray” color. The doors are identified as “patriot red” (dark red) in color.



The following is not the exact building, but is representative (Sunward Steel website).



Building Size

The D-1 zone has the following requirement:

10-10A-3: AREA:

The area of an individual store, office or space shall be limited to a maximum area of five thousand (5,000) square feet in any one story and a maximum gross area of ten thousand (10,000) square feet.

The largest individual building would be approximately 3,650 square feet (180' 3" by 20' 3"), which is in compliance with the 5,000 square foot limit of an individual building.

Neighborhood Compatibility, Setbacks and Buffers, and Height Requirements

The D-1 zone has no setback requirements, except when the property borders residential zoning. This property borders residential zoning on the north, south and east, which triggers a 15-foot buffer/setback. This buffer/setback is the subject of the special exemption request that accompanies the site plan review, and will be discussed later in this report.

Under the building code, the storage buildings can be as close as five feet from the perimeter property lines when provided with a 1-hour fire-rated wall on the side nearest the property line. If the fire-rated wall is not provided, the building code requires a 10-foot setback.

The D-1 zone does not have any height limitations.

Landscaping:

Landscaping is not identified on the site plan, due to the special exemption request.

Utility Services/Lighting

The applicant does not plan to provide any utilities to the buildings. Power will be provided for some minimal lighting at the entry gate. The power will come from the existing electrical panel on the property. The light fixtures for the entry gate have not been selected as of the time of the staff report.

Fire Hydrant

The requirement for a fire hydrant within the specified distance is considered met for Buildings 1 and 2, but construction beyond those two will necessitate extension of a water main and installation of a fire hydrant interior to the site. The location of the additional hydrant will be determined by the fire marshal and public works. Engineered plans for the main extension and hydrant will need to be submitted for approval by Public Works and WY DEQ, prior to construction of any of the buildings labeled 3 through 9.

Access

The property does not have direct access to 29th Street, but relies on a 30-foot-wide access easement across the adjacent lot. The access will need to be improved to the City's standards for driveways serving 5 or more parking spaces (2+ spaces on neighbor's lot that use the driveway, 2+ at house and shop on the property, and 1+ vehicles utilizing of the mini storage facility). That includes paving a 24-foot-wide approach off of 29th Street for a distance of 25 feet from the edge of the street, and extending the driveway at a 24-foot width using a crushed gravel or better surfacing to the property boundary. Within the property, the driving surface must be at least 20 feet wide, and 25 feet where indicated, to meet fire lane and turning requirements. A temporary turnaround (80' diameter) or a looped driveway is needed at the end of the driveway serving each interim phase. For example, for Phase I (Units 1 and 2), the

driveway could loop around the east end of Unit 2 and return back to the entry.

Entry feature

The application includes a proposed log entry feature, of the type shown below. It would be located at the entry gate. As an independent structure, it could be considered an accessory structure, and be issued a building permit. It would need to provide a minimum clearance height of 13'6" to meet fire code requirements, and a clear entry width of at least 20 feet.



Signage

The proposal for signs includes the name of the facility engraved into the wood log forming the top of the entry feature, and a hanging sign below the wood log. That likely throws the entry feature into the classification of a sign or combination of a sign and sign post. The D-1 zone limits freestanding signs (signs on sign posts or sign support structures) to a maximum of 10 feet, which is insufficient to provide the clearance height required by the fire code for the driveway. If interpreted in this manner, the current sign proposal cannot be authorized and a new plan for signage will need to be developed. Options may include placing the signage on the entry gate, or to the side of the gate.

Garbage Collection

No garbage collection is requested.

Snow Storage

Snow storage area is not specifically labeled on the site plan. Until the facility is fully developed, the undeveloped area can be utilized. Once fully developed, the only snow storage areas appear to be at the ends of the northern row of units. The Board will need to determine whether this is adequate for the entire facility, or if additional area is needed. The snow storage area will need to be shown on the site plan and prohibited from other development.

SPECIAL EXEMPTION:

The public hearing for the special exemption request was advertised as required by mail to neighboring properties within 140 feet on April 10, 2023 and by publication in the newspaper on April 11, 2023. Prior to mailing the notice to the neighbors, the applicant personally contacted many of the neighbors and received comments on the same notice letter. All comments received are attached.

REVIEW CRITERIA:

Pursuant to Section 10-14-2(B)(1) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to the dimensional standards of the zoning requirements. The portion of the City code that is requested to be waived/reduced is:

10-10A-4: BUFFER ZONE:

Where any business or commercial district is adjacent to any residential district, there shall be provided on the business or commercial district a buffer zone with a visual screen.

The term "buffer zone" is defined in the zoning ordinance as, *"A minimum fifteen foot (15') wide strip of land, to be landscaped and maintained, on a commercially zoned property to separate it from any adjacent land that is zoned residential."*

The term "visual screen" is defined as, *"A fence or evergreen hedge at least six feet (6') in height and of sufficient density or construction to prevent visual contact from opposite sides. If the option for an evergreen hedge is used, it must be of sufficient size at planting to achieve the required height within two (2) years."*

The applicant requests a special exemption to the "buffer zone" requirement to waive all landscaping requirements and to allow a 5-foot setback from the south and east property lines and a 10-foot setback from the north property line.

The applicant further requests that no visual buffer be required, except as indicated by the "Type 1" fence on the site plan, which is in the vicinity of the entry gate. Security fencing consisting of chain link, slatted chain link, or perhaps cedar privacy fence would be installed where "Type 2" fencing is indicated on the site plan—utilized to connect between the perimeter buildings and between perimeter buildings and property lines.

The standards 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 Comments:

The surrounding area is as follows:

<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONING</i>
North	Residence and personal shop on a 1.5-acre parcel.	R-3
East	Single-family residences on 0.7-acre lots.	R-3
South	Two-family dwelling on a 2.35-acre parcel.	R-3
West	UPS facility across Blackburn.	D-1

The use of the property is permitted—only the buffer requirement is being considered in the exemption request.

As of the time of this staff report, only one “objection” response has been received, and it is from a property owner to the east (pink on map). The objection notes a loss of privacy if no fence is installed, as well as the potential for dust and debris blowing directly off the site onto their property, and that they aesthetically prefer a fence and landscaping to the back of a mini-storage building. Each of these impacts are legitimate and represent detriments to the neighboring properties to the east—staff has observed them at other properties in town with similar characteristics. It is also noted that Building 9 is the last proposed to be constructed, so any benefits of privacy or wind mitigation provided by the building would not occur until if and when it is constructed.



The staff recommendation on the east property boundary is to keep the requirement to install a 6-foot-tall privacy fence its full length, with construction to occur with the first phase of development. The 15-foot-wide strip of landscaping seems less important in a backyard situation, but is required by the Code, and if it is not installed, leaves the question of what that area will become. It is recommended that the Board talk through options, such as placing gravel in the setback area to control weeds, if they do not require landscaping in that area.

Neighbors to the north and south however are largely protected from most of those kinds of impacts (loss of privacy, wind tunnels formed by buildings, and blowing dust and debris) due to the configuration of the buildings, and the installation of the 6-foot-tall privacy fence along the south side of the entry area. Both of those neighbors have expressed no objection to the proposal.

The locations where staff supports the buffer being waived are well separated from the public street, and reflects the neighbor responses.

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

Staff Comment: Neighbor comment is typically a good indicator of compatibility. As discussed above, the neighbors to the north and south are agreeable to the buffer exemption, and there is some justification to grant much of the request along those common boundaries. However, as also noted above, the neighbors to the east have legitimate compatibility concerns.

- 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: The applicant has not specifically addressed this in the application.

To go from approximately 16,350 square feet of required landscaping for a project to zero is quite an ask. Staff would propose that landscaping still be required in the area of the entry gate, and on one or both sides of the portion of the access road that is within the property. That area is relatively close to a water supply, to provide water for the irrigation of vegetation. A landscaping plan for that area is a requested condition. Timing can be discussed, as there may be reason not to install it with the first phase to give time for a potential shared access situation the applicant has discussed pursuing with the neighbor.

- 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: The special exemption process is the appropriate method to consider the request.

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

Staff Comment: The application of the City's parking, access, and fire code standards will address infrastructure needs (i.e. the approach and access improvements). A water source for irrigation can come from the existing residence or shop with minimal expense.

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

Staff Comment: The most applicable language from the master plan is Principle 3.1.c, Protect Residential Uses: *"Protect residential neighborhoods by transitioning between residential and non-residential land uses through appropriate zoning, development review processes, and buffer methods. In areas where non-residential land uses are located adjacent to or within neighborhoods, require screening or barriers to limit the impacts on residential uses. Buffer methods could include fencing, berms, native vegetation, plantings, trails and recreation areas, and density transitions."*

The City's buffer requirement, consisting of fencing and vegetation is consistent with the master plan. However, the regulation has not been updated since that master plan language was adopted. The intent is to eventually develop more customized options for buffering.

ALTERNATIVES:

Approve, deny, approve with conditions, or any combination thereof.

ATTACHMENTS:

Application materials, 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 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; and,
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning for the following action, pursuant to the criteria of 10-14-2(C)(2).

AND,

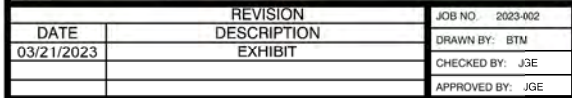
Partially approve the special exemption request, as outlined below, subject to the conditions listed.

- I. Waive the requirement for a 6-foot-tall privacy fence along the north and south property lines, except that portion of the south property line extending from the entry gate to Unit 1 as shown on the site plan. (The requirement to install a 6-foot-tall privacy fence along the east property line is not waived.)
- II. Waive the requirement for the 15-foot-wide landscaped strip along the north, east, and south property lines, except that portion of the south property line from the west

property line to the entry gate.

CONDITIONS:

- 1) The 6-foot-tall privacy fences along the east property line and portion of the south property line must be installed with development of the first phase of buildings.
- 2) From the west property line to the entry gate, landscaping shall be installed. A plan for landscaping that area is to be provided to the Board within 60 days for review and approval. The landscaping must be installed no later than with construction of the ____ (3rd?) building.
- 3) Exterior lighting at the entry gate is authorized, so long as it is modest in intensity and full cut-off or shielded in design. Staff is authorized to review and approve the lighting fixtures in the gate area.
- 4) Prior to construction of any of the units labeled 3 through 9, provide fire protection (e.g. on-site fire hydrant) as determined by the fire marshal and public works to meet fire code.
- 5) The approach and access road are to be improved as outlined in the staff report. (24-foot-wide paved approach with return radii for the first 25 feet, a 24-foot-wide access consisting of crushed gravel road base or better continuing to the entry gate, and 20' minimum access road consisting of crushed gravel road base or better from the entry gate through the required accesses and temporary turnarounds.) The work within the 29th Street right-of-way (the installation of the paved approach) requires the contractor to obtain an encroachment permit from Public Works.
- 6) Once constructed, the applicant's engineer must provide a certification that the storm water facilities have been constructed as approved prior to occupancy of the buildings.
- 7) The sign plan is not authorized due to exceeding the maximum height requirement. A new plan will need to be provided for staff review.
- 8) The entryway feature, if installed, must provide a minimum 13'6" high and 20-foot-wide clear passageway.
- 9) The areas between the buildings and property lines shall be _____ (surfaced with landscape rock or washed gravel?) and managed to prevent the growth of weeds and dry grasses.
- 10) The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. This review is valid for five years. If building permits have not been obtained for all buildings by that time, the authorization of the remaining construction will automatically expire—requiring reapplication.
- 11) (Any additional snow storage area needed?)

