

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, DECEMBER 10, 2013  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

**AGENDA -Revised**

1. Call to Order by Chairperson Rick Brasher
2. Roll Call, excused members
3. Pledge of Allegiance
  
4. Approval of Agenda
5. Approval of Minutes of the November 26, 2013 –Regular Meeting
  
6. TABLED ITEMS:
  - A. Preliminary Plat –J and K Major Subdivision on 29<sup>th</sup> Street  
Proposed 15-lot major subdivision submitted by Jerry Thiel & Sons Construction
  
7. NEW BUSINESS:
  - A. Zoning Interpretation –Buffalo Jump Wines at 1326 Beck Avenue (D-2 Zone)  
Brandy Distillery classification
  - B. Preliminary Plat –CLDC Major Subdivision on Road 2AB  
Proposed 10-lot Major Subdivision submitted by Cody Land Development Company
  - C. Site Plan Review –Railroad Loading Facility along Road 2AB and BNSF Railroad  
Proposed crude oil rail loading facility in Industrial “E” zone
  - D. Zoning Ordinance Amendment—Nonconforming Buildings, Uses, and Lots
  - E. Amended Recommendation to City Council -Boundary Between New Heavy  
Industrial Zone and Transitional Zone in Road 2AB Area
  
8. P&Z Board Matters (announcements, comments, etc.)
  
9. Council Update: Steve Miller
  
10. Staff Items
  
11. 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**  
**Tuesday, November 26, 2013**

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, November 26, 2013 at 12:00 PM

Present: Rick Brasher, Chairperson; Justin Lundvall, Vice Chairperson; Bud McDonald; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Engineering Technician II;

Excused Absence: Kim Borer, Mark Musser, Justin Ness;

Chairperson Rick Brasher called the meeting to order at 12:00 PM, followed by the pledge of allegiance.

Bud McDonald made a motion seconded by Bob Senitte to approve the agenda. Vote on the motion was unanimous, motion carried.

Justin Lundvall made a motion seconded by Bud McDonald to approve the minutes of the October 22, 2013 regular meeting. Vote on the motion was unanimous, motion carried.

**PRESENTATION OF COMMUNICATIONS:**

Todd Stowell presented the staff report outlining the proposal by Millstone Pizza Company located at 1057 Sheridan Avenue for a wall sign and freestanding sign. The proposed grain bin was previously tabled by the Board so that it could be considered with this sign application.

Gary Johnston stated that the signs will be internally illuminated. Then there was some discussion on the location of the grain bin and the color of the bin. The applicant claims the bin will blend in with the other parts of the building. There was discussion on changing the color but the applicant would like to stay with the initial galvanized grey color. Rich Peterson said that they have done some research on different breweries and feel that this sign will be a nice fit with the building and will tie in nicely with the building. Andy Cowan discussed how there is a possibility that they can make the bin dull if it is too shiny, before they put the bin up, and noted that it ties into the area so it does fit within the community. The grain bin is not standing out in front of the building and sits back. They want to have a vintage rather than shiny look.

Lowell Ray Anderson stated that the grain bin is not being used functionally and it should be considered a sign. The Board noted that the size would still comply if the full grain bin was calculated as the sign face.

Justin Lundvall made a motion seconded by Bud McDonald to approve the sign plan application submitted by Millstone Pizza Company for the attached wall and freestanding grain bin signs with a condition that if the grain bin is too shiny then it will be treated to be dull. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the J&K Preliminary Plat application, a 15-lot subdivision by Jerry Thiel and Sons Construction. The board had questions of staff and

the applicant's representative, David Berg of GDA Engineers. The Board discussed several of the requested variances and plat conditions with their primary concerns relating to the extent of the sidewalk, landscaping and maintenance of the storm water tract, the intended uses/density of the lots and relation to the frontage variance, and the width of the street at the entrance to the subdivision. The Board noted that there appeared to be a lack of justification for some of the variances, based on the subdivision variance criteria.

Board members made comments to the following variances, although no formal vote or action to grant/deny was made.

1. *Waiver of installation of curb, gutter, sidewalk, and associated widening of 29<sup>th</sup> Street, subject to an agreement to support and participate in a future improvement district for such. (11-4-2(Q) and (R)).* (They likely support subject to an agreement to support and participate in a future improvement district on the final plat.)
2. *Variance to compliance with the master street plan/dedication of right-of-way for 29<sup>th</sup> Street (11-4-2(B) and (K)), relating to dedication of additional right-of-way.*(Indication that this would likely be granted.)
3. *Variance from providing alleys (11-4-2(P)).* (The board is fine with this because they have shown utility easements along the front of the lots.)
4. *Variance from providing sidewalks along Lots 13-15 and Tract A (storm water basin). (11-4-2(Q)).*(They would like sidewalks all the way around the subdivision.)
5. *Variance to permit the proposed street-cross section (based on draft master plan, with additional reduction for entrance.)*(The matter of the entrance width remained a concern, although the balance of the street dimensions appears suitable.)
6. *Variance to permit manhole spacing of 480 feet.* (Okay to forward to Council.)
7. *Variance to permit less than 50 feet of frontage on Lots 10 and 11.* They would prefer to see the lot lines either adjusted or a lot taken out.

