

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD AGENDA
SPECIAL MEETING OF TUESDAY, DECEMBER 19, 2023 AT 12:00 P.M. (NOON)
CODY CITY HALL COUNCIL CHAMBERS, 1338 RUMSEY AVENUE, CODY, WY

1. Call the Meeting to order.
2. Roll Call, excused members.
3. Pledge of Allegiance.
4. Approval of the Agenda for the December 19, 2023 Special Meeting.
5. Approval of the Minutes for the November 28, 2023 Regular Meeting.
6. New Business:
 - a. Review the parking plan related to a change of use at 1922 Big Horn Avenue for the St. Luke Ukrainian-Greek Catholic Church.
 - b. Review the final plat application for the Sommer Minor Subdivision, a 2-lot subdivision of 2620 Carey Street.
 - c. Review a proposal to reduce the minimum lot size for accessory dwelling units from 7,000 square feet to 6,700 square feet for existing lots in the R-2, R-2MH, MH Park, R-3, and R-4 zoning districts, and direct staff to advertise the associated public review process.
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
November 28, 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, November 28, 2023 at 12:00 p.m.

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

Present: Carson Rowley; Kim Borer; Matt Moss; Dan Schein; Josh White; Council Liaison Andy Quick; City Attorney Scott Kolpitzke; City Planner Todd Stowell; GIS Analyst Utana Dye.

Absent: Eric Berg; and Ian Morrison;

Carson Rowley led everyone in the pledge of allegiance.

Dan Schein made a motion to approve the agenda for the November 28, 2023 regular meeting, seconded by Josh White. Vote on the motion was unanimous, motion passed.

Dan Schein made a motion, seconded by Josh White to approve the minutes for the October 24, 2023 Regular Meeting with corrections. Vote on the motion was unanimous, motion passed.

Kim Borer made a motion, seconded by Josh White to recommend to remove from the table the rezone of Lot 5 of Musser Subdivision (140 Cooper Lane West) from Single-family (R-1) to Medium-Low Density Residential (R-2). Vote on the motion was unanimous. Motion passed.

Dan Schein made a motion, seconded by Josh White to recommend to City Council to deny the rezone of Lot 5 of Musser Subdivision (140 Cooper Lane West) from Single-family (R-1) to Medium-Low Density Residential (R-2). Vote on the motion was unanimous. Motion passed.

Todd Stowell discussed with the board a proposal to reduce the minimum lot size for accessory dwelling units from 7,000 square feet to 6,700 square feet in the R-2, R-2MH, MH Park, R-3 and R-4 zoning districts. The board directed staff to rewrite the proposal to apply to only existing lots and bring it back for further review.

P&Z Board Matters (announcements, comment, etc.): None

Council Update: Interviews for the two Planning and Zoning Board positions will take place tonight.

Staff Items: None

Dan Schien made a motion, seconded by Josh White to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned at approximately 1:14 p.m.

Utana Dye

GIS Analyst

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

MEETING DATE:	DECEMBER 19, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	PARKING PLAN REVIEW: 1922 BIG HORN AVENUE. SPR 2023-34	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Hayden Bales, representing the St. Luke Ukrainian-Greek Catholic Church, has submitted a parking plan for review in association with the church moving into the building at 1922 Big Horn Avenue. The building was most recently used as a day care facility and the change of use to a church requires a review of the parking situation. The proposal is being presented to the Board for review, as the applicant is requesting a reduction in the amount of parking from what is recommended by the parking code based on the size of the building.

The proposed parking layout is attached.

REVIEW CRITERIA:

10-16-3: PARKING FACILITIES REQUIRED:
Off street parking facilities shall be provided in accordance with this chapter for any building or use hereafter established, enlarged, increased in capacity, replaced, or reconstructed as follows:

A. *For new buildings and uses, off street parking facilities shall be provided as required by this chapter based on the proposed use and capacity of the building...*



The church, being a new use of the property, is required to provide parking per the parking ordinance. This is not only a requirement for providing a certain number of spaces, but meeting other parking requirements in the code for any parking that is added. Existing parking that may be non-conforming for other reasons such as

inadequate dimensions, improper lighting, etc. need not necessarily be upgraded, although it is recommended to the applicant to do so when possible.