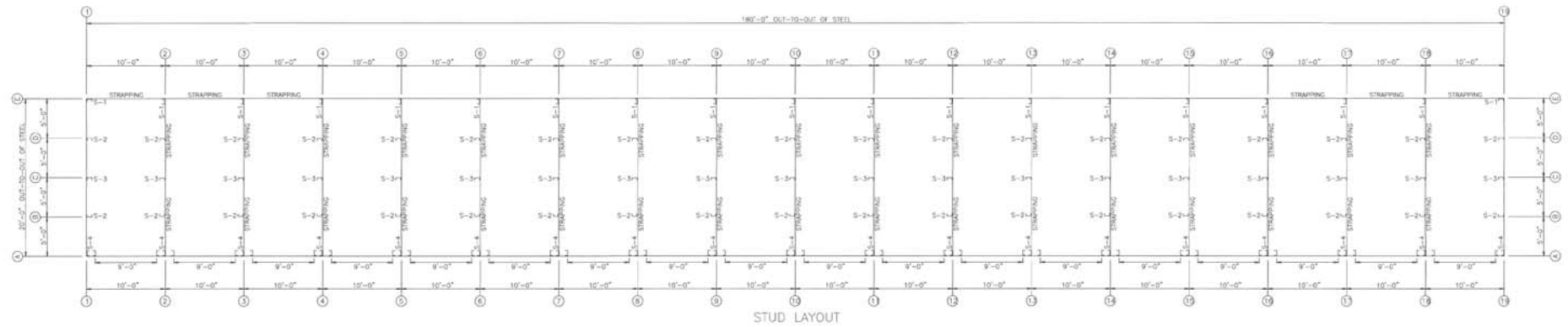
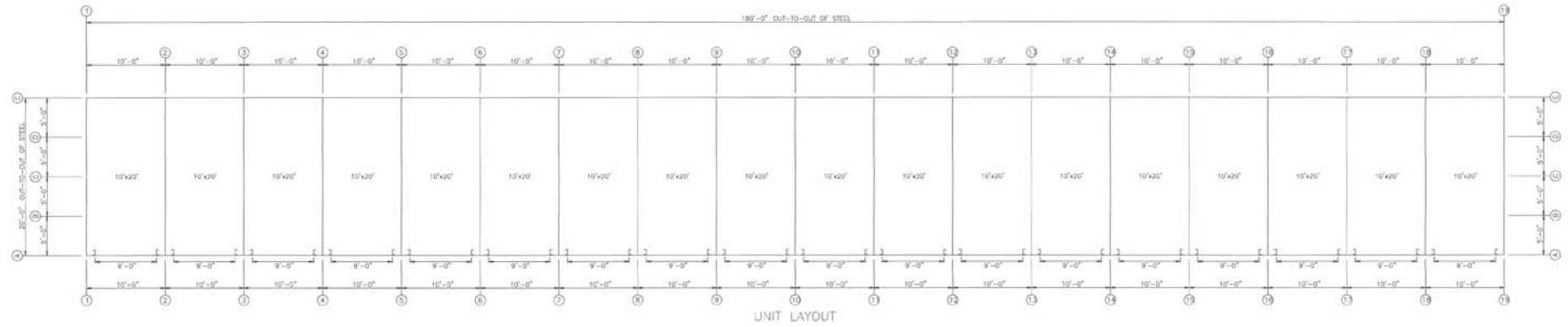


MOORE STORAGE UNIT DEVELOPMENT
1308 29 TH STREET



SAGE CIVIL ENGINEERING
ENGINEERS • SURVEYORS

MEMBER TABLE	
MARK	PART
1-1	AC16
2-2	AC16
3-3	AC16
4-4	AC16

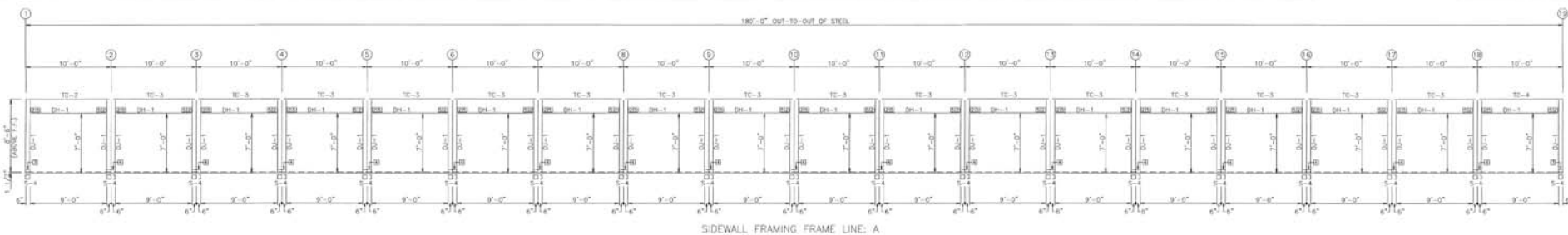


Sunward Steel Buildings

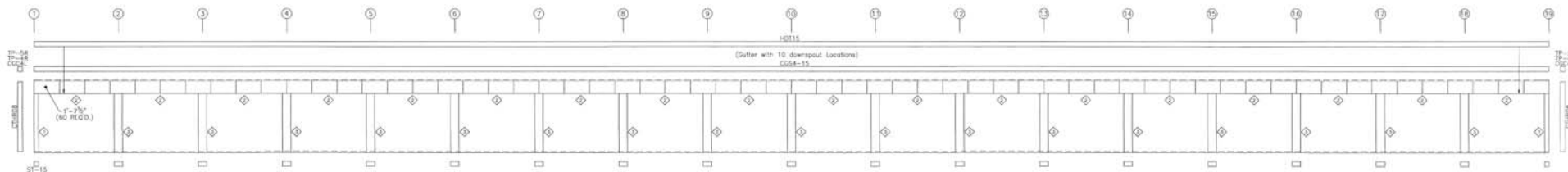
BUTEX Robert Moore
 DUST Robert Moore
 SITE Chris W
 DESIGN See Elevation
 SCALE NONE
 P.O. 100816

DRAWN BY: JLM
 CHECK BY: JLM
 DES. INC.
 SHEET NO. 22 OF 2

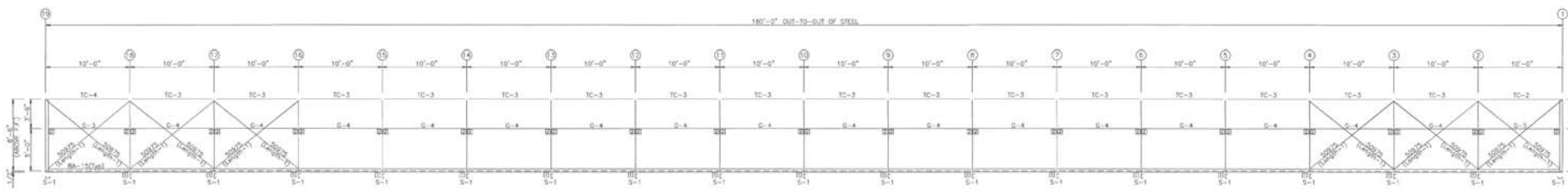
2/8/23



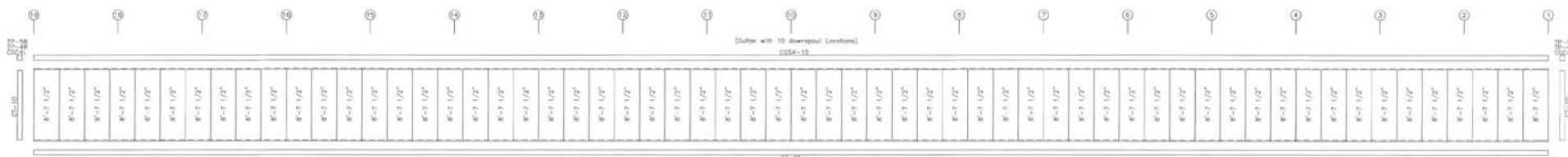
SIDEWALL FRAMING FRAME LINE: A



SIDEWALL SHEETING & TRIM FRAME LINE: A
PANELS: 26 Ga. HR



SIDEWALL FRAMING FRAME LINE: E



SIDEWALL SHEETING & TRIM FRAME LINE: E
PANELS: 26 Ga. HR

MEMBER TABLE		CONNECTION PLATES	
MARK	PART	MARK	PART
S-1	4C16	1	100
G-1	4C16	2	100
G-2	4C16	3	100
G-3	4C16	4	100
G-4	4C16	5	100
G-5	4C16	6	100
G-6	4C16	7	100
G-7	4C16	8	100
G-8	4C16	9	100
G-9	4C16	10	100
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G-96	4C16	97	100
G-97	4C16	98	100
G-98	4C16	99	100
G-99	4C16	100	100

IMPORTANT NOTE!
TRIM OVERLAP TO BE 1/2" (MAXIMUM) AND JOINED WITH POP RIVETS. POP RIVETS SHOULD BE PLACED EVERY 2" ON FLAT SURFACES AND EACH SURFACE ADJACENT TO A BEND.

Professional Engineer
STATE OF OHIO
No. 11116
2/16/13

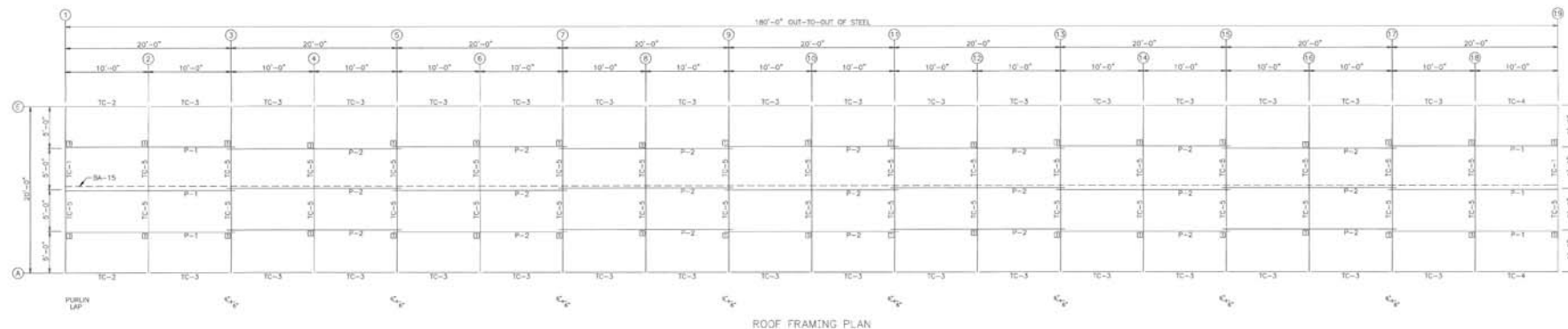
Sunward Steel Buildings

BUYER: Robert Moore
DESIGN: Robert Moore
SITE: Cady, WI
DESIGN: See Elevations
SCALE: NONE
P.O. NO. 1008816

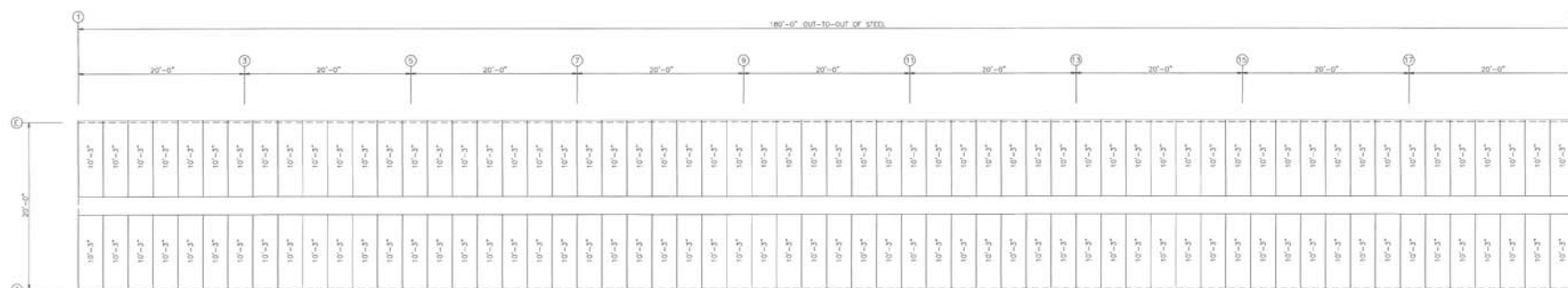
DRAWN BY: J. J. J. J.
CHECK BY: J. J. J. J.
DES. ENG. J. J. J. J.
SCALE: NONE
P.O. NO. 1008816