Bud McDonald made a motion seconded by Bob Senitte to table this item until the next regularly scheduled meeting. Vote on the motion was unanimous, motion carried. The Board did have some recommendations on some of the requested variances that they would like to see applicant more clearly address before it come back to the board.

Todd presented the Heavy Industrial Zoning Ordinance. He discussed the ordinance language and the three areas proposed to be rezoned. The Board had some discussion on the proposed areas.

Mike Bromley, a land owner off of 2AB, stated that he disagrees with the whole zone change. He would like to see changes made to the industrial requirements and not change the zone and just make amendments to the industrial areas requirements. He had other comments about the height of open storage area, and the landscaping as there is no irrigation water in that area and they just received City treated water in that area. He also stated that there is residential use in that area as well. The Board recommended that he meet with Todd about his concerns.

Justin Lundvall made a motion seconded by Bob Senitte to recommend to Council approval of the Heavy Industrial Zoning Ordinance for a proposed ordinance text and rezoning of three areas (Area of Road 2AB, Reesy Road, and deMaris Springs County

Road.)Justin Lundvall, Rick Brasher, Bob Senitte voted in favor of the motion. Bud McDonald opposed the motion. Motion Failed.

Bud McDonald made a motion to just recommend to Council the Heavy Industrial Zoning Ordinance text. The motion was second by Bob Senitte. Vote on the motion was unanimous, motion Carried.

Bud McDonald made a motion to recommend the Meeteetse Area (Reesy Road) and the 2AB Area to the Council (not include the deMaris Springs County Road Area).The motion was seconded by Bob Senitte. Voted on the motion was unanimous, motion carried.

Todd Stowell presented the approved signs for Good 2 Go located at 1543 Depot Drive (electronic message board), Bear Co., Inc. located at 2130 Big Horn Avenue (electronic message board), Knot Knew at 2314 Sheridan Avenue (Freestanding sign on existing posts), and Denny Menholt Chevrolet, Buick, GMC located at 1609 Sheridan Avenue (freestanding internally illuminated sign).

Bud McDonald made a motion seconded by Bob Senitte to adjourn the meeting.

There being no further business to come before the board, Chairperson Rick Brasher adjourned the meeting at 1:29PM.

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Utana Dye  
Certified Engineering Technician II

Bud McDonald made a motion seconded by Bob Senitte to adjourn the meeting.

There being no further business to come before the board, Chairperson Rick Brasher adjourned the meeting at 1:29PM.

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Utana Dye  
Certified Engineering Technician II

DRAFT

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

<b>MEETING DATE:</b>	DECEMBER 10, 2013	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	PRELIMINARY PLAT OF J & K MAJOR SUBDIVISION— A 15-LOT SUBDIVISION. SUB 2013-06	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**Note: This review is continued from the November 26, 2013 meeting. Changes to the staff report have been made based on modifications to the project. The project modifications are summarized in the applicant's response letter which is enclosed. Additions to the staff report are shown by highlighting. Language that is no longer applicable has simply been deleted.**

**PROJECT OVERVIEW**

Jerry Thiel and Sons Construction has submitted a preliminary plat application and construction plans for a 15-lot subdivision on a 3.7 acre property located on the east side of 29<sup>th</sup> Street, just south of the intersection with Central Avenue. The property is in the Residential B zoning district, which requires a minimum lot size of 6,000 square feet for one-family dwellings and 7,000 square feet for two-family dwellings. The preliminary plat drawing is attached. **Lots 2-9, 14 and 15 would be limited to one-family dwellings due to lot size. Lots 1 and 10 through 13 are large enough for multi-family structures based on minimum lot size requirements, but the applicant intends to use Lots 10 and 11 for duplexes and Lots 1, 12, 13 for one-family units.**

**SUBDIVISION REGULATIONS**

The subdivision ordinance requirements are as follows. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

**11-4-2: STREETS, ALLEYS AND EASEMENTS:**

*A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.*

Comment: The proposed street is an internal, dead-end configuration. However, right-of-way dedication for a future connection to the property to the south is included. Due to existing development, there is not the option for connecting the street to the north or east.

*B. Conform to Master Street Plan: All streets shall conform to the city master street plan for size and approximate alignment.*

Comment: The master plan does not identify any future major streets running through or along this property. For the internal street, the applicant would like to utilize the cross-section proposed in the draft master plan for a local residential street, which is 39 feet from back of curb to back of curb. The 1997 master plan has a 47-foot cross section for a local residential street. A variance for the proposed street cross section is suggested.