10-16-9: NUMBER OF SPACES REQUIRED:

The minimum number of parking spaces required for a use shall be according to table 1 of this section, unless the planning and zoning board authorizes otherwise based on reliable data, such as parking data from a highly comparable facility or a parking demand study prepared by a qualified parking consultant or engineer, which justifies use of a different parking ratio.

Table 1 specifies that for public assembly uses, including churches, 11.3 spaces per 1,000 sq. ft. of gross floor area, or 1 space per 45 sq. ft. of all assembly areas occupied concurrently, whichever is less, is to be provided. In this instance the 11.3 ratio is less, and based on the 3,800 square foot size of the building, 43 spaces are recommended pursuant to that ratio.

However, the church presently only has about 30 people that attend their Sunday service, and the applicant counted that those people arrived in 10 vehicles. This is a situation where the building capacity is much larger than present needs of the use.

The property is capable of providing about 22 on-site parking spaces, which is double the current needs of the church, but half of what is recommended based on building size.

STAFF COMMENTS:

The church will be renting the building and at least initially is not entering not a long-term lease. Furthermore, the property owner also owns the property directly to the east, which provides opportunity to establish an off-site parking agreement to utilize parking facilities on that property if such parking is needed and still available at that time. Due to this, staff believes the Board can consider the situation without a formal special exemption request, and base the number of parking spaces required on the near-term situation, with a trigger for additional review if and when parking demand exceeds the capacity of the parking lot on 1922 Big Horn Avenue.

There are a few edits to the parking plan that are needed.

- a) The western parking space of the group of three shown next to Big Horn Avenue is in the driveway approach, which is dangerous. It should not be marked as a parking space.
- b) There is enough room to add a 7th space to the row to the south of the building, which should occur to make up for the "lost" space next to Big Horn Avenue.
- c) The northernmost parking space along the west property line should be held back from the Big horn Avenue sidewalk about five feet for sight distance purposes.

- d) If the fence located about midpoint of the building remains, there will only be room for one space south and west of the gate, unless vegetation is removed.
- e) The parking being added to the south of the building will need lighting, if the area will be used at night. There is a fixture on the back of the building that can be changed out with a compliant full cutoff fixture to provide the required lighting.

Additional comments that should be considered, but are not specific requirements include:

- 1) The parallel spaces along the west property line could be marked at 25' in length, which would be more convenient and accommodate larger vehicles. 25' spacing is used for the markings on main street.
- 2) The lighting of the front parking lot occurs from the under canopy lights and two halogen spotlights mounted on the front of the building. The halogen spotlights should be eliminated or replaced with full cutoff style fixtures to eliminate the current glare issue they create.

Photos from Google maps:



ATTACHMENTS:

Parking plan

ALTERNATIVES:

Approve or deny the parking plan and associated number of parking spaces required.

RECOMMENDATION:

Authorize the parking plan with the modifications listed below, for a congregation of up to 63 people (one parking space per three attendees). The church can request additional review for a parking agreement on the neighboring property, or adjustment to the 63-person capacity limit if and when necessary in the future. Evidence of parking associated with the church occurring in the street to the south (Public Street) will also be evidence that it is time for the Board to further review the parking situation.

The parking plan is to be implemented by marking at least 15 spaces as soon as possible. An additional six spaces are to be provided as soon as they are needed, but no later than July 1, 2024. The lighting of the south parking lot shall occur if that parking area is to be used at night.

