

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD AGENDA
MEETING OF TUESDAY, FEBRUARY 27, 2024 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 February 27, 2024 Regular Meeting.
5. Approval of the Minutes for the February 13, 2024 Regular Meeting.
6. New Business:
 - a. Special Exemption Public Hearing to reduce parking requirements for 1732 Sheridan Avenue—Cody Craft Brewing and WyoDough.
 - b. Consider the Special Exemption to reduce parking requirements for 1732 Sheridan Avenue—Cody Craft Brewing and WyoDough.
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 Special Meeting
February 13, 2024

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, February 13, 2024 at 12:00 p.m.

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

Present: Carson Rowley; Dan Schein; Kathryn Kyle; Sarah Miles; Josh White; City Attorney Scott Kolpitzke; Ian Morrison; Council Liaison Andy Quick; City Planner Todd Stowell; GIS Analyst Utana Dye.

Absent: Matt Moss

Carson Rowley led everyone in the pledge of allegiance.

Ian Morrison made a motion, seconded by Josh White to approve the agenda for the February 13, 2024 regular meeting. Vote on the motion was unanimous, motion passed.

Kathryn Kyle moved to approve the minutes from the January 23, 2024 meeting, seconded by Sarah Miles. Vote on the motion was unanimous, motion passed.

Todd Stowell presented to the Board the site plan review for Pioneer Sheds, LLC for a premanufactured shed display and sales lot located at 401 33rd Street.

Ian Morrison made a motion, second by Josh White to approve the site plan review for Pioneer Sheds, LLC for a premanufactured shed display and sales lot located 401 33rd Street. With conditions 1-4 in the staff report, and adding a condition number 5 for staff to work with the applicant on the parking and access. Ian, Dan, Carson and Josh were in favor of the motion, Kathryn and Sara were opposed to the motion. Motion passed.

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

Council Update: None

Staff Items: Todd Stowell told the Board that he turned in his resignation and his last day will be April 5, 2024.

Ian Morrison 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:	FEBRUARY 27, 2024	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	PUBLIC HEARING AND SPECIAL EXEMPTION REQUEST TO REDUCE PARKING REQUIREMENTS FOR 1732 SHERIDAN AVENUE. SUP 2024-01	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Cody Craft Brewing has been in operation about three years at 1732 Sheridan Avenue. The business's latest exemption (reduction) to their on-site parking requirements was granted on March 29, 2022, with the following parameters:

Cody Craft Brewing shall be required to provide only 50% of the amount of parking otherwise required parking ordinance, which means one (1) parking space per six (6) seats on the property. The parking that is provided shall be in the form of on-site parking on the subject property and parking facilities located on neighboring private property that has been authorized pursuant to [10-17-7](#). This reduction in the amount of required parking is limited to a maximum waiver of thirty-three (33) spaces, after which parking shall be provided at a ratio of one (1) space per three (3) seats.

This exemption shall run with the property (with change of ownership), provided the use of the building retains the characteristics of the current business, including not being open to the public on weekday mornings and early afternoons, and typically less than 50% customer capacity before 5:00 p.m.



The property contains approximately 24 on-site parking spaces. These spaces, combined with parking agreements to use spaces on a couple of neighboring properties, provide sufficient off-street parking to maintain compliance with the previously authorized exemption. (Six-to-one ratio applied to their 166 indoor seats and 28 outdoor seats—194 total seats).

Planning staff understands that the reasoning the Board utilized to justify the parking exemption was that the hours of operation of Cody Craft Brewing (originally mid-afternoon to closing) were such that any overflow parking onto the street would not conflict with other businesses on the block, as all the other businesses largely vacated the area by 5:00 p.m. on weekdays and were closed weedends—leave the on-street parking entirely available for customers of Cody Craft Brewing. At that time the business owner stated that he was not interested in providing food services. Any food services would be from transient food trucks.

Presently, another business, named “WyoDough”, which is a pizza and sandwich restaurant, is proposing to join Cody Craft Brewing in occupying the building and would provide food services for lunch and dinner customers. Their hours of operation would extend from 11:00 a.m. to closing. As those hours are outside of the extent of the prior exemption, a new exemption application has been submitted for consideration of the new use and associated hours of operation.

The public hearing for the current exemption request was advertised as required by mail to neighboring properties within 140 feet on February 2 and 6, 2024; and by publication in the newspaper on February 15, 2024.