The applicant may have additional reasons for the narrowed street entrance as shown on Sheets 6 and 9, but it does avoid the need to relocate a power pole. The throat width is 30 feet, which according to the engineer can accommodate a tandem axle garbage truck, fire truck, and vehicle with boat trailer without crossing the centerline. A WB40 semi would need to cross the centerline by about 5 feet. A variance for the reduced entrance width is requested.

As noted with the minor subdivision for this lot, 29<sup>th</sup> Street does not contain the full 100-feet of right-of-way or 60-foot wide street (back of curb to back of curb). It was concluded that the existing 80-feet of right-of-way would be adequate to accommodate future street construction if a 10-foot utility easement was provided. A variance was granted to allow such at that time. If the same conclusion stands, a variance to right-of-way dedication should be granted for this subdivision.

*C. Jogs Prohibited: Street jogs shall be prohibited unless, because of very unusual conditions, the commission and council determine that the offset is justified.*

Comment: There are no internal street jogs

*D. Topography: Streets shall have a logical relationship to the topography.*

Comment: Topography is not sufficiently varied to affect the street layout.

*E. Intersections: Intersections shall be at or near right angles whenever possible.*

Comment: Met.

*F. Local Streets: Local streets will be designed to discourage through traffic.*

Comment: Met. The proposed street is a cul-de-sac. A "Dead End" sign is noted on the street plans. All signage is to be provided and installed by the developer.

*G. Cul-De-Sacs: Cul-de-sacs shall be permitted, providing they are no longer than five hundred feet (500'), including the area at the end of said cul-de-sac; and further providing, that the property line to property line diameter of the cul-de-sac be at least one hundred feet (100'). Design specifications for curb, gutter, sidewalk and distance from property line to sidewalk shall be in accordance with the typical section of a "residential street", as defined by the master street plan. Surface drainage shall be*

*towards the intersecting streets whenever possible, but may be out of the cul-de-sac through a drainage easement as a last alternative.*

Comment: The proposed cul-de-sac is 500 feet long (property line to end of the cul-de-sac). The diameter is 100 feet as required. Drainage is appropriately toward the retention basin, rather than out the end of the cul-de-sac.

*H. Dead End Streets, Alleys: Dead end streets and alleys (with the exception of cul-de-sacs) shall be prohibited, unless they are designed to connect with future streets or alleys on adjacent lands that have not been platted. If a dead end street or alley is allowed, for the above reasons, a temporary turnaround shall be constructed for public use until the street or alley is extended.*

Comment: Cul-de-sacs are the exception. However, a right-of-way is stubbed out to the property to the south to allow future extension. It is noted that doing such provides a turn-around for garbage trucks and avoids a staff recommendation for a concrete surface on the cul-de-sac bulb. Improvement of the stub out to City street standards is not proposed, as a gravel surface is adequate for the turnaround. "No Parking" signs will be installed in this gravel turn around area as noted on the street plans.

*I. Half Streets: Half streets will be prohibited...*

Comment: Not applicable.

*J. Reverse Curves: Reverse curves on arterial and collector streets ...*

Comment: Not applicable.

*K. Widths and Grades: Street, alley and easement/right of way widths and grades shall be as follows:*

	<i>Minimum Right Of Way Width</i>	<i>Minimum Grade</i>	<i>Maximum Grade</i>
<i>Residential street</i>	<i>60 feet</i>	<i>0.3 percent</i>	<i>7.0 percent</i>

Comment: A 56-foot right-of-way, with an adjacent 6-foot utility easement is requested. Grade requirements are met.

*L. Vertical Curve Length: The minimum length of vertical curves shall be as follows:*

<i>Arterial, collector and residential streets</i>	<i>15 times the algebraic difference in the rate of grade</i>
<i>Marginal streets and alleys</i>	<i>7<sup>1</sup>/<sub>2</sub> times the algebraic difference in the rate of grade</i>

Comment: Met.

*M. Visibility: Clear visibility, measured along the centerline of the street shall be as follows:*

<i>Arterial street</i>	<i>300 feet</i>
<i>Collector street</i>	<i>200 feet</i>
<i>Residential street</i>	<i>200 feet</i>
<i>Marginal street</i>	<i>100 feet</i>

Comment: Met at 29<sup>th</sup> and Fuelie.

*N. Curvature Radius: The minimum radius of curvature on the centerline of a street shall be as follows:*

<i>Arterial street</i>	<i>300 feet</i>
<i>Collector street</i>	<i>300 feet</i>
<i>Residential street</i>	<i>200 feet</i>
<i>Marginal street</i>	<i>100 feet</i>

*These are absolute minimums, greater dimensions will be encouraged in the interest of public safety.*

Comment: Met.

*O. Streets With Interior Angles: ...*

Comment: Not applicable.

*P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys. A variance of up to four feet (4') may be granted by the commission and council in a residential development if setbacks are provided for utility boxes, garbage cans, etc. Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.*

Comment: The applicant requests a variance from the alley requirement. Alleys are typically for utilities and garbage collection. In this case, the utilities are along the street and roll-out garbage collection has been requested.

*Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and adjustment board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of*

*the lots and be so noted on the final plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.*

Comment: The applicant requests a waiver of construction of curb, gutter, and sidewalk along 29<sup>th</sup> Street. The criteria of 11-5-2B are as follows:

Relating to the curb, gutter, sidewalk and accompanying street widening of 29<sup>th</sup> Street it is noted that the design profile for 29<sup>th</sup> Street has not been established and is not readily discernible; there are no drainage facilities to accommodate storm water from any curb and gutter that would be installed; and any such improvement would also need to accommodate the irrigation ditch along 29<sup>th</sup> Street. These conditions seem to point towards granting a waiver (actually a postponement) for the 29<sup>th</sup> Street improvements until such time as a local improvement district is established to rebuild the street.

*R. Street Cross Section: The minimum typical street cross section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutter sections may be obtained from the city engineer.*

Comment: As noted in Item "B", the applicant would like to use the street cross section contemplated in the draft master street plan (part of the City master plan). A variance to the typical street cross section is requested.

*S. Valley Gutters: The use of valley gutters in areas where storm sewer facilities exist or are proposed will be discouraged.*

Comment: There is a valley gutter across the entrance to the subdivision, but there are no storm sewer facilities along 29<sup>th</sup> Street. It is noted that the valley gutter is directly above a piped irrigation canal/ditch, which is noted on Sheet 3 as being protected in place.

*T. Drainage: The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All stormwater systems shall be designed to achieve zero increase in runoff and shall be in compliance with the city stormwater management policy, as amended. They shall be designed and constructed to allow runoff and stormwater to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available, the proposed system shall be designed to connect to it. When an existing storm sewer trunk line is not available, a drainage plan must be developed that is acceptable to the city. Minor subdivisions shall be exempt from this requirement.*

Comment: The application includes the design of an on-site storm water drainage system that will collect storm water from the internal street system and driveways through the street gutters, inlets, and piping to the open retention basin and drywell.

(See Sheets 4, 5 and 9). The design has been reviewed by the city engineer and meets the city storm water management policy requirements for capacity.

The retention basin is proposed to be lined with 2-inch minus rock, 4 inches thick and a maintenance agreement will be created for ongoing maintenance of the basin. This is noted in the letter from the applicant's engineer, but the rock detail is not found in the plans and should be added. The method of ownership of the storm water basin tract is not identified either. As the developer has expressed an intent to not have a homeowner's association, staff interprets that the tract will be jointly owned by all lot owners in the subdivision (1/15 interest per lot). This will help ensure collection of taxes for the tract, and is an acceptable option to planning staff provided an accompanying maintenance agreement is provided as indicated. The maintenance agreement should also address maintenance and snow removal of the adjacent sidewalk, weed control of the full tract, and maintenance of the basin.

*U. Lot Requirements: All lots within a proposed subdivision will meet the following requirements:*

- 1. Lots shall be sized to meet the requirements of the appropriate zoning. (The minimum lot size requirements are met; however, the zoning ordinance also requires each lot to have a minimum of 50 feet of street frontage. The applicant requests a variance to allow Lot 10 to have only 46 feet of street frontage.*
- 2. Every lot shall abut upon or have access to an approved street or an approved cul-de-sac. (Met.)*
- 3. Side lot lines shall be at approximate right angles to the street line on which the lot faces. (Met.)*
- 4. Strip lots established with the intent of restricting access to streets or alleys will be prohibited. (Met.)*

*V. Blocks: Blocks shall be at least three hundred feet (300') long, normally, not to exceed six hundred sixty feet (660') long. All blocks shall normally be of sufficient width to allow for two (2) tiers of lots of approximately equal width and an alley.*

Comment: The proposed right-of-way stubout will allow the street system in this area to meet this requirement in the future.

OTHER:

1. Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards for construction, most of which relate directly to the construction plans. Although construction plans are included in this application, it is recommended that the necessary modifications be made and that they be presented with the final plat application. This is also necessary in order for the private utility companies to review the plans and sign off on them, as required by 11-3-3(B)(3).
2. The city has a Public Use Area requirement as follows:  
*N. Public Use Areas: There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of one acre per fifty (50) prospective dwelling units, to provide for parks, fire stations, recreational areas and other public*

*uses. ... This open space requirement shall be waived if the proposed subdivision is located in an area that has been previously subdivided and the above requirement was satisfied at that time.*

Comment: The subdivision is not part of a previous land division that provided public use area, so compliance is required at this time. The parks department has indicated that they do not wish to accept land within the subdivision. The cash equivalent has been calculated on the 2013 land value, which was before the minor subdivision of which this property is a part. However, it is recommended that the final value be based on the county assessed market value of the land at the time the final plat is approved, as it will more accurately reflect the recent minor subdivision. The cash equivalent using the 2013 land value and 17 dwelling units would be \$11,901.60. The 17 dwelling unit number is based on Lots 11 and 12 containing duplexes and the rest of the lots being one-family residences.