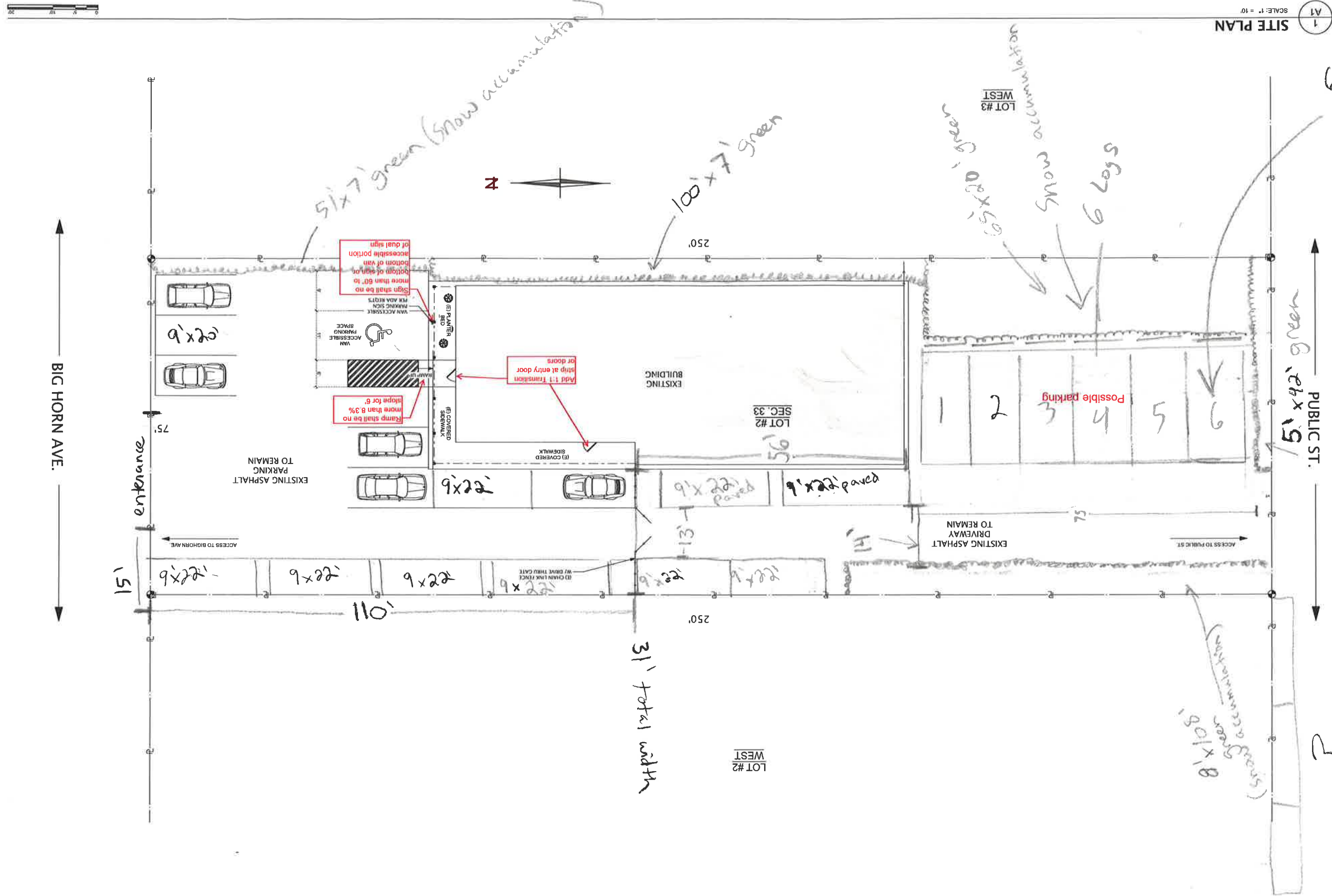
The required modifications to the parking plan include:

- a) Do not mark or use the western parking space of the group of three shown on the parking plan next to Big Horn Avenue, as it is in the driveway approach.
- b) Add a 7th space to the row of parking to the south of the building.
- c) Hold back the northernmost parking space along the west property line at least five feet from the Big horn Avenue sidewalk.
- d) If the fence located about midpoint of the building remains, there will only be room for one space south and west of the gate, unless vegetation is removed.
- e) The parking being added to the south of the building will need lighting, if that parking area will be used at night. There is a fixture on the back of the building that can be changed out with a compliant full cutoff fixture to provide the required lighting. Any replacement fixture is to be reviewed by the City planner to verify that it is full cutoff in style, no more than 4000K color temperature, and has an illumination pattern that best matches the situation (likely a forward throw pattern).