REVIEW CRITERIA:

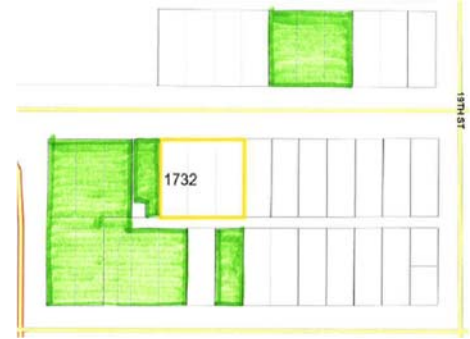
Pursuant to Section 10-14-2(B)(1)(d) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to parking requirements. The standards for approval of a special exemption are listed below, with staff comments provided.

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: To assist with this determination, neighbor comments should be reviewed for information about impacts that would cause undesirable changes or detriments to nearby properties. If impacts are identified, mitigation to alleviate those impacts to a reasonable level should be investigated and considered before concluding that a denial is necessary. Twelve neighboring property owners were notified of the proposal. As of the time of this staff report, four responses of “no objection” and zero “objection” responses have been received. Any additional information presented at the meeting will also need to be considered. At this point,

neighbors have not identified any undesirable changes or detriments to the neighborhood. The map here shows the location of the properties owned by those that responded with “no objection”, by using green highlighting.



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

Staff Comment: The 24 spaces on the property would normally be considered sufficient for a sit-down restaurant with 72 seats, using the typical 3:1 ratio that the Board has applied in the past. I cannot remember the case right now, but I believe the Board has also accepted a ratio of one parking space per table. WyoDough has provided information that while they do a reasonable lunch business, they have not historically had that large of a lunch crowd. Specifically, at their recent downtown location they indicate that approximately 30% of their sales occurred between the hours of 11-4:00, with the balance after, and that weekday lunch business ranged from 18 to 21 tables on average, with Wednesday being the slowest and Friday the busiest. Each table had seating for four to six, but on average there were three customers per table.

Relying on the prior experience, that level of customers would equate to a demand for approximately 21 parking spaces if the table method were used, or 28 spaces if the seating method were used and there were 21 tables with four seats each. The property contains 24 parking spaces. The calculations do not account for any reduction due to customer visits that do not overlap.

Staff agrees that the parking demand for the lunch and afternoon hours is unlikely to exceed the amount that can be accommodated by the 24 on-site spaces. As such, overflow parking out onto the street should be minimal during the lunch and afternoon hours, which is the time that the on-street parking is typically already full from other businesses. Evening hours will have additional parking demand, but as noted earlier, that does not result in a conflict with parking needs of other neighboring businesses due to their typical 8-5 hours.

For reference, the proposed seating chart is attached. Total seating capacity is proposed at 166 seats indoors. Historically they have had another 28 seats outdoors, for a total of 194 seats.

- 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 modification in the hours of operation to accommodate the food service business is necessary to allow the lunchtime crowd.

- 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: No other alternatives are identified. Modifications to parking requirements are specifically directed in the City code to the special exemption process.

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

Staff Comment: The applicant and staff believe that the existing on-site parking spaces are adequate in number for the anticipated WyoDough lunchtime crowd.

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

Staff Comment: This criterion was written prior to a change to Wyoming state law in 2021, which change has not yet been incorporated into the Cody zoning code. Current Wyoming state law prohibits a municipality from requiring a proposed land use or development to be consistent with a land use plan (a.k.a. master plan) unless the applicable provision of the local land use plan has been incorporated into the local zoning regulations. See Wyoming Statutes [9-8-301](#) and [15-1-602](#). In other words, unless a goal, policy, principle or other statement of the Cody master plan is specifically individually listed in the local zoning regulations, the City is prohibited from using it to restrict or deny a permissible land use. Therefore, item “f” of the special exemption criteria is best not considered, so as to not violate the applicable provisions of the State law.

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Seating chart, 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 the parking requirements for 1732 Sheridan Avenue with the parameters identified below. (The language is modified from the current version for better clarity, as well as removing the 11:00 a.m. restriction.)

Cody Craft Brewing and WyoDough shall provide parking at a ratio of one parking space per six seats, whether the seats are indoors or outdoors, for up to 198 seats, and at a ratio of one parking space per three seats in excess of 198 seats. The parking that is provided shall be in the form of at least 24 parking spaces on the subject property and any additional parking facilities located on neighboring private properties that have been authorized pursuant to City code [10-17-7](#). This exemption shall run with the property (with change of ownership), provided the use of the building typically does not exceed 50% of the customer capacity (seating) before 5:00 p.m. on weekdays.