The "open space" area shown is not provided to satisfy this requirement and will be owned either jointly by the lot owners, or by a homeowner's association. Staff suggests that a maintenance agreement or homeowner's association be established, with a draft provided with the final plat application.

3. Irrigation Water: The irrigation water rights are in the process of being detached from the property and transferred to the City.

4. Dust Control: This subdivision includes mass grading of the site, which will result in 3.7 acres of disturbed ground. Based on current construction levels, it will likely be at least 2-3 years before all lots are built out. Staff is concerned that dust problems will occur and affect the surrounding residential areas. Therefore, it is recommended that the property owner be required to utilize dust control methods to minimize dust impacts. The method can be left up to the owner, provided it is effective. As a guideline, regular watering typically works well during grading and development activity, but longer term dust control usually requires a soil binder/tackifier and/or hydroseeding. 24-hour contact information to receive dust complaints is now noted on the plans.

### **VARIANCE CRITERIA**

*Variances: If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title, the commission and council may, upon written request and proper justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any such variance will not have the effect of nullifying the intent and purpose of this title.*

**RECOMMENDED MOTION:**

A list of conditions has been prepared based on all variances requested in the December 3, 2013 letter being granted. If any variance requests are not granted to the extent noted, then additional conditions may be needed.

Recommend that the City Council approve the J & K preliminary plat and the following variances, subject to the listed conditions:

Variances:

1. Waiver of installation of curb, gutter, sidewalk, and associated widening of 29<sup>th</sup> Street, subject to an agreement to support and participate in a future improvement district for such. (11-4-2(Q) and (R))
2. Variance from compliance with the master street plan/dedication of right-of-way for 29<sup>th</sup> Street (11-4-2(B) and (K)), relating to dedication of additional right-of-way.
3. Variance from providing alleys (11-4-2(P)).
4. Variance to permit the proposed street-cross section (based on draft master plan, with additional reduction for entrance.)
5. Variance to permit manhole spacing of 480 feet.
6. Variance to permit 46 feet of frontage on Lot 10.

Conditions:

1. Make the following modifications to the preliminary plat, and provide a copy. The modifications are considered conditions of approval.  
Sheet 2: Update the variance language to reflect that above. Expand Note 2 to indicate the method of ownership of the tract and specify the construction details for lining the basin (2-inch minus cobble).  
Sheet 3: Modify the boundary for the note about removing all dead and dying trees to include all trees along the far west end of the site.
2. Provide the final construction drawings with the final plat, with signature approval lines for all utility providers. The plans must be reviewed and approved by all utility providers at the time of final plat submittal.
3. Cash in lieu of public use areas shall be provided. Final calculations will be made at time of final plat submittal and payment due prior to the mayor signing the final plat.
4. A maintenance agreement and/or homeowner's association shall be established for maintenance of the storm water basin tract. The legal documents shall be submitted for review and approval with the final plat application. Also include an explanatory note referencing such on the final plat.
5. The final plat application shall otherwise reflect the preliminary plat and comply with the City subdivision ordinance.

**ATTACHMENTS:**

Preliminary Plat, 12/3/2013 version.

December 3, 2013

ENGINEERING • SURVEYING • PLANNING

Todd Stowell, AICP  
City of Cody  
1338 Rumsey Avenue  
Cody, WY 82414

RE: Resubmittal of the Preliminary Plat Submittal for the J. and K. Subdivision

Dear Todd,

In lieu of last week's Planning and Zoning Meeting, I am resubmitting twelve (12) revised copies of the Preliminary Plat for the next Planning and Zoning Meeting. Additionally, one (1) CD has been included that contains the plans being formally submitted to you.

Planning and Zoning requested that we reduce the number variances and address the conditions outlined in the City's Staff Report. We have revised the plans to reduce these items. The changes made to the plans were the configuration of the lots around the cul-de-sac was changed to increase lot frontage on lots 10 and 11 along with lining the retention basin with 2-inch minus rock, 4-inches thick. The variances in the staff report were:

1. Waiver of installation of curb, gutter, sidewalk, and associated widening of 29th Street, subject to an agreement to support and participate in a future improvement district for such. (11-4-2(Q) and (R))

**Response: This variance is still being requested.**

2. Variance to compliance with the master street plan/dedication of right-of-way for 29th Street (11-4-2(B) and (K)), relating to dedication of additional right-of-way.

**Response: This variance is still being requested.**

3. Variance from providing alleys (11-4-2(P)).

**Response: This variance is still being requested.**

4. Variance from providing sidewalks along Tract A (storm water basin) (11-4-2(Q)).

**Response: Sidewalk will be provided around the entire subdivision; this variance is no longer being requested**

**RECEIVED**

**DEC 03 2013**

**CITY OF CODY**

P.O. Box 338  
1508 Stampede Avenue  
Cody, WY 82414  
PH: 307.587.3411  
FAX: 307.527.5182



5. Variance to permit the proposed street-cross section (based on draft master plan, with additional reduction for entrance.)