6 $10' \times 20'$
gravel 98 acres

- 6 gravel parking spots in rear

. 22 spaces total



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

MEETING DATE:	DECEMBER 19, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	FINAL PLAT FOR THE SOMMER MINOR SUBDIVISION—A 2-LOT SUBDIVISION. SUB 2023-03	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

The proposed subdivision will divide an 8.95-acre parcel located at 2620 Carey Street into two lots. Lot 1 is 3.36 acres of vacant agricultural land. Lot 2 contains a house, outbuildings, and additional agricultural land. The property is zoned R-2 and Rural Residential (RR).



SUBDIVISION REGULATIONS

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

Subdivision Variances:

1. To waive the alley requirement.
2. To modify the street requirements for Carey Street as described in the staff report for the preliminary plat (install an 18' wide paved lane from Valley Avenue to Lot 2).

Status of Preliminary Plat Conditions:

The conditions of the preliminary plat approval are listed below, with the status of each.

1. Provide the final plat documents in accordance with the subdivision ordinance. A water distribution plan, which has been approved by Cody Canal, will need to be provided with the final plat.
Status: The water distribution plan has been approved by Cody Canal. The other final plat documents have been provided, with the exception of a construction plan for the Carey Street improvements. Due to the anticipated simplicity of the plan and that the applicant's engineer did not recognize it needed to be done at this time, we are proposing that the Planning and Zoning Board pass the subdivision along to City Council with the requirement that the construction plan be submitted and reviewed by Public Works before City Council considers the Board recommendation. The engineer anticipates completing the plans in about a week.
2. The water tap fee for Lot 1 and the electrical estimate to move the power pole are to be paid before the final plat is recorded.
Status: The electrical estimate has been paid and the new power pole has been set. Once cable gets off the old pole it can be removed. The water tap fee is still outstanding and will need to be paid prior to the mayor signing the final plat.
3. Provide a 10-foot-wide utility easement for the existing power line across the lower field.
Status: Shown on plat.
4. Installation of the sewer service, domestic water service, power, and desired 3rd party utilities (gas and telecommunications) to the building site on Lot 1 is to occur in conjunction with development of Lot 1.
Status: Noted. Required in conjunction with development of Lot 1.
5. Add a note to the plat that due to the distance from a fire hydrant and the steepness of the driveway to Lot 1, the house on Lot 1 will need to be provided with a fire sprinkler system, as a condition of the fire code variances authorized by the fire marshal.
Status: the note is included on the final plat (#3).
6. Add a note that any outstanding subdivision improvements must be completed prior to or in conjunction with development of Lot 1, and to see the Community Development Department for details.
Status: The note is included on the final plat (#2).

Other:

The final plat needs the following edits:

- a) With the change of ownership to a trust, verify the signatories.
- b) In the legend, remove the word "parcel" from "Easement parcel created his plat".

RECOMMENDATION:

It is recommended that the Planning and Zoning Board recommend to City Council the approval of the Sommer Minor Subdivision final plat, subject to the following conditions:

1. Provide a copy of the construction plans for the Carey Street improvements for Public Works review and approval prior to consideration of the final plat by City Council.
2. Prior to the mayor signing the final plat complete the edits to the final plat, including any change after verifying the signatories, and removing the word "parcel" from "Easement parcel created his plat" in the legend.
3. Prior to the mayor signing the final plat, pay the domestic water tap fee for Lot 1.
4. Prior to or in conjunction with issuance of a building permit for Lot 1:
 - a) Complete the Carey Street improvements (18' paved lane from Valley Avenue to the northwest corner of Lot 2) and install the sewer service, domestic water service, power, and desired 3rd party utilities (gas and telecommunications) to the building site on Lot 1. The old power pole and guy wire at the top of the hill must be removed as well (awaiting relocation of the cable service).
 - b) Have the engineer perform the inspections of the Carey Street improvements as required so that upon completion of the street improvements there can be provided the engineer's certification, developer's one-year warranty on the improvement, and other information as necessary to comply with Section 11-5-1(A) of the subdivision ordinance.
5. Upon completion of the Carey Street paved lane improvement and prior to its acceptance by the City, provide a summary to the City finance officer of the value of the street for contributed capital purposes.