**PLANNING, ZONING AND ADJUSTMENT
BOARD APPLICATION FOR A
SPECIAL EXEMPTION**

STAFF USE
File #: SUP2024-01
P&Z Invoice: SUP-0224-0001
Date Received: 2-2-2024

Applicant's Name: Cody Craft Brewing
Applicant's Mailing Address: PO Box 432 City: Cody State: WY Zip: 82414
Phone/Cell#: 307-250-3748 Email: brian@codycraftbrewing.com
Project Address: 1732 Sheridan Ave Cody, WY 82414 Zoning: Commercial
Property Owner's Name: EmErWalk Real Estate Phone/Cell: 307-250-3748
Property Owner's Mailing Address: PO Box 432 City: Cody State: WY Zip: 82414

Special Exemption Category: ☐ Setback/yard requirement ☐ Height limit ☐ Lot Coverage ☐ Dwelling Size
☐ Supplemental Development Standard:
☒ Parking standard: Request for existing parking exemption to remain in place with proposed changes
☐ Sign Standard:
☐ Similar Use Determination
☐ Other numerical specifications not listed above, provided approval would not be tantamount to rezoning, or conflict with the classification method of the supplemental development standards.

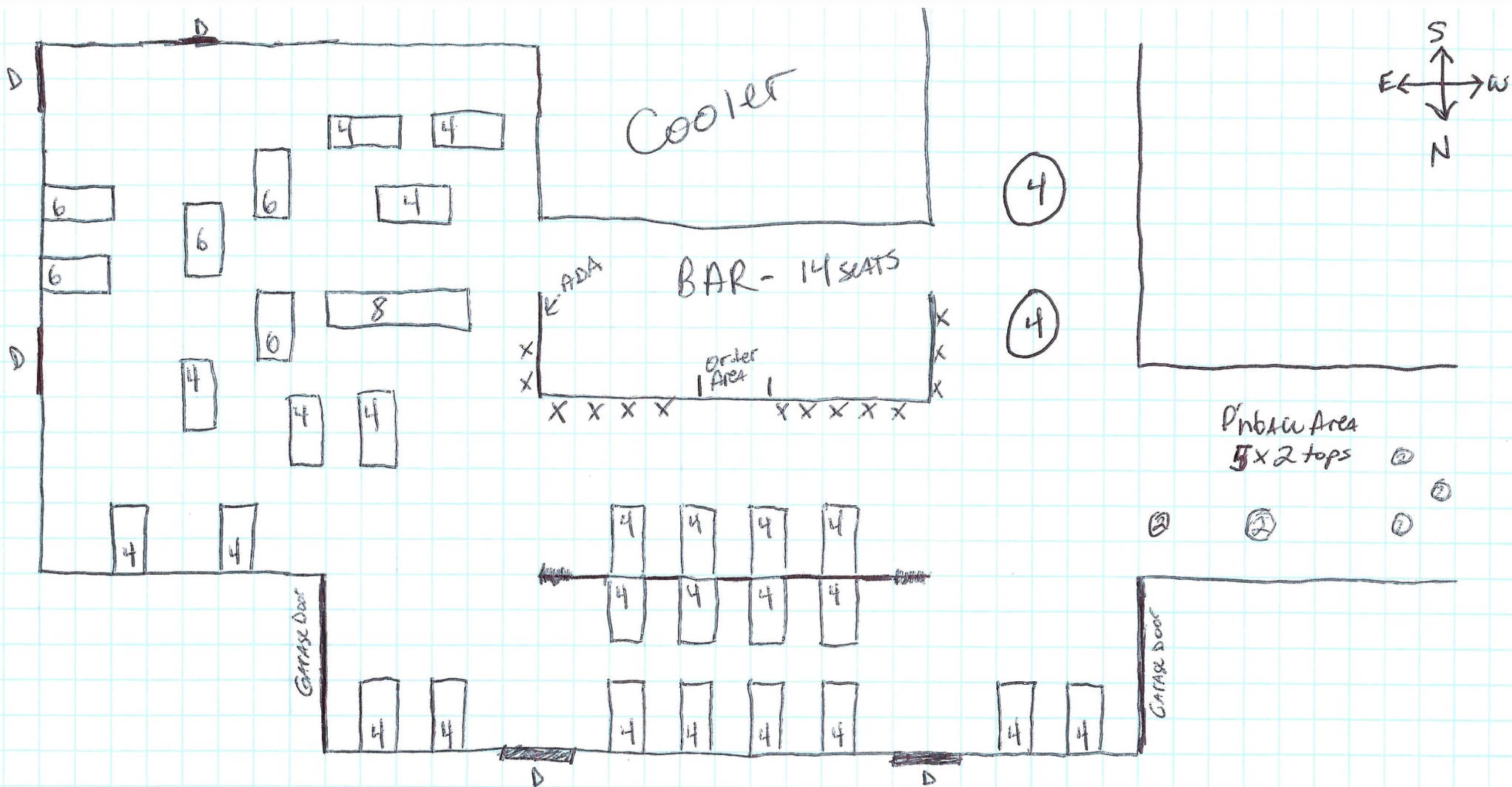
Brief Description of Proposal: Cody Craft Brewing is looking to lease space to Wyo Dough in its taproom to provide food service for its patrons. The primary change will be hours of operation, opening 4 hours earlier in the day, 11am, 6 to 7 days a week.
Previous exemptions were granted due to our later hours