MEMBER TABLE	
MARK	PART
TC-1	4CH16
TC-2	4CH16
TC-3	4CH16
TC-4	4CH16
TC-5	4CH16
P-1	4214
P-2	5216

CONNECTION PLATES	
1/2" PLAIN / PART	
1/2" PLAIN	



ROOF FRAMING PLAN



ROOF SHEETING PLAN

PANELS: 28 Gd. HRS

1'-0" ROOF CAP
(60' MIN. L)

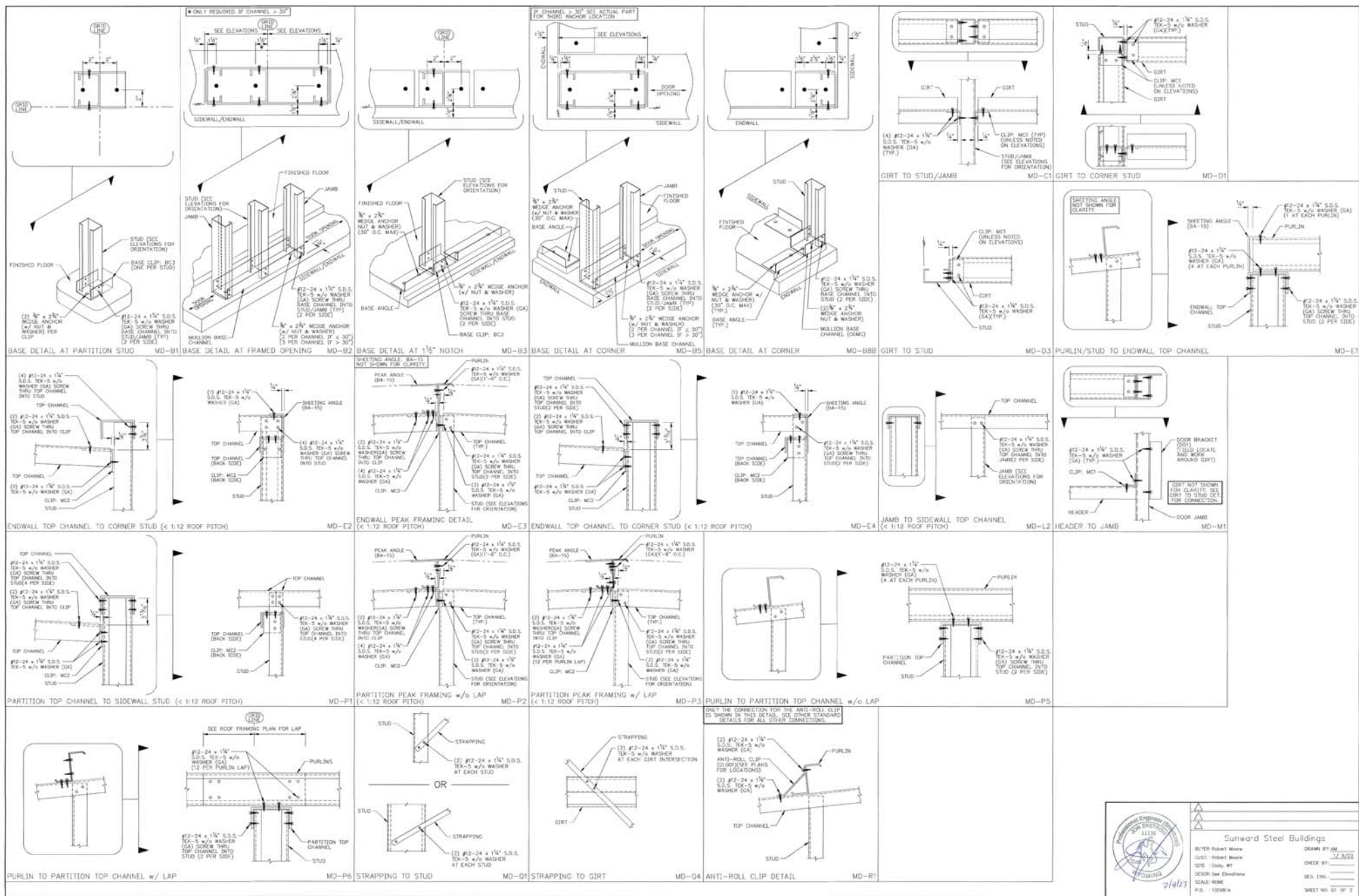


2/8/15

Sunward Steel Buildings

OWNER: Robert Moore
 CLIENT: Robert Moore
 SITE: C-101, W-1
 DESIGN: Sun Steel Buildings
 SCALE: NONE
 P.O. : 100616

DRAWN BY: JRM
 CHECK BY: JRM
 DES. ENG. :
 SCALE: NONE
 SHEET NO. EX. OF 3

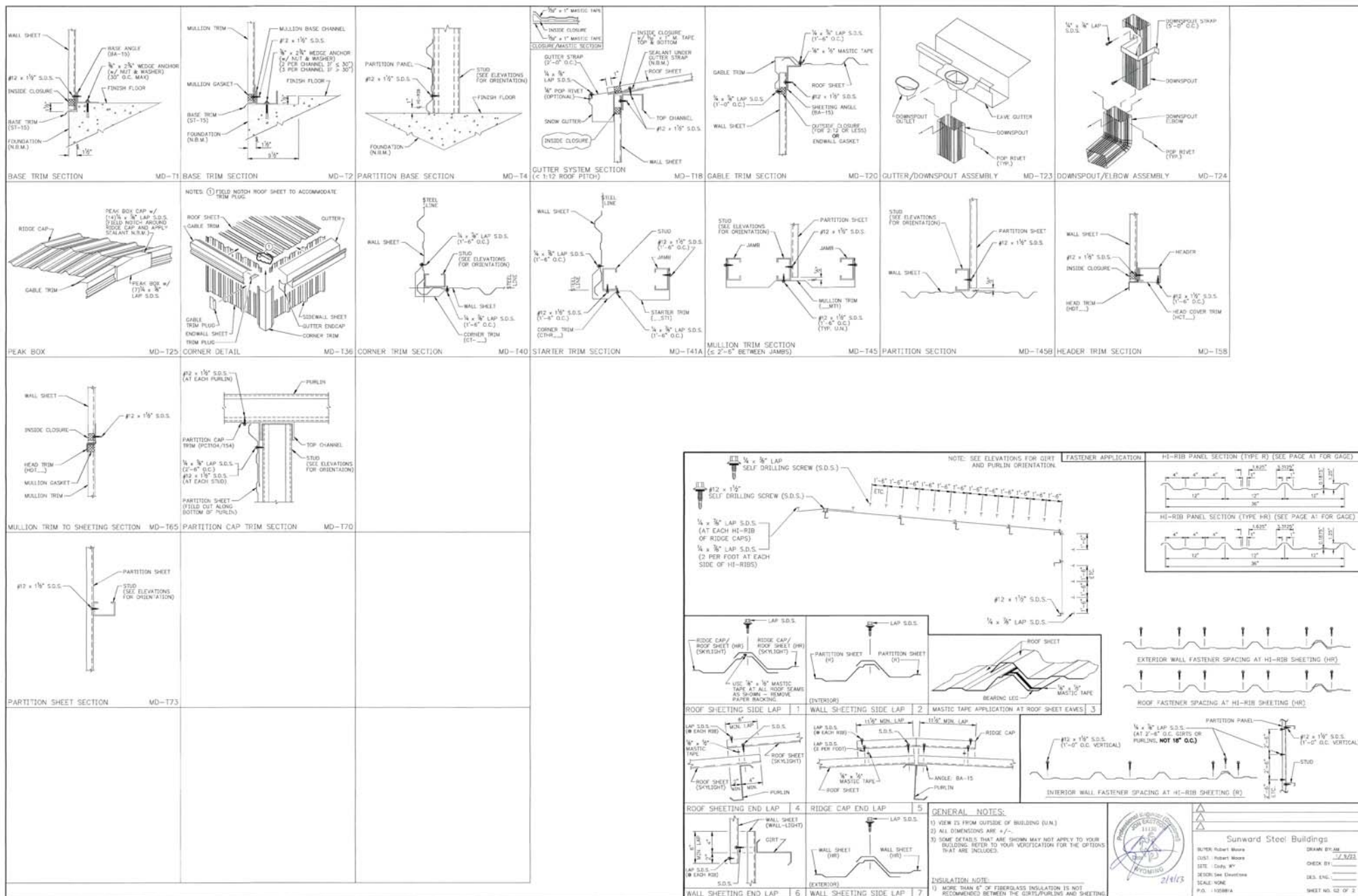


Sunward Steel Buildings

BLUET Robert Moore
 DATE: Robert Moore
 SITE: Check #1
 DESIGN: See Elevation
 SCALE: NONE
 P.O. 12088-K

2/9/03

DRW: 87-06
 CHECK BY: JCM
 DES. INC.
 SHEET NO. 51 OF 2



DRAINAGE REPORT

For

STORAGE UNIT DEVELOPMENT

Owner
Robert Moore
1308 29th Street
Cody, WY 82414

Engineer



SAGE CIVIL ENGINEERING
ENGINEERS | SURVEYORS

2824 Big Horn Ave.
Cody, WY 82414



March 23, 2023

Introduction - Property Description

This project is located at 1308 29th Street. The total development area encompasses approximately 1.57 Acres. At full build-out, the improvements will consist of approximately 132 storage units ranging in size.

Purpose of Drainage Plan

This drainage plan outlines the proposed measures to handle storm water runoff for this development. Drainage calculations have been performed and storm water facilities will be constructed as shown on the drainage and construction plans.

Description of Facilities and Assumptions

The proposed improvements will consist of impervious roof area, hardpacked gravel driveways, sediment traps, and drainage swales/percolation trenches. See Drainage Plan for basin information.

Existing Conditions

Under existing conditions, the stormwater runoff has been primarily a northeasterly flow pattern. One basin that encompassed the entire development area was chosen for drainage analysis.

The entirety of existing Basin 1 was modeled as $C = 0.30$, permeable unimproved topsoil. This produced a conservative pre-development runoff as no credit for gravel areas within the basin were considered. The existing soil condition is hard packed parking and storage for most of the area.

Proposed Conditions

Post development will continue a north/northeasterly flow pattern. All run-off will collect in one of the four proposed percolation/storage trenches located north of and in between Units 1 and 2. All drainage swales will be constructed as a V-Ditch configuration. Sediment traps are proposed in between the units to settle out collected fines within the runoff and eventually discharge clean water over the berm. While these areas will disperse runoff through storage collection and percolation, no credit was taken between Units 2 and 6 and 3 and 7. The surfacing plan includes using washed rock over compacted crushed base. If maintained, the water will flow slowly through this rock on top of the crushed base preventing washing of fines.

For calculation purposes, the developed basin was broken down into two separate basins. Impervious for roof runoff and permeable well packed gravel for driveways (remainder of improvement area). The building layout is proposed to be phased, however, all drainage facilities are to be constructed during phase 1 construction.

Calculations

The storm drainage runoff calculations used the following data:

Applicable C values are:

C _{Impervious}	= 0.90
C _{Gravel (Packed)}	= 0.60
C _{unimproved}	= 0.30

Per the Storm Water Management Plan (SWMP), section 3.6.4, the percolation trench design is to be based on a 25-year, 2-hour event for the percolation trenches, therefore I = 0.66 in/hr. The storm volume calculations are shown below.