ATTACHMENTS:

Final Plat

NOTES

- BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
- OUTSTANDING SUBDIVISION IMPROVEMENTS MUST BE COMPLETED PRIOR TO OR IN CONJUNCTION WITH ISSUANCE OF ANY BUILDING PERMIT FOR CONSTRUCTION ON LOT 1. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT CITY HALL FOR INFORMATION.
- DUE TO THE DISTANCE FROM THE CLOSEST FIRE HYDRANT AND THE STEEPNESS OF THE DRIVEWAY, LOT 1 WILL BE REQUIRED TO INSTALL A FIRE SUPPRESSION SYSTEM AUTHORIZED AND APPROVED BY THE FIRE MARSHALL.

CERTIFICATE OF OWNER

STATE OF WYOMING }
COUNTY OF PARK } SS.

KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT I/WE ARE OWNERS, LEIGH S. SOMMER LIVING TRUST, DATED MARCH 6, 2019, AND PROPRIETORS OF SAID PARCEL DESCRIBED IN WARRANTY DEED DOCUMENT #2023-2399 ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2023-2399 IN SAID CLERK AND RECORDER'S OFFICE;

THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE SOMMER MINOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY; THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT WE HEREBY DEDICATE THE EASEMENTS LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

LEIGH S. SOMMER
TRUSTEE

KERI SOMMER
TRUSTEE

STATE OF WYOMING }
COUNTY OF PARK } SS.

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY LEIGH S. SOMMER & KERI SOMMER, OF THE LEIGH S. SOMMER LIVING TRUST, DATED MARCH 6, 2019.

THIS _____ DAY OF _____, 2024, WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CERTIFICATE OF SURVEYOR

I, CODY A. SCHWITZ, OF ENGINEERING ASSOCIATES, IN CODY, WYOMING, A DULY REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED BY ME AND UNDER MY SUPERVISION IN MAY AND NOVEMBER, 2023; AND, THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.