Response: This variance is still being requested.

6. Variance to permit manhole spacing of 480 feet.

Response: This variance is still being requested.

7. Variance to permit less than 50 feet of frontage on Lots 10 and 11.

Response: The lots have been reconfigured to give lots 10 and 11 more frontage. The frontage for lot 10 has been revised from 34 feet to 46 feet. Lot 11 has been revised to get a frontage of 50 feet; therefore, a variance is still being requested for lot 10.

Conditions:

Make the following modifications to the preliminary plat, and provide a copy. The modifications are considered conditions of approval.

Sheet 1: Correct the street name in note #14.

Response: Street name has been revised.

Sheet 2: Update the variance language to reflect that above. Add sidewalk along Lots 13, 14 and 15, with a ramp crossing at the west end and directly across the street (mid-block crossing). A detail of the ramps will be needed also. Change the label from "Open Space" to "Tract A" or similar and indicate by note the method of ownership and maintenance of the tract.

Response: Variances have been updated to variances listed. Sidewalk has been added throughout the subdivision eliminating this variance. A maintenance agreement will be setup with the homeowners to maintain the retention basin.

Sheet 3: Add or expand a note to also include removal of all dead and dying trees. Add a note about protecting the existing piped irrigation ditch along 29th Street.

Response: Notes included in plans to include removal of dead and dying trees along with protecting the existing irrigation pipe in place.

Sheet 4: Add a note about the property owner being responsible for dust control measures to minimize dust. Include a 24-hour contact number for dust complaints.

Response: Note has been added along with a 24-hour contact and number.

Sheet 5: If the retention basin tract will be grass lined, add a water service for the tract and add a note about installation of an irrigation system as part of the subdivision improvements. (Also Sheet 7.)

Response: Retention Basin will be lined with 2-inch minus rock, 4-inches thick. A maintenance agreement will be created to maintain the basin.

Sheet 6: Add "Dead End" or "No Outlet" signs. Add "No Parking" signs in the gravel turnaround area.

Response: Signs have been added and are per MUTCD standards.

Sheet 10: Modify the manhole collar detail to refer to "all manholes"—not just in those in the paved roadways.

Response: Detail has been revised.

Sheet 13: Correct the typical street section detail to reflect the dimensions on the plans (39' back of curb to back of curb).

Response: Detail has been corrected to show the actual dimensions.

Unfortunately, with the layout of this subdivision, and lack of full street improvements in the area, the number of variances cannot be significantly reduced. However, most of these variances are simple in nature and are only minor deviations from City standards.

If you should have any questions or require any additional information, please do not hesitate to contact myself.

Sincerely,  
GDA Engineers

A handwritten signature in blue ink, appearing to read "David A. Bergh", with a long horizontal flourish extending to the right.