Existing Basin	Total Area Sq. Ft.	C	C*A Acres	Q - Flow 25-Yr. 2 Hr. cfs	Volume 25-Yr. 2 Hr. Cu. Ft.	Q - Flow 100-Yr. 2-Hr. cfs	Volume 100-Yr. 2 Hr. Cu. Ft.
Undeveloped/Permeable Topsoil EDB1	68,538	0.3	0.472	0.31	2,243	0.40	2,889
Total	68,538		0.472	0.312	2,243	0.401	2,889

Developed Basins	Total Area Sq. Ft.	C	C*A Acres	Q - Flow 25-Yr. 2 Hr. cfs	Volume 25-Yr. 2 Hr. Cu. Ft.	Q - Flow 100-Yr. 2-Hr. cfs	Volume 100-Yr. 2 Hr. Cu. Ft.
Developed Permeable Compacted Gravel DDB1	41,038	0.6	0.565	0.373	2,686	0.480	3,459
Developed Impermeable Storage Units DDB2	27,500	0.9	0.568	0.375	2,700	0.483	3,477
Total	68,538		1.133	0.748	5,386	0.963	6,937

The total storm water volume for the site post-development = 5,386 ft³. Subtracting the historic runoff volume of 2,243 ft³ requires the percolation trenches to hold a minimum of 3,143 ft³ to be retained on site.

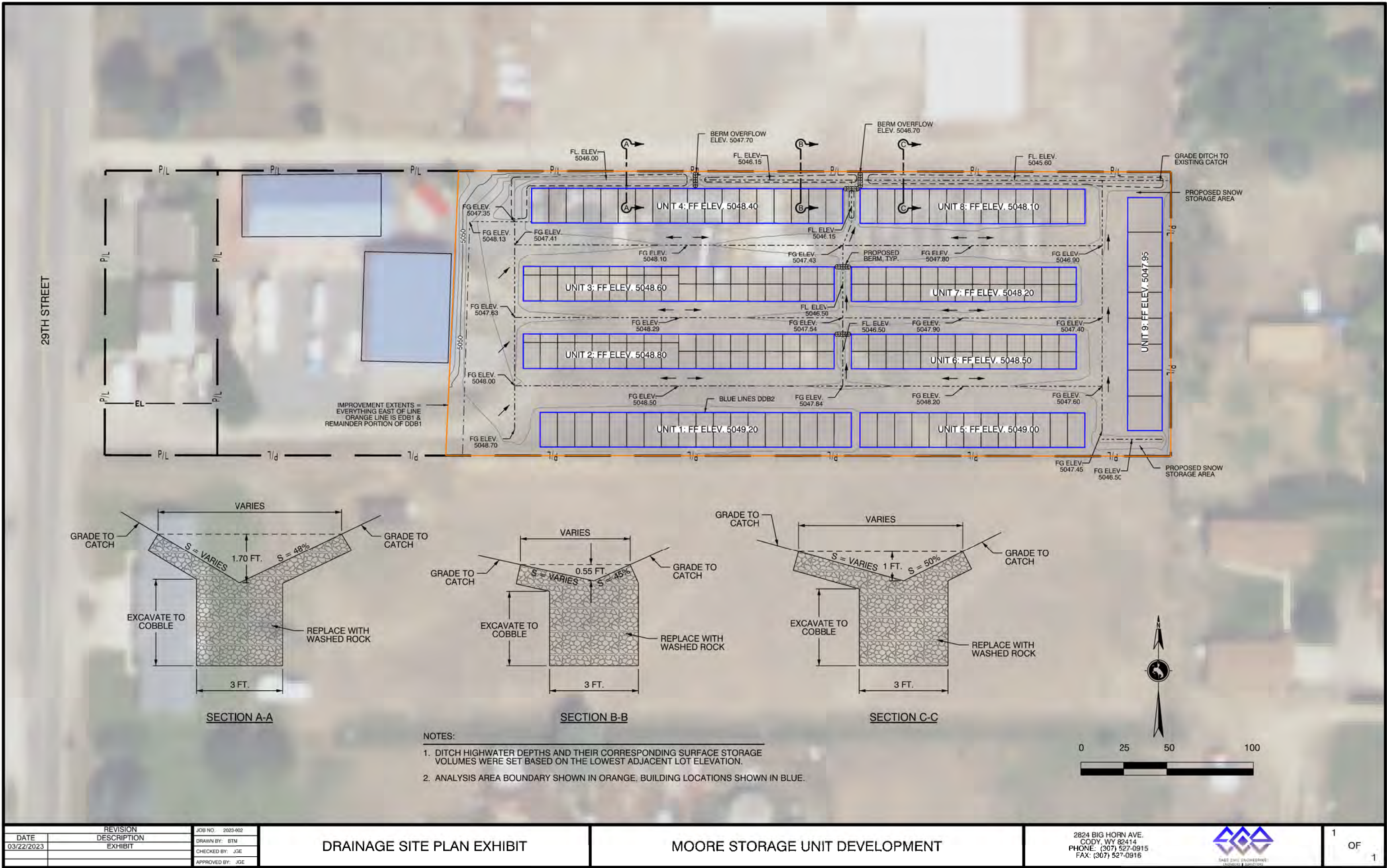
Percolation Trench Summary

End areas of the trench were left out for ease of calculations and conservative measures. The expected native material is the terrace gravels located throughout this area of town. Percolation tests conducted in these areas have typically yielded perc rates greater than 0.25 inches per minute. To be conservative, this percolation rate was cut in half and analyzed at 0.125 inches per minute. The table below summarizes the volume of outflow through the bottom of the trench during the design storm as well as the surface storage volume. The trench will be over-excavated to cobble level and backfilled with rock lining up to design grade. 40% voids within the rock backfill region will also be ignored as the design storm runoff has been satisfied without the extra volume and the depth to cobble will vary over the lengths of the percolation trenches.

Volume Percolated During 2 Hour Storm			
Percolation Area	Area SQFT	Outflow CFS	2hr Outflow Volume CF
Percolation Area 1	755	0.13	944
Percolation Area 2	300	0.05	375
Percolation Area 3	40	0.01	50
Percolation Area 4	850	0.15	1,063
Total		0.34 CFS	2,431 CF

Storage Volume				
Storage Area	Average Top Width FT	Runoff Depth FT	Length FT	Storage CF
Swale Area 1	6.58	1.70	120	672
Swale Area 2	3.50	0.55	85	82
Swale Area 3	2.70	0.55	15	11
Swale Area 4	5.65	1.00	175	494
Total				1,259 CF

In total, the percolation trench will store/perc 3,690 ft³ of water, which is in excess of the required 3,143 ft³. The design storm is satisfied while ignoring a significant portion of excess capacity due to over excavation and replacement of washed rock. Therefore, the drainage facilities have more than enough capacity to fulfill requirements above and beyond the design storm.





WWW.MOORESTORAGE.US (307)-XXX-XXXX



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties
April 20th to:

Please return this letter by

Date: April 7, 2023

Cody City Planner
P.O. Box 2200
Cody, WY 82414
Or email:

RE: **SPECIAL EXEMPTION REQUEST**

todds@codywy.gov

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Greg Moore/ Robert Moore

Address or Location: 1308 29th Street

Description of Request:

Waive the City's requirements to install a 15-foot-wide landscaped strip and 6-foot privacy fence along the north, east and south sides of the property when it is developed with a proposed mini-storage facility.

(Exemption to City Code 10-10A-4).



This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, April 25, 2023 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Greg Moore and Robert Moore for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name:

Pauline Chwema

Address:

1302 29th St. Cody WY

Comments:



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

**Notice to Owners of Neighboring Properties
April 20th to:**

Please return this letter by

Date: April 7, 2023

Cody City Planner
P.O. Box 2200
Cody, WY 82414
Or email:

RE: **SPECIAL EXEMPTION REQUEST**

todds@codywy.gov

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A
SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.**

Applicant Name(s): Greg Moore/ Robert Moore

Address or Location: 1308 29th Street

Description of Request:

Waive the City's requirements to install a 15-foot-wide
landscaped strip and 6-foot privacy fence along the
north, east and south sides of the property when it is
developed with a proposed mini-storage facility.

(Exemption to City Code 10-10A-4).



This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, April 25, 2023 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Greg Moore and Robert Moore for the special exemption described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: ALAN KOWSOULOS

Address: 1304 29th St

Comments: _____

☒ I OBJECT to the Special Exemption Request:

Name: Jack Tatum

Address: 1307 31st Street Cody

Comments: Notwithstanding that a mini storage does not fit with the current state of the area; exempting a privacy fence firstly:

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:

- Diminishes just that: privacy. When this lot was an empty field, the space itself lent to privacy amongst neighbors. The construction of the storage units will bring increased traffic and visibility into our backyards. Currently, we enjoy much privacy and very much value that. Noise would also be greater w/out the fence.
- Cody's West-Southwest winds are very prevalent and notable in this area. Regardless of the driving surface (asphalt or gravel) the absence of the fence would allow the winds to push dust and debris directly into our backyard impacting our & our children's health.
- Being in a residential area, we find it far more appropriate to view the backside of a fence, rather than yet another row of storage units.

The landscaping would only serve to multiple the benefits of the Privacy Fence, while preserving and expanding the rugged feel that we all value in this area. The landscaping and fence would also diminish negative impacts (sleep, view sheds) of night time security lighting at the overly-redundant storage facility.



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties

Please return this letter by 4/24/2023 to:

Date: April 10, 2023

RE: **SPECIAL EXEMPTION REQUEST**

Cody City Planner
P.O. Box 2200
Cody, WY 82414
Or email: todds@codywy.gov

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Greg Moore

Address or Location/Legal Description: 1308 29th Street Cody WY 82414

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to construct an enclosed front porch.)*

Please see attached description of request.

This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, 4/25, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Greg Moore for the special exemption described above.

☒ I have **NO OBJECTION** to the Special Exemption Request.

Name: Nora Wilb

Address: 1301 31st

Comments: _____

☐ I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Comments: _____

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: _____



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties

Please return this letter by 4/24/2023 to:

Date: April 10, 2023

Cody City Planner

P.O. Box 2200

Cody, WY 82414

Or email: todds@codywy.gov

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Greg Moore

Address or Location/Legal Description: 1308 29th Street Cody WY 82414

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to construct an enclosed front porch.)*

Please see attached description of request.

This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, 4/25, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Greg Moore for the special exemption described above.

☒ I have **NO OBJECTION** to the Special Exemption Request.

Name: ALAN Kousoulos

Address: 1304 29th St.

Comments: _____

☐ I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Comments: _____

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: _____



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties

Please return this letter by 4/24/2023 to:

Date: April 10, 2023

Cody City Planner

P.O. Box 2200

Cody, WY 82414

Or email: todds@codywy.gov

RE: **SPECIAL EXEMPTION REQUEST**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Greg Moore

Address or Location/Legal Description: 1308 29th Street Cody WY 82414

Description of Request: *(Please state the requirement, the amount of exemption, and why requested—e.g. reduce the front yard setback requirement from 25' to 22' to construct an enclosed front porch.)*

Please see attached description of request.

This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, 4/25, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Greg Moore for the special exemption described above.

☒ I have **NO OBJECTION** to the Special Exemption Request.

Name: NATHAN SPITZER

Address: 1314 29th ST.

Comments: _____

☐ I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Comments: _____

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Dear Planning and Zoning Board Members:

I am familiar with the proposal by Greg Moore for the special exemption described above.

☒ I have **NO OBJECTION** to the Special Exemption Request.

Name: Pauline Chwema

Address: 1302 29th St Cody WY 82414

Comments: _____

☐ I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Comments: _____

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Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Greg Moore for the special exemption described above.

☒ I have **NO OBJECTION** to the Special Exemption Request.

Name: Kevin Lundvall

Address: 1320 29th St

Comments: as trustee of Lundvall trust

☐ I **OBJECT** to the Special Exemption Request:

Name: _____

Address: _____

Comments: _____

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 25, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: PILOT PEAK DOG WASH FACILITY. SPR 2023-08	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Kory and Ashley Johnson have submitted a site plan application to install a self-serve dog wash building northwest of the Blackburn Street and Cougar Avenue intersection (north of Mentock Park). The application notes that, "The unit gives dog owners the ability to wash their dog on the floor or in a tub. The unit is climate controlled, and very well-lit for the safety of customers. Transactions will be completed using a credit card. Uses will have 20 minutes to wash and dry their pet before an additional deposit would be required." The building is approximately 7 ½ feet wide, 10 feet long, and 8 ½ feet tall. The applicant has provided several informational slides, which are attached for your review.