Representative attending Planning and Zoning Board meeting: Brian Walker, Owner, Cody Craft Brewing
Signature of Property Owner:  2/2/2024
Signature *Date*

Optional Pre-application Conference with the Planning, Zoning and Adjustment Board: The zoning ordinance allows an applicant to request a pre-application conference with the Planning and Zoning Board. This is optional and is only scheduled at the applicant's request. The conference allows the applicant to obtain information regarding the special exemption process and to identify likely concerns from the Board regarding the proposal. No application fee is required and the Planning and Zoning Board takes no formal action concerning the proposal.

Special Exemption Application Procedures: Applicants are highly encouraged to arrange a pre-submittal meeting with staff to ensure a complete submittal and understanding of the notice procedures. Re-submittal of any application due to improper notices or procedures will result in processing delays and additional fees.

Application Fee. Exemption from numerical standards \$300.00 plus advertising/mail cost, or Similar Use Determination \$400.00 plus advertising/mailling costs. and one electronic PDF copy of the following materials:



Current: 166 SEATS

2/5/24

By: Brian Walker
Cody Craft Brewing

FILE NO: SUP202__ - _____

AFFIDAVIT OF MAILING

I, PATRICK Brian WALKER, being duly sworn, dispatched through the United States Mail, a Notice of Public Hearing, a true and correct copy of which is enclosed herewith; that said Notice was addressed to all parties of record individually listed on the mailing list enclosed herewith; and, that said notices were mailed by me on the 5th day of Feb, 2024 through USPS First Class Mail.


I hereby attest that I mailed said notices in the manner herein described and that all of the statements made herein are just and true. Dated this 5th of Feb, 2024.

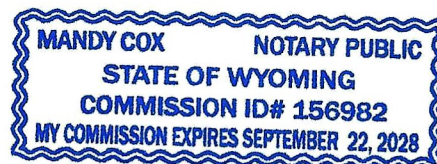


STATE OF WYOMING)
)ss.
COUNTY OF PARK)

The foregoing instrument was acknowledged before me by Patrick Walker this 5th day of Feb, 2024.

Witness my hand and official seal.


Notary Public
My commission expires 9/22/28



AFFP

Lgl# 6086 Public Hearing Parking

Affidavit of Publication

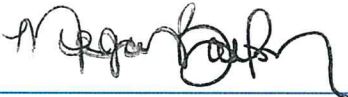
STATE OF WYOMING } SS
COUNTY OF PARK }

Megan Barton, being duly sworn, says: That she is Publisher of the Cody Enterprise, a bi-weekly newspaper of general circulation, printed and published in Cody, Park County, Wyoming; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

CE: 2/15/2024

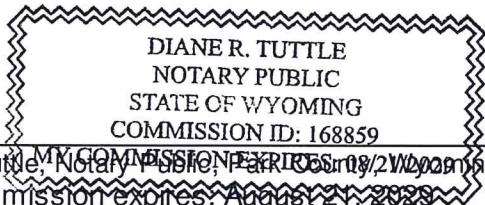
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Publisher

Subscribed to and sworn to me 2/22/2024.