David A. Bergh, PE  
Project Manager

GENERAL NOTES

- ALL EXISTING UTILITIES SHOWN HERE IN ARE THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ACCURACY OF THIS INFORMATION IS NOT GUARANTEED NOR SHALL IT BE CONSIDERED COMPLETE. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING EXISTING UTILITIES AND IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THEM DURING CONSTRUCTION. THE CONTRACTOR SHALL CALL ONE CALL OF WYOMING 1-800-849-2476 AT LEAST 48 HOURS PRIOR TO DIGGING.
- CONTRACTOR IS RESPONSIBLE FOR TYING INTO SERVICES AS CALLED FOR ON THE PLANS REGARDLESS OF ACTUAL LOCATION.
- CEMENT TREATED FILL SHALL BE PLACED FOR A MINIMUM DISTANCE ALONG THE WATERLINE OF 10 FT EITHER SIDE OF ALL SEWER MAIN AND SEWER SERVICE CROSSINGS WHEN THE WATERLINE IS LESS THAN 18 INCHES ABOVE THE SEWER LINE. IF THE WATER LINE IS LOCATED BELOW THE SEWER MAIN OR SERVICE, CEMENT TREATED FILL WILL BE PLACED TO AN ELEVATION A MINIMUM OF ONE FOOT ABOVE THE SEWER LINE. THE ENGINEER WILL ALSO DIRECT THE CONTRACTOR TO PLACE CEMENT TREATED FILL AS CONDITIONS DICTATE DURING CONSTRUCTION.
- ANY PERMITS REQUIRED BY LOCAL, STATE, OR FEDERAL AGENCIES FOR CONSTRUCTION OF THIS PROJECT ARE THE RESPONSIBILITY OF THE CONTRACTOR, UNLESS OTHERWISE SPECIFIED.
- THE CONTRACTOR SHALL PROVIDE 24 HOURS NOTICE FOR MATERIALS TESTING AND 72 HOURS NOTICE FOR CONSTRUCTION STAKING.
- CONTRACTOR SHALL COORDINATE STREET CLOSURE / UTILITY SHUTDOWNS AS REQUIRED BY LOCAL, STATE, OR FEDERAL AGENCIES.
- ALL AREAS TO BE DISTURBED SHALL BE CLEARED TO 1" OF SURFACE BEFORE GRADING OPERATIONS BEGIN. TO REMOVE ALL ORGANIC VEGETATION.
- ANY TOPSOIL ENCOUNTERED IN CUT AREAS SHALL BE STRIPPED AND TEMPORARILY STOCKPILED AT LOCATIONS DIRECTED BY THE ENGINEER.
- ANY FILL AREAS ON WHICH CURB AND GUTTER, SIDEWALK OR PAVEMENT IS TO BE PLACED SHALL BE STRIPPED OF TOPSOIL.
- THE CONTRACTOR IS RESPONSIBLE FOR THE PREPARATION OF THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND NOTICE OF INTENT (NOI) APPLICATION TO WDEQ. ADJACENT PROPERTIES SHALL BE PROTECTED USING WHATEVER MEANS NECESSARY. FUGITIVE DUST FROM CONSTRUCTION ACTIVITIES SHALL BE CONTROLLED BY FREQUENT WATERING AND/OR CHEMICAL STABILIZATION AS NECESSARY. UNDER NO CIRCUMSTANCES SHALL ERODED MATERIAL BE ALLOWED TO LEAVE THE SITE. SILT FENCE, SEDIMENT TRAPS, INLET PROTECTION OR OTHER EROSION CONTROL DEVICES SHALL BE USED TO SATISFY THE REQUIREMENTS OF THE STORM WATER POLLUTION PREVENTION PLAN OR AS APPROVED BY WDEQ.
- ANY CONSTRUCTION DEBRIS SHALL BE CLEANED OFF PUBLIC STREETS, SIDEWALK, ETC. AT THE END OF EACH WORK DAY.
- CONSTRUCTION AND TESTING SHALL BE IN ACCORDANCE WITH THE WYOMING PUBLIC WORKS (WPW) STANDARD SPECIFICATIONS LATEST REVISION UNLESS OTHERWISE NOTED. IN THE ABSENCE OF GUIDANCE FROM WPW, THE CITY OF CODY STANDARD SPECIFICATION SHALL APPLY.
- MAILBOXES WILL BE COORDINATED BETWEEN CONTRACTOR AND POST OFFICE REGARDING LOCATION AND NUMBERING AFTER THE PROPOSED IMPROVEMENTS ARE CONSTRUCTED. MAILBOXES SHALL BE LOCATED ADJACENT TO PUBLIC RIGHT OF WAY.
- CENTRAL AVENUE AND 29TH STREET ARE 80' PUBLIC RIGHT OF WAY, THE PROPOSED FUELIE AVENUE IS 56' PUBLIC RIGHT OF WAY.

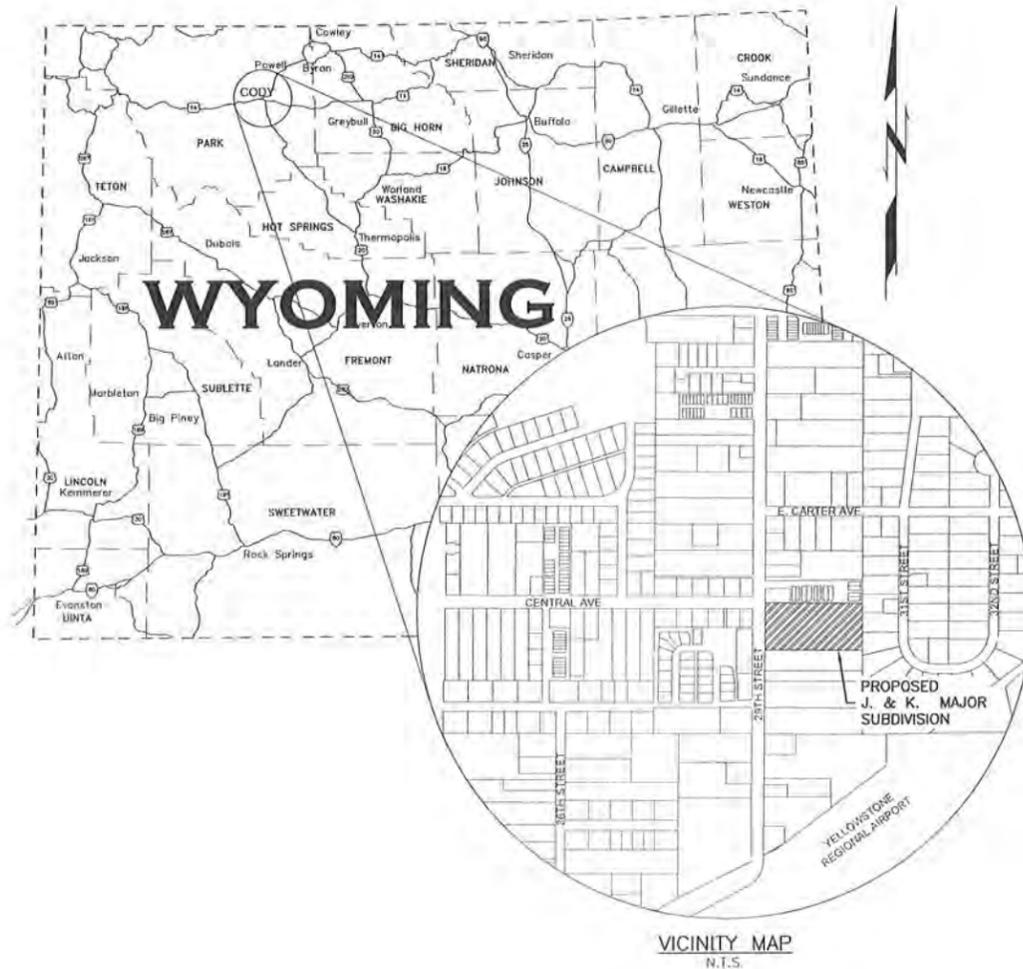
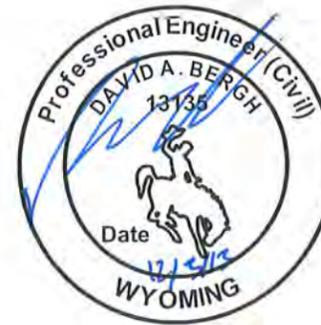
# PRELIMINARY PLAT