The property is located in the Open Business/Light-Industrial (D-3) zoning district, which permits service and retail uses.

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:

Architecture:

The requirement in the zoning ordinance is that new structures need to be architecturally compatible with others in the district. That is interpreted to mean they are to be of a similar architectural quality. The building elevations are depicted in the photo on the first page, as well as in the attached drawings. The building has a large amount of glazing and otherwise appears to be of quality materials. Staff does not have a concern that the architecture is incompatible with the area.

Landscaping:

The property is not within an entry corridor overlay, so there is not a specified amount of landscaping required. However, the ordinance indicates that, "landscaping plans are to be submitted for approval", as if presuming that landscaping will be provided. It is noted that there is split rail fence along the frontage of this property, that adds somewhat of a "landscaping" affect.

As the facility is relatively small, and located on a large parcel, it would be reasonable that landscaping only be required in the immediate area of the facility. Staff recommends that the applicant be required to provide a landscaping plan for the areas east and south of the facility. There is irrigation tubing in a landscape bed about 50 feet to the west, but it is unknown if it is functional. If it is functional, it can be used for vegetation. If it is not functional and the applicant does not want to run a new line, a groundcover of landscape rocks and washed gravel could be an option. The Board can discuss options with the applicant.

It is noted that the application states that the use is temporary. However, temporary likely means until the property owner develops a project on the property that does not have space to accommodate the dog wash. That could be a very long time. There is no reason to delay installation of landscaping.

Access/Parking:

The site plan places the structure on the southwest corner of a proposed 25' by 25' asphalt pad. Other portions of the pad are designated for a single ADA parking space and a ramp up to the building entry. The site plan does not show a standard parking space or the driveway location that would extend from the access point at the northeast corner of the property.

The City parking standards require the access road and standard parking space to be improved to a crushed gravel surface or better. Due to the existing cobble and pebble ground surface, it will not take much thickness of gravel, but it is necessary that some be added to provide the surfacing and to delineate the spaces and access drive. The driveway off of the entrance need only be 20 feet wide to meet fire code standards. Due to the minimal traffic, staff does not see a need to require a 24-foot-wide driveway all the way to the dog wash.

It is noted that if the asphalt pad were extended by two feet to the north, it could be striped in a manner to provide both the ADA space and a second, standard 9-foot-wide space. Both would face south, towards the dog wash building, with the ADA space on the east side.

The parking ordinance does require any entrance and exit serving a commercial property with five or more parking spaces to be paved for at least 25 feet off the public street. The dog wash, with only two spaces, does not trigger the paving requirement by itself. However, there is a concurrent proposal for a coffee drive-thru on this same property that when combined with this project, does meet the threshold for a paved approach. The property owner and tenants can determine whose responsibility it is to install the approach.

Exterior Lighting

Exterior lighting is proposed in the form of three LED strip lights mounted under the eaves of the building, as seen in the photo on page 1. Each of the LED strip lights are eight feet long and about 45 watts. Staff has two concerns

with the lighting as proposed. First, 45 watts in an LED fixture represents a lot of illumination, as can be seen in the photos. Normally that amount of illumination is



enough to illuminate a much larger area. With the building so close to the property lines, there would be a lot of light spillage onto the public streets and beyond.

Second, although the light strips are mounted behind the fascia of the building, the fascia on the sides of the building are at an angle, and the lights can be seen when looking at the front of the building. With the building being so close to the intersection, drivers headed westbound on Cougar Avenue are likely to experience glare from the lights on the sides of the building.

If the two side light strips were removed entirely, lighting levels would be closer to the preferred level and the glare issue would be almost eliminated, while still providing illumination for the adjacent parking area. If the applicant is agreeable, staff would be accepting of this solution. Another alternative may be to replace the two side strip lights with some low-level LED tape lighting, just enough to create a soft glow, mounted high on the back side of the fascia. If a different light configuration is desired, it would be appropriate to require submittal of a photometric map indicating the resulting lighting levels of the lighting system they prefer. However, to be consistent, the Board should not authorize significantly brighter lighting levels than recommended by the Illuminating Engineering Society. They specify 0.5 to 2.0 footcandles for parking areas and along the exterior of buildings, and up to 3.0 footcandles for such areas with security issues. I would speculate that the proposed lighting levels with the three strip light fixtures would result in 15-20 footcandles at the building, which is definitely excessive for the situation.

As the building is self-serve, it will likely be available 24/7, so lighting will likely be on all night.

The Board typically limits color temperature to 4,000K or less to minimize the impacts of blue light. The fixtures have a selectable switch to use 3000K, 4000K or 5000K.

Neighborhood Compatibility, Setbacks and Buffers

The location of the property does not trigger any zoning setbacks or buffer requirements, as it is not immediately next to any residential property. As dimensioned from the site plan, presuming the dark line is the existing fence line, the building will be off of the 10-foot easement along the north side of Cougar Avenue, and about 15 feet from the east property line.

Grading/Storm Water Plan:

No stormwater plan has been submitted. As the site is mostly cobble/pebbles it likely has high permeability. The relatively small size of the asphalt pad (625 to 675 square feet) will not create much stormwater runoff, but the runoff still should be controlled. If a shallow ditch or infiltration trench were installed to one side of the pad, and the pad sloped toward it, it would likely be sufficient to meet the intent of the city stormwater management policy.

Snow Storage

There is plenty of area available for snow storage.

Utility Services

The facility needs water, sewer, and power. There is an existing water service and sewer service that runs east west near the middle of the property. Public works is agreeable to allowing both the dog wash and the coffee hut to share those lines, so long as they install their own meters and are billed as separate customers. Applicable utility fees will need to be paid for the additional water and sewer connections. Whether the additional connections are considered the connections to the dog wash or to the coffee hut will need to be sorted out by the owner and tenants. This utility layout scenario does not specifically meet City utility policies, but again is being permitted for the proposed situation. However, if the property were ever divided to separate these uses, separate sewer and water services would be required.

An electrical service meter panel is located near the northwest corner of the property, with a feeder to a former building site towards the southwest portion of the property. It may be possible to connect to the feeder and run power from that location to the building. An electrician will investigate the situation and the plan can be modified as needed. The electrical service cannot be shared.

Signs

The sign concept is shown on Sheet 1 of 10, as attached. The sizes and locations on the walls of the building are in compliance with the sign code.

An existing freestanding sign will be reconditioned and utilized for the dog wash. Although the sign extends beyond the perimeter fence, it is just within the property boundaries. The sign cabinet in which the plastic panels will be installed is approximately 4 ½ feet tall and 6' 4" wide.



Hydrant

A fire hydrant is across Cougar Avenue, near the intersection.

Garbage

No garbage service is requested.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

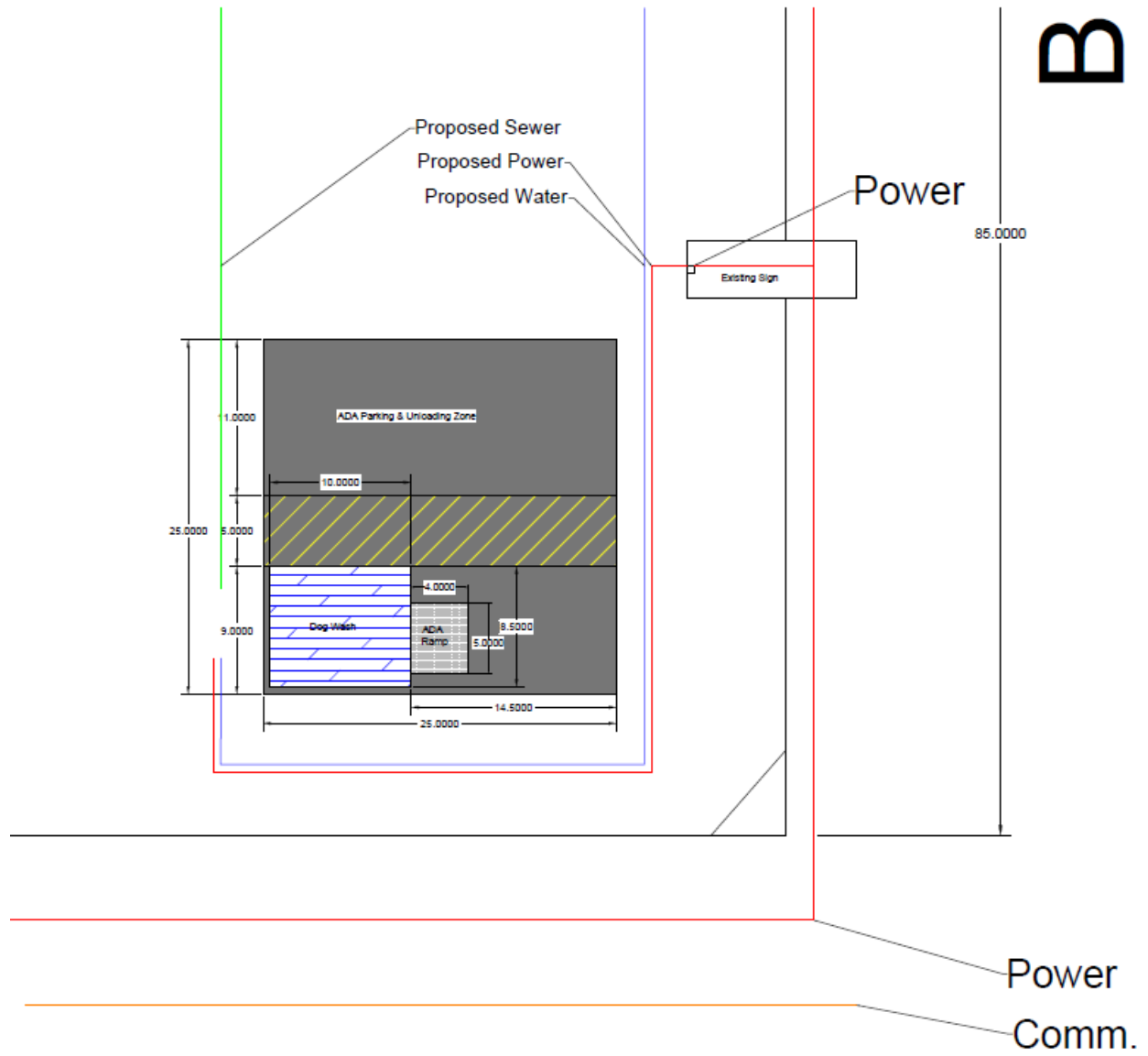
Approve or deny the site plan with or without changes.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board approve the proposal, subject to the following conditions.

1. The modifications identified below are to be incorporated into the plans and submitted for verification prior to issuance of the building permit.
2. Provide a landscaping plan for the area to the south and east of the facility, as discussed and directed by the Board.
3. Provide a standard parking space that meets the city parking regulations. It is recommended that it be accomplished by extending the asphalt two feet to the north and restriping as outlined in the staff report.
4. Provide a minimum 20-foot-wide access from the approach to the parking area, surfaced with crushed gravel or better.
5. If the coffee hut is also installed, the approach must be paved, as outlined in the staff report.
6. Exterior lighting is to be reduced by either removing the two side strip lights, or through other options that bring the lighting levels down to the IES recommended levels. Also, the lighting temperature of the fixtures is to set at 4000k or less.
7. Stormwater control for the facility is to be provided. Sloping the asphalt pad and installing a low swale or infiltration trench along the lower side(s) will be considered adequate.
8. The water and sewer service lines can be shared with the coffee hut, provided individual water meters are installed and additional hook-on fees are paid (\$600 for water, \$500 for sewer, and a \$40 inspection fee). The electrical service cannot be shared with the coffee hut. Indicate the route of the electrical service on the site plan, once it is verified.
9. Any work within the right-of-way, such as the paving of the approach, will need to be covered by a street encroachment permit from Public Works. The contractor(s) doing the work is responsible to obtain the permit(s).
10. The project must otherwise comply with the project description, as described in the application and at the Planning and Zoning Board meeting. A building permit must be obtained within three years or this authorization will expire. A new address will be issued with the building permit.