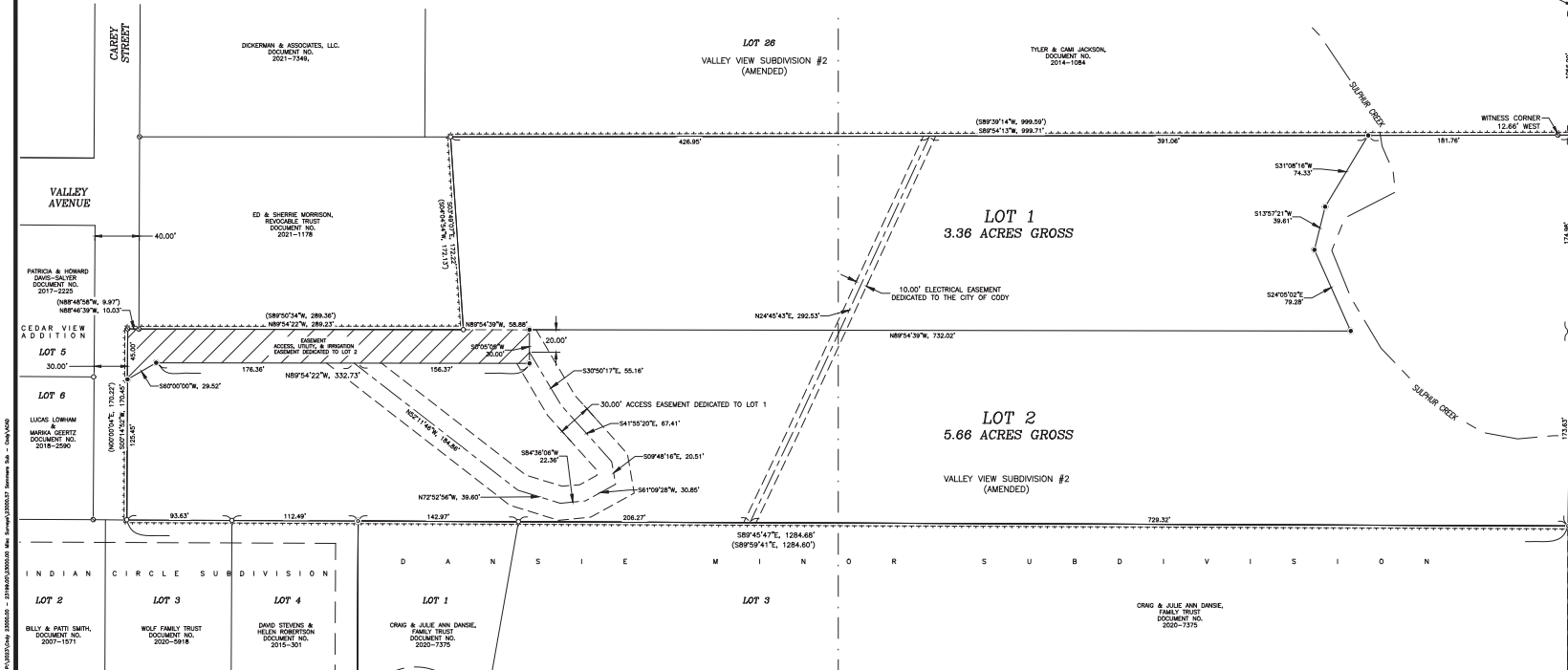
LEGEND

- SET 2" ALUMINUM CAP ON 5/8"x24" REBAR
- FOUND 3.5" DIA. BRASS CAP
- FOUND 1 OR 2" DIA. ALUMINUM CAP
- FOUND 3/4" IRON ROD / PIPE

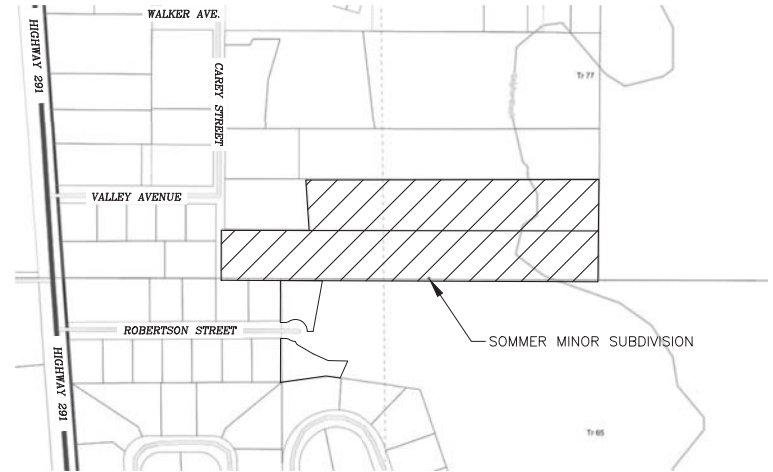
SUBDIVISION BOUNDARY
SUBDIVISION LOT LINES
EXISTING EASEMENT
EASEMENTS CREATED THIS PLAT
EASEMENT PARCEL CREATED THIS PLAT

SBP54°13'W, 999.77' DIMENSIONS THIS SURVEY

() RECORD DIMENSIONS FROM RECORD OF SURVEY 1-67' IN PARENTHESES



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



VICINITY MAP

0 100 200 400
SCALE (FT)

CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK _____ A.M. ON THIS _____ DAY OF _____, 2024, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____

PARK COUNTY CLERK

BY: _____ DEPUTY.

CITY PLANNING AND ZONING BOARD

RECOMMENDED FOR APPROVAL AS OF _____ DAY OF _____, 2024 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

CHAIRMAN

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2024 BY THE CITY COUNCIL OF CODY, WYOMING.

MAYOR - MATT HALL

ATTEST: CHADY BAKER
ADMINISTRATIVE SERVICES OFFICER

PLAT SHOWING - SOMMER MINOR SUBDIVISION

LOCATED WITHIN
LOT 27 & 28
VALLEY VIEW SUBDIVISION NO. 2 (AMENDED)
LOT 77
RESURVEY T.52N., R.102W., 6TH P.M.,
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: LEIGH & KERI SOMMER
2620 CAREY STREET
CODY, WY 82414

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



JOB NO. 23000.57
12/14/2023
BOOK NO. 593
23000.57 Sommers Sub

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

MEETING DATE:	DECEMBER 19, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	MINIMUM LOT SIZE REQUIREMENTS FOR ACCESSORY DWELLING UNITS.	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	X

The following report was originally drafted in March of 2023, and has been updated to reflect the Board's discussion on November 28, 2023.