Diane Tuttle, Notary Public, Park County, Wyoming
My commission expires: August 21, 2028

Publication Fees: \$100.80

Cody Craft Brewing
P.O. Box 432
Cody WY 82414

Name	Cody Craft Brewing
Number Issues	1
First Issue	2/15/2024
Last Issue	2/15/2024

PUBLIC HEARING

The Cody Planning and Zoning Board will hold a public hearing on Tuesday, Feb. 27, 2024 at 12:00 p.m. (noon) or as soon thereafter as practical at 1338 Rumsey Avenue, in the City Council Chambers to consider a special exemption request that would modify the prior special exemption for Cody Craft Brewing at 1732 Sheridan Avenue to allow the prior reduced parking ratio of one space per six seats to be applied to the food service use now proposed to be added (WyoDough) and modify the hours-of-operation restriction to allow both businesses to open at 11:00 a.m. Information is available at the Community Development Dept. in City Hall or by calling (307) 527-3472. Written comments may be directed to Community Development, P.O. Box 2200, Cody, WY 82414 and must be received prior to the date and time of the public hearing.

Publish: February 15, 2024 only

Legal No: 6086

COPY



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties

Please return this letter by 2/15/2024 to:

Date: 2/2/2024

Cody City Planner

P.O. Box 2200

Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

OR email: pandzcontact@codywy.gov

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

Applicant Name(s): Cody Craft Brewing, LLC.

Address or Location/Legal Description: 1732 Sheridan Ave, 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.)*

Cody Craft Brewing is requesting to maintain its current parking exemption while leasing space to Wyo Dough in our taproom.

Our location will be opening at 11am as opposed to later in the day

This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, 2/27, 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 Cody Craft Brewing, LLC. for the special exemption described above.

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

Name: Mike Schnell for KLT Properties, LLC

Address: 1804 Sheridan Avenue - Cody

Comments:

No objection

☐ 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: _____



REVISED NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

Notice to Owners of Neighboring Properties

Please return this letter by Feb. 20, 2024 to:

Date: February 6, 2024

Cody City Planner

P.O. Box 2200

Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

OR email: pandzcontact@codywy.gov

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

Applicant Name(s): Cody Craft Brewing (EmErWalk Real Estate)

Address or Location/Legal Description: 1732 Sheridan Avenue

Description of Request: The proposal is to add food services (WyoDough Pizza and Grill) at Cody Craft Brewing and expand the business hours outside of those specified under the former parking exemption for Cody Craft Brewing. The former exemption authorized a reduction in the parking ratio to one space per six seats *"provided the use of the building retains the characteristics of the current business, including not being open to the public on weekday mornings and early afternoons, and typically less than 50% customer capacity before 5:00 p.m."* The current exemption application requests that the businesses be permitted to open at 11:00 a.m. and allow use of the same 1:6 reduced parking ratio.



This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, February 27, 2024, 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:

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Dear Planning and Zoning Board Members:

I am familiar with the proposal by Cody Craft Brewing (EmErWalk Real Estate) described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Leonard Moore

Address: 1743 Beck Ave.

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: _____



REVISED NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

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Please return this letter by Feb. 20, 2024 to:

Date: February 6, 2024

Cody City Planner

P.O. Box 2200

Cody, WY 82414

RE: **SPECIAL EXEMPTION REQUEST**

OR email: pandzcontact@codywy.gov

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YOUR COMMENTS WOULD BE APPRECIATED.**

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This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, February 27, 2024, at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Ave.

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(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 Cody Craft Brewing (EmErWalk Real Estate) described above.

☒ I have NO OBJECTION to the Special Exemption Request.

Name: Pinnacle Bank - Gil McEndree - Pres.

Address: 1702 Sheridan Ave, Cody WY 82414

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: gil.mcendree@pinnaclebank.com



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Date: 2/2/2024

Cody City Planner

P.O. Box 2200

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Cody Craft Brewing is requesting to maintain its current parking exemption while leasing space to Wyo Dough in our taproom.

Our location will be opening at 11am as opposed to later in the day

This request will be considered at a public hearing by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, 2/27, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

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(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 Cody Craft Brewing, LLC. for the special exemption described above.

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

Name: Kestrel LLC (Alison Emery)

Address: 1724 Sheridan Ave (Sunlight Martial Arts)

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: _____



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(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 Cody Craft Brewing, LLC. for the special exemption described above.

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

Name: MARK KEARNEY

Address: 1807 Sheridan Ave

Comments: I wish them good luck

☐ 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: _____