B



SELF SERVE DOG WASH

KORY & ASHLEY JOHNSON



PILOT PEAK PUPPY
WASH



Dog Wash install in Billings MT





Above: Dog wash installed on location in Billings, MT.
Right: Dog was in manufacturing shop.

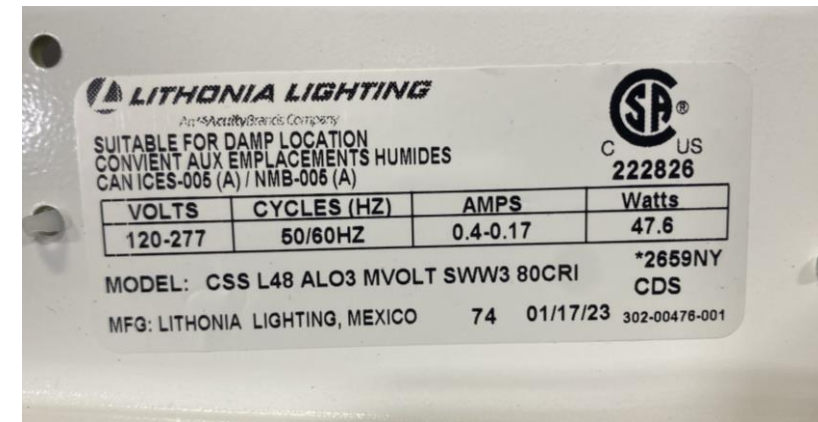


Above: Mechanical room of unit.
Right: Outside view of dog wash in shop. Shows PTAC unit.



Lighting Details

- Outside fixtures 8' one on each side and one across front
- Fascia prevents upward or straight away lighting.
- Surfaced mounted to structural framing.
- No exposed wiring
- Lithonia Lighting LED CSS Strip
- 50-Watt programmable Constant current or dimmable LED Driver (0% to 100%)
- Adjustable light output
 - 3000 LM
 - 4000 LM
 - 5000 LM
- Switchable White
 - 3500K
 - 4000K
 - 5000K
- Outside light are on independent breaker
- Outside light on Electronic Photocontrol
 - Intermatic EK4336S NightFox
- Cannot see lights away from building....see photo
- Photocontrol (see photo)



Proposed Location



Additional Details

Fencing

- ▶ We will retain existing fencing onsite
- ▶ Continue to utilize existing entry/exit point for vehicles (Northeast corner)

Snow Storage

- ▶ Remain on lot in a way that will not inhibit vehicle travel to access dog wash.

Storm Water - NA

Waste

- ▶ The dog wash itself generates a minimal amount of wash (bottles of soap, dog hair)
- ▶ We do not see the need to provide a dumpster on site for this facility.

Water Usage

- ▶ Water line in = $\frac{3}{4}$ " Water line out = $\frac{3}{4}$ "
- ▶ Approximately 7 gallons per wash
- ▶ 5 washes/day x 30 days = 150 washes
- ▶ 150 wash x 7 gallons = 1050 gallons per month

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	APRIL 25, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: BEAR PAW ESPRESSO, DRIVE-THRU COFFEE HUT. SPR 2023-10	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Sarah Robson has submitted a site plan application to install a drive-thru coffee hut at 701 Blackburn Street. The coffee hut would be a pre-manufactured shed that is converted into a coffee hut. The shed style is shown in the photos, with hand-drawn notations for where modifications would be made. The property is located in the Open Business/Light-Industrial (D-3) zoning district, which permits retail and food uses.



Two porch lights facing down
LED light strips under the roof edge
During some holidays light colors will change
2 signs on each side of the building approx 4'x4'
1 front sign approx. 19" w x 35" L
1 Back sign approx. 19" w x 35" L
Flower box in the front of the building

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:

Architecture:

The requirement in the zoning ordinance is that new structures need to be architecturally compatible with others in the district. That is interpreted to mean they are to be of a similar architectural quality. The proposed building has additional windows and a front porch to enhance the architecture above that of a plain shed, which results in a more pleasing appearance. Staff does not have a concern that the building architecture is incompatible with the area.

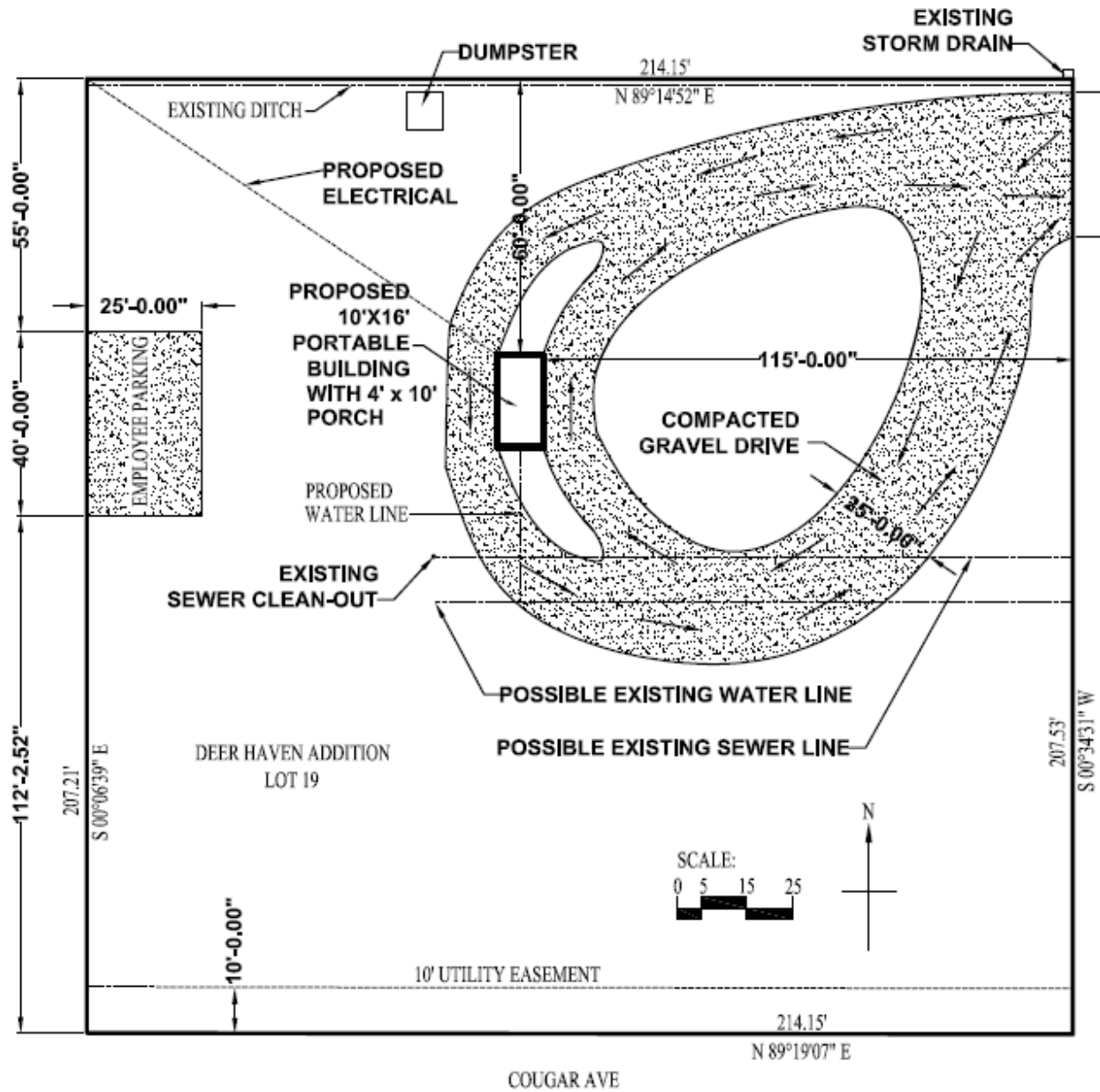
Landscaping:

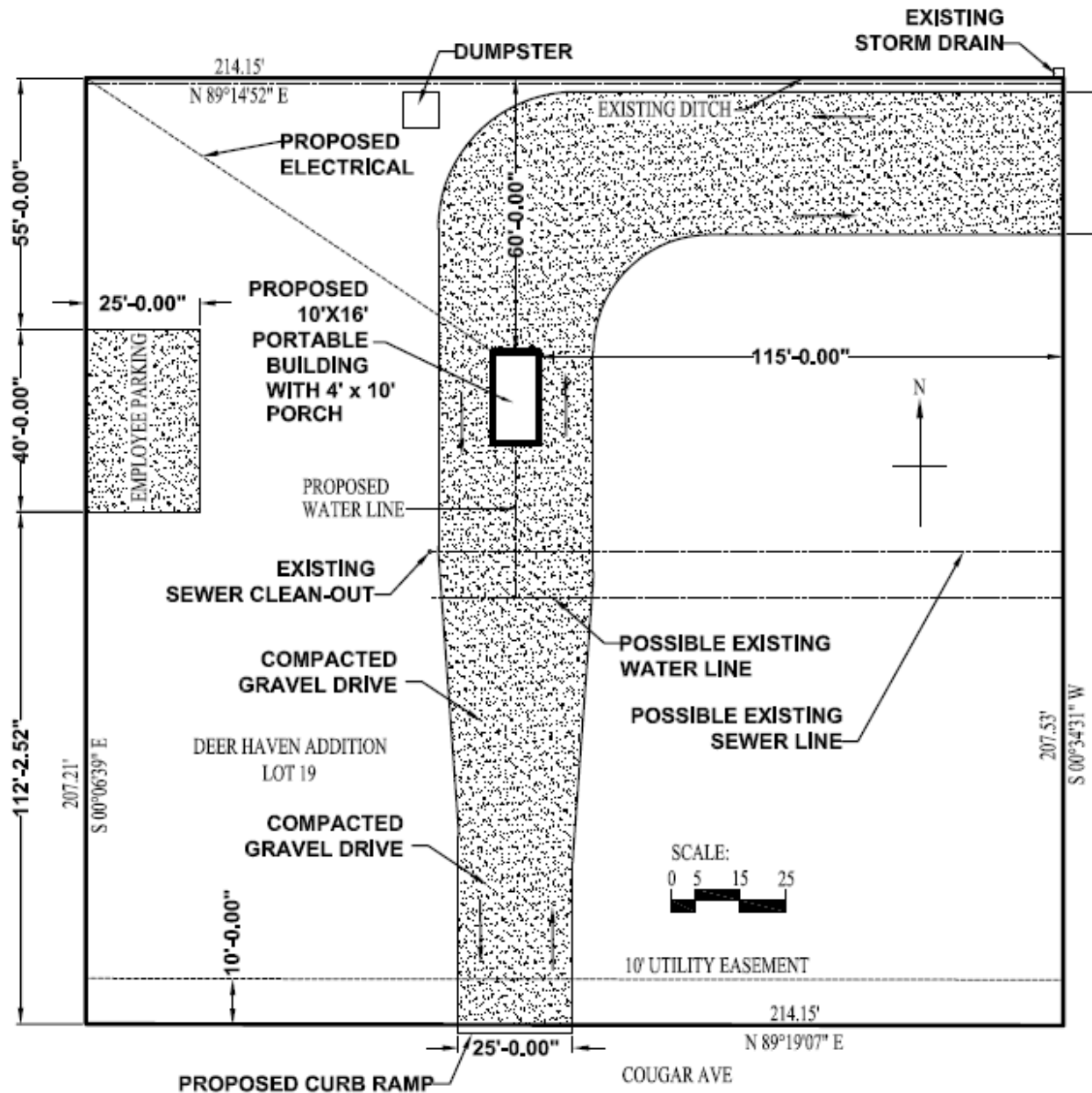
The property is not within an entry corridor overlay, so there is not a specified amount of landscaping required. However, the ordinance indicates that, "landscaping plans are to be submitted for approval", as if presuming that landscaping will be provided. It is noted that there is split rail fence along the frontage of this property, that adds somewhat of a "landscaping" affect.