BACKGROUND:

The demand for additional housing units in Cody continues to exceed supply, and affordability continues to be an issue. The City has already extended the option for Accessory Dwelling Units (ADUs) to all residential zoning districts as one method to allow for more housing options. ADUs are classified as permitted uses in all zones except R-1, which zone requires a Conditional Use Permit for an ADU.

The benefits of Accessory Dwelling Units are significant and include allowing housing options for relatives and caregivers, providing opportunities for homeowners to receive additional income, and increasing the overall number of housing units, which additional units are typically in the affordable rent range. ADUs utilize existing public utility and street infrastructure, which is a significant efficiency to the landowner and the City.

The question being presented to the Planning and Zoning Board at this time is whether the existing 7,000 square foot minimum lot size requirement should be reduced, in order to further expand the number of properties that qualify for ADUs. As background, the City adopted the 7,000 square foot size as the minimum lot size threshold for ADUs, as that was the common lot size in the downtown areas, reflected similar thresholds of other jurisdictions, and we did not want to end up with too much crowding. However, there was not much analysis beyond that.

Since the adoption of that standard, it has become evident that there are some properties slightly less than 7,000 square feet that could reasonably accommodate an Accessory Dwelling Unit and not negatively change the character of the neighborhood. For example, in the Dacken residential neighborhood, the highlighted parcels on the map below are each 6,720 square feet, where the rest of the neighborhood is composed of parcels slightly larger than 7,000 sq. ft. Someone passing through the neighborhood is not likely to notice any difference between the 6,720-square-foot lots and the others.



In the example above, two of the ten lots have already had an ADU (apartment) for several years and the owner of another of those lots desires to convert some exiting living area into an ADU, yet all three of those lots do not meet the current 7,000 sq. ft. minimum. No complaints have been received on any of these units. The point is that there is no other reason related to public health, safety, or welfare to prevent ADUs on these properties, and the neighborhood has been accepting of them.

A slight reduction from the current 7,000 square foot minimum would also accommodate a few situations where lots have undergone, or are planned to undergo, minor boundary line adjustments to prevent or correct substandard building setbacks, but in doing so the option for an ADU on the property would be eliminated by the lot falling below 7,000 square feet.

Due to Board concerns expressed in March with significantly lowering the minimum lot size for ADUs, and concern expressed at the November 28, 2023 meeting about applying the standard to future developments, the current proposal is to drop the minimum size to 6,700 square feet for only those lots that currently exist. There are presently about 38 residential properties in the entire city that fall into this size range of 6,700 to 7,000 square feet. Of those 38 properties, staff estimates for various reasons that only 21 of those could physically develop an ADU, and many of those 21 lot owners would not have the resources or desire to do so. Yet, for those that do desire and have the resources, it could be a significant benefit to them and to those that are able to live

in that housing. Ten of those 21 lots are in the area of the example noted, and many of the other eleven are in the downtown area. They are almost all located in an R-2 or R-3 zoning district. Note that all other standards, including lot coverage, setbacks, and parking requirements would still apply. It is only the lot size component that is proposed to be modified.

The following amendment is the current draft proposal.

2. Lot Area, Dwelling Size, And Density: The minimum lot size required for an accessory dwelling unit (ADU) is seven thousand (7,000) square feet, [with the following exception.](#) [Minimum lot size required for an accessory dwelling unit is 6,700 square feet for a lot created prior to March 1, 2024, when located within an R-2, R2MH, MH Park, R-3 or R-4 zoning district. The lot may be in its original form or a form since modified by boundary line adjustment.](#) Accessory dwelling units are not subject to the minimum dwelling size requirement of this title and are not included in the density calculations for a lot.

RECOMMENDED ACTION:

After confirming the language of the proposed amendment, direct staff to conduct the public notice and review process.