As the facility is relatively small, and located on a large parcel, it would be reasonable that landscaping only be required in the immediate area of the facility. The applicant has proposed to add a flower box to the end of the building. Staff would recommend that additional landscaping be installed off the ends of the building, in the "islands" created by the area between the drive-thru lanes. It would greatly enhance the appearance of the facility. City raw water is available on the property, or the domestic water could be utilized for irrigation. The Board can discuss landscaping options with the applicant.

Access/Parking:

The site plan is shown below. The first is the initial site plan, and the second, a future option, with access to/from Cougar Avenue.





The City parking standards require the access road and parking spaces to be improved to a crushed gravel surface or better. Due to the existing cobble and pebble ground surface, it will not take much thickness of gravel, but it is necessary that some be added to provide the surfacing and to delineate the spaces and access drive. The driveway widths shown vary in width. For compliance with the parking ordinance, the two-way portions need only be 24 feet wide and the one-way portions 12 feet wide.

The parking plan will need to be modified to provide gravel surfacing to the parking area. In addition, the south route on the first plan should be modified to provide more spacing between it and the approach. It should be shifted at least 20 feet to the west,

so that there is no so much going on right at the entrance/exit. It is noted that the existing entrance is about 25 feet wide, from fence to fence. That is sufficient, without further widening—the site plan shows 30 feet.

The parking ordinance requires any entrance and exit serving a commercial property with five or more parking spaces to be paved for at least 25 feet off the public street. The three employee spaces plus the drive-thru spaces trigger the requirement, along with the dog wash proposal. The property owner and tenants can determine whose responsibility it is to install the approach. The approach is to be 24 feet wide, with return radii to tie into Blackburn Street.

Before the connection to Cougar Avenue is installed, the applicant must coordinate the exact approach location and improvements with Public Works, utilizing the encroachment permit process. Public Works may require a curb cut.

Exterior Lighting

Exterior lighting is proposed in the form of two under-canopy “can style” lights. This is a common method that prevents glare impacts. They also identify some LED strip lights to be installed under the eaves on the sides of the building. Specifications of the strip lights have not been provided. As seen with the dog wash, impacts from high-intensity strip lights can be significant. Specifications will need to be provided that demonstrate light intensity is moderate (generally in compliance with IES standards) and that the color temperature of the white light is 4000K or less. No portion of the strip light fixtures shall be visible when looking at the building from a neighboring property or street.

Neighborhood Compatibility, Setbacks and Buffers

The location of the property does not trigger any zoning setbacks or buffer requirements, as it is not immediately next to any residential property.

Grading/Storm Water Plan:

No stormwater plan has been submitted. The applicant notes an existing storm drain inlet near the northeast corner of the property. However, this inlet is part of the Blackburn Street system, and has not been designed to accept stormwater runoff from private property. The applicant will need to install some sort of infiltration/retention method. A berm or low swale to each side of the coffee hut lanes, or along the north property line is likely the easiest method to meet the requirement that the development not increase stormwater runoff from the property. The method will need to be agreeable to Public Works and added to the site plan.

Snow Storage

There is plenty of area available for snow storage.

Utility Services

The facility needs water, sewer, and power. There is an existing water service and sewer service that runs east west near the middle of the property. Public works is agreeable to allowing both the dog wash and the coffee hut to share those lines, so long as they install their own meters and are billed as separate customers. Applicable utility fees will need to be paid for the additional water and sewer connections. Whether the additional connections are considered the connections to the dog wash or to the coffee hut will need to be sorted out by the owner and tenants. This utility layout scenario does not specifically meet City utility policies, but again is being permitted for the proposed situation. However, if the property were ever divided to separate these uses, separate sewer and water services would be required.

An electrical service meter panel is located near the northwest corner of the property. It makes sense that this panel be used by the dog wash, meaning a new meter panel and service will need to be installed from the transformer to the coffee hut. The electrical service cannot be shared.

As the coffee hut will have on-site employees, a restroom is required. Other coffee huts around town have agreements with neighboring businesses to utilize their restrooms. Staff would accept an agreement with Absoroka Assisted Living, or perhaps Woodward Tractor to satisfy the restroom requirement. If this is not an option, an on-site portable toilet, or a restroom building would need to be installed.

If a portable toilet is installed, it will need to be provided with a pathway to it, and fully screened to hide it from plain view. Screening in the form of a solid fence at least as high as the toilet enclosure, and on all four sides, is required. It could either be a 4-sided box with a door/gate installed or be of the style of open walkway that is set up to have the fence wrap around an open walkway that turns and still hides the toilet enclosure from view. The applicant will need to discuss whether the toilet needs to be ADA compliant.

Signs

The sign concept is shown on photos on page 1 of this report. The amount and location of the wall signs are within the allowable amount.

Hydrant

A fire hydrant is across Cougar Avenue, near the intersection, which is within the maximum 400' distance, based on either of the site plan layouts.

Garbage

A dumpster is shown along the north property line. So long as it is located at least as far from the street as the coffee hut, staff will not ask that it be required to be screened. The travel surface to the dumpster will need to be graveled like the access drives.

Pedestrian access

It is noted that this report does not address the lack of sidewalk along Cougar Avenue or the lack of curb and gutter and sidewalk along Blackburn Street. These issues will need to be addressed with the future build out of the property.

Locations of Improvements

Staff is agreeable to the applicant shifting some of the improvement if they desire. For example, shifting the coffee hut closer to Blackburn Street would provide more visibility, and shifting the parking closer to the coffee hut would reduce the area that needs to be surfaced in gravel.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board approve the proposal, subject to the following conditions.

1. The modifications identified below are to be incorporated into the plans and submitted for verification by staff prior to issuance of the building permit.
2. Provide a landscaping plan for the "islands" north and south of the coffee hut, as discussed and determined by the Board.
3. The approach(es) must be paved, as outlined in the staff report.
4. Shift the southern interior driveway shown on the initial site plan to be at least 20 feet west of the fence at the entry.
5. Provide the crushed gravel or better driving surface on all access drives, parking spaces, and vehicle maneuvering areas.
6. Provide specifications for the LED strip lights proposed under the side eaves, which demonstrate that lighting levels will be moderate in intensity and generally in compliance with recommended IES levels. The color temperature of the white light is 4000K or less. No portion of the strip light fixtures shall be visible when looking at the building from a neighboring property or street. No moving or flashing effects are to be used on the strip lights.
7. Stormwater control for the facility is to be provided. Submit a plan for staff approval. Reference the options in the staff report.
8. The water and sewer service lines can be shared with the coffee hut, provided individual water meters are installed and additional hook-on fees are paid (\$600 for water, \$500 for sewer, and a \$40 inspection fee). The property owner and tenants will need to work out who pays those fees.
9. Any work within the right-of-way, such as the paving of the approach(es), will need to be covered by a street encroachment permit from Public Works. The contractor(s) doing the work is responsible to obtain the permit(s).

10. The project must otherwise comply with the project description, as described in the application and at the Planning and Zoning Board meeting. A building permit must be obtained within three years or this authorization will expire.

A white puppy is captured in a dynamic pose, shaking its body to remove water. The puppy is positioned on the left side of the frame, facing right. Its fur is wet, and a dense cloud of water droplets is suspended in the air around it, creating a sense of motion. The background is dark and out of focus, making the white puppy and the water droplets stand out. The text "Floor plans available upon request" is overlaid on the right side of the image in a white, sans-serif font.

Floor plans
available upon
request

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	APRIL 25, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: BEAR PAW ESPRESSO, DRIVE-THRU COFFEE HUT. SPR 2023-10	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Sarah Robson has submitted a site plan application to install a drive-thru coffee hut at 701 Blackburn Street. The coffee hut would be a pre-manufactured shed that is converted into a coffee hut. The shed style is shown in the photos, with hand-drawn notations for where modifications would be made. The property is located in the Open Business/Light-Industrial (D-3) zoning district, which permits retail and food uses.



Two porch lights facing down
LED light strips under the roof edge
During some holidays light colors will change
2 signs on each side of the building approx 4'x4'
1 front sign approx. 19" w x 35" L
1 Back sign approx. 19" w x 35" L
Flower box in the front of the building

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:

Architecture:

The requirement in the zoning ordinance is that new structures need to be architecturally compatible with others in the district. That is interpreted to mean they are to be of a similar architectural quality. The proposed building has additional windows and a front porch to enhance the architecture above that of a plain shed, which results in a more pleasing appearance. Staff does not have a concern that the building architecture is incompatible with the area.

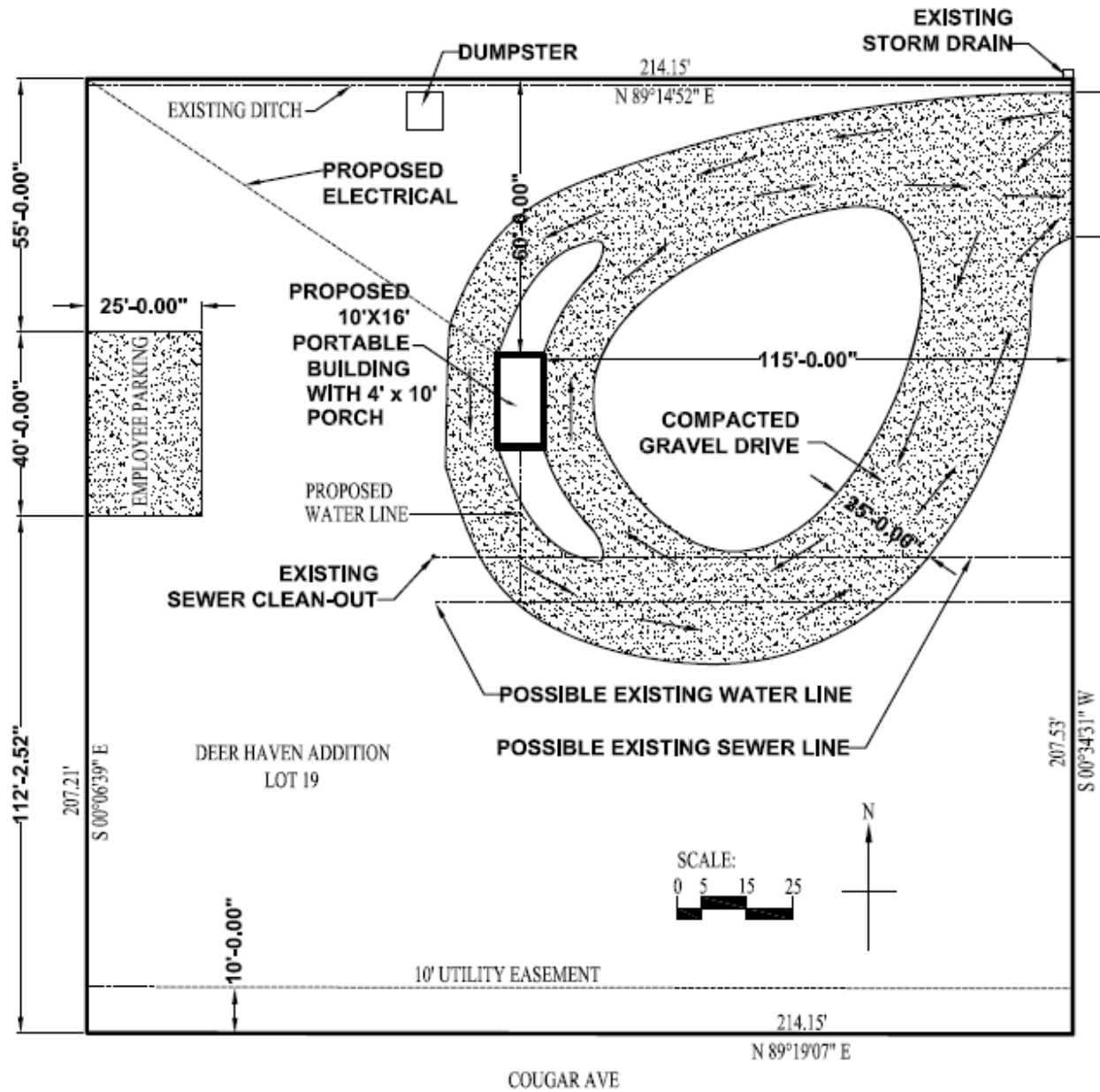
Landscaping:

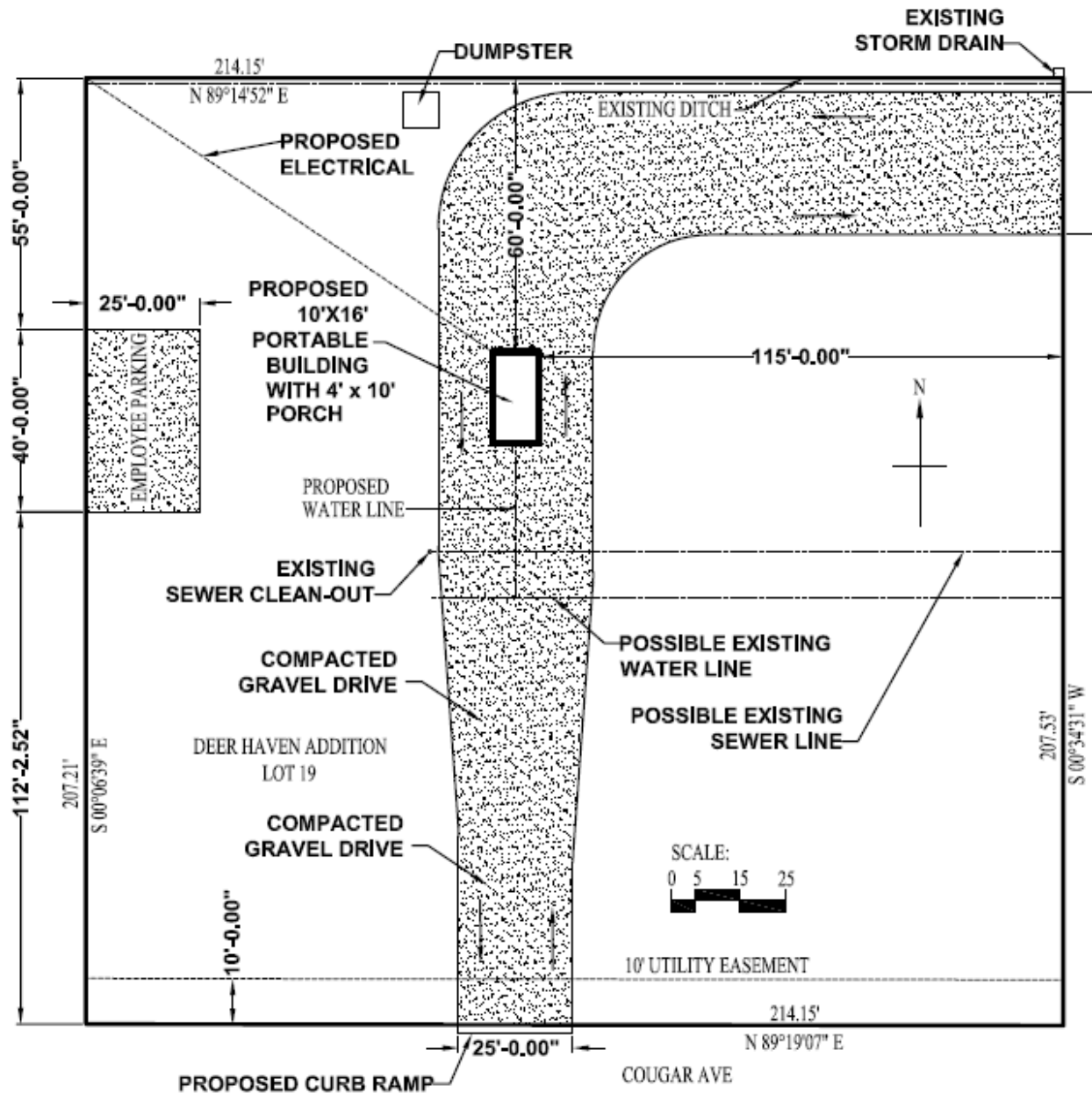
The property is not within an entry corridor overlay, so there is not a specified amount of landscaping required. However, the ordinance indicates that, "landscaping plans are to be submitted for approval", as if presuming that landscaping will be provided. It is noted that there is split rail fence along the frontage of this property, that adds somewhat of a "landscaping" affect.

As the facility is relatively small, and located on a large parcel, it would be reasonable that landscaping only be required in the immediate area of the facility. The applicant has proposed to add a flower box to the end of the building. Staff would recommend that additional landscaping be installed off the ends of the building, in the "islands" created by the area between the drive-thru lanes. It would greatly enhance the appearance of the facility. City raw water is available on the property, or the domestic water could be utilized for irrigation. The Board can discuss landscaping options with the applicant.

Access/Parking:

The site plan is shown below. The first is the initial site plan, and the second, a future option, with access to/from Cougar Avenue.





The City parking standards require the access road and parking spaces to be improved to a crushed gravel surface or better. Due to the existing cobble and pebble ground surface, it will not take much thickness of gravel, but it is necessary that some be added to provide the surfacing and to delineate the spaces and access drive. The driveway widths shown vary in width. For compliance with the parking ordinance, the two-way portions need only be 24 feet wide and the one-way portions 12 feet wide.

The parking plan will need to be modified to provide gravel surfacing to the parking area. In addition, the south route on the first plan should be modified to provide more spacing between it and the approach. It should be shifted at least 20 feet to the west,

so that there is no so much going on right at the entrance/exit. It is noted that the existing entrance is about 25 feet wide, from fence to fence. That is sufficient, without further widening—the site plan shows 30 feet.

The parking ordinance requires any entrance and exit serving a commercial property with five or more parking spaces to be paved for at least 25 feet off the public street. The three employee spaces plus the drive-thru spaces trigger the requirement, along with the dog wash proposal. The property owner and tenants can determine whose responsibility it is to install the approach. The approach is to be 24 feet wide, with return radii to tie into Blackburn Street.

Before the connection to Cougar Avenue is installed, the applicant must coordinate the exact approach location and improvements with Public Works, utilizing the encroachment permit process. Public Works may require a curb cut.

Exterior Lighting

Exterior lighting is proposed in the form of two under-canopy “can style” lights. This is a common method that prevents glare impacts. They also identify some LED strip lights to be installed under the eaves on the sides of the building. Specifications of the strip lights have not been provided. As seen with the dog wash, impacts from high-intensity strip lights can be significant. Specifications will need to be provided that demonstrate light intensity is moderate (generally in compliance with IES standards) and that the color temperature of the white light is 4000K or less. No portion of the strip light fixtures shall be visible when looking at the building from a neighboring property or street.

Neighborhood Compatibility, Setbacks and Buffers

The location of the property does not trigger any zoning setbacks or buffer requirements, as it is not immediately next to any residential property.

Grading/Storm Water Plan:

No stormwater plan has been submitted. The applicant notes an existing storm drain inlet near the northeast corner of the property. However, this inlet is part of the Blackburn Street system, and has not been designed to accept stormwater runoff from private property. The applicant will need to install some sort of infiltration/retention method. A berm or low swale to each side of the coffee hut lanes, or along the north property line is likely the easiest method to meet the requirement that the development not increase stormwater runoff from the property. The method will need to be agreeable to Public Works and added to the site plan.

Snow Storage

There is plenty of area available for snow storage.

Utility Services

The facility needs water, sewer, and power. There is an existing water service and sewer service that runs east west near the middle of the property. Public works is agreeable to allowing both the dog wash and the coffee hut to share those lines, so long as they install their own meters and are billed as separate customers. Applicable utility fees will need to be paid for the additional water and sewer connections. Whether the additional connections are considered the connections to the dog wash or to the coffee hut will need to be sorted out by the owner and tenants. This utility layout scenario does not specifically meet City utility policies, but again is being permitted for the proposed situation. However, if the property were ever divided to separate these uses, separate sewer and water services would be required.

An electrical service meter panel is located near the northwest corner of the property. It makes sense that this panel be used by the dog wash, meaning a new meter panel and service will need to be installed from the transformer to the coffee hut. The electrical service cannot be shared.

As the coffee hut will have on-site employees, a restroom is required. Other coffee huts around town have agreements with neighboring businesses to utilize their restrooms. Staff would accept an agreement with Absoroka Assisted Living, or perhaps Woodward Tractor to satisfy the restroom requirement. If this is not an option, an on-site portable toilet, or a restroom building would need to be installed.

If a portable toilet is installed, it will need to be provided with a pathway to it, and fully screened to hide it from plain view. Screening in the form of a solid fence at least as high as the toilet enclosure, and on all four sides, is required. It could either be a 4-sided box with a door/gate installed or be of the style of open walkway that is set up to have the fence wrap around an open walkway that turns and still hides the toilet enclosure from view. The applicant will need to discuss whether the toilet needs to be ADA compliant.

Signs

The sign concept is shown on photos on page 1 of this report. The amount and location of the wall signs are within the allowable amount.

Hydrant

A fire hydrant is across Cougar Avenue, near the intersection, which is within the maximum 400' distance, based on either of the site plan layouts.

Garbage

A dumpster is shown along the north property line. So long as it is located at least as far from the street as the coffee hut, staff will not ask that it be required to be screened. The travel surface to the dumpster will need to be graveled like the access drives.

Pedestrian access

It is noted that this report does not address the lack of sidewalk along Cougar Avenue or the lack of curb and gutter and sidewalk along Blackburn Street. These issues will need to be addressed with the future build out of the property.

Locations of Improvements

Staff is agreeable to the applicant shifting some of the improvement if they desire. For example, shifting the coffee hut closer to Blackburn Street would provide more visibility, and shifting the parking closer to the coffee hut would reduce the area that needs to be surfaced in gravel.

ATTACHMENTS:

Application materials.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board approve the proposal, subject to the following conditions.

1. The modifications identified below are to be incorporated into the plans and submitted for verification by staff prior to issuance of the building permit.
2. Provide a landscaping plan for the "islands" north and south of the coffee hut, as discussed and determined by the Board.
3. The approach(es) must be paved, as outlined in the staff report.
4. Shift the southern interior driveway shown on the initial site plan to be at least 20 feet west of the fence at the entry.
5. Provide the crushed gravel or better driving surface on all access drives, parking spaces, and vehicle maneuvering areas.
6. Provide specifications for the LED strip lights proposed under the side eaves, which demonstrate that lighting levels will be moderate in intensity and generally in compliance with recommended IES levels. The color temperature of the white light is 4000K or less. No portion of the strip light fixtures shall be visible when looking at the building from a neighboring property or street. No moving or flashing effects are to be used on the strip lights.
7. Stormwater control for the facility is to be provided. Submit a plan for staff approval. Reference the options in the staff report.
8. The water and sewer service lines can be shared with the coffee hut, provided individual water meters are installed and additional hook-on fees are paid (\$600 for water, \$500 for sewer, and a \$40 inspection fee). The property owner and tenants will need to work out who pays those fees.
9. Any work within the right-of-way, such as the paving of the approach(es), will need to be covered by a street encroachment permit from Public Works. The contractor(s) doing the work is responsible to obtain the permit(s).

10. The project must otherwise comply with the project description, as described in the application and at the Planning and Zoning Board meeting. A building permit must be obtained within three years or this authorization will expire.