## FOR THE J. & K. MAJOR SUBDIVISION

### CODY, WYOMING

INDEX OF DRAWINGS:

- 1 - COVER
- 2 - PRELIMINARY PLAT
- 3 - DEMOLITION PLAN
- 4 - GRADING AND DRAINAGE PLAN
- 5 - MASTER UTILITY PLAN
- 6 - STREET PLAN AND PROFILE
- 7 - TREATED WATER PLAN AND PROFILE
- 8 - SANITARY SEWER PLAN AND PROFILE
- 9 - STORM DRAIN PLAN AND PROFILE
- 10 - SANITARY & STORM SEWER DETAILS
- 11 - TREATED WATER DETAILS
- 12 - THRUST BLOCK DETAILS
- 13 - STREET DETAILS



LEGEND

EXISTING CONTOUR	---
EXISTING WIRE FENCE	---x---x---x---
PROPOSED STORM SEWER	---S---S---
EXISTING SANITARY SEWER	---SW---SW---
PROPOSED SANITARY SEWER	---SW---SW---
EXISTING TREATED WATER	---TW---TW---
PROPOSED TREATED WATER	---TW---TW---
EXISTING UNDERGROUND FIBER OPTIC	---FO---FO---
EXISTING OVERHEAD POWER	---OP---OP---
EXISTING UNDERGROUND GAS	---GAS---GAS---
EXISTING COMMON TRENCH	---CT---CT---
EXISTING VALVE	---V---
PROPOSED VALVE	---V---
EXISTING FIRE HYDRANT	---FH---
EXISTING SIGN	---S---
EXISTING LIGHT POLE	---LP---
EXISTING MANHOLE	---M---
PROPOSED MANHOLE	---M---
EXISTING ELECTRICAL VAULT	---EV---
PROPOSED CATCH BASIN	---CB---
PROPOSED 25 KVA ELECTRICAL TRANSFORMER	---T---
PROPOSED ELECTRICAL SERVICE PEDESTAL	---P---

ABBREVIATIONS

AC	ALUMINUM CAP	MISC	MISCELLANEOUS
ADA	AMERICANS WITH DISABILITY ACT	N	NORTHING/NORTH
ALT	ALTERNATE	NAD	NORTH AMERICAN DATUM
APPROX	APPROXIMATE	NTS	NOT TO SCALE
BM	BENCH MARK	OH	OVERHEAD
BLDG	BUILDING	OC	ON CENTER
BLVD	BOULEVARD	OD	OUTSIDE DIAMETER
BOW	BACK OF WALK	PC	POINT OF CURVATURE
CL	CENTERLINE	PI	POINT OF INTERSECTION
C&G	CURE AND GUTTER	PC	POINT OF CURVE
CB	CATCH BASIN	PT	POINT OF TANGENCY
CBC	CONCRETE BOX CULVERT	PVC	POLYVINYLCHLORIDE
CF	CUBIC FEET	PVI	POINT OF VERTICAL INTERSECTION
CFS	CUBIC FEET PER SECOND	PVT	POINT OF VERTICAL TANGENCY
CI	CAST IRON	R	RADIUS
CMP	CORRUGATED METAL PIPE	RCP	REINFORCED CONCRETE PIPE
CONC	CONCRETE	REM	REMOVE/REMOVAL
CT	COMMON TRENCH	REPL	REPLACE
CTR	CENTER	ROW	RIGHT OF WAY
CY	CUBIC YARDS	RT	RIGHT
DI	DUCTILE IRON	SAN	SANITARY
DIA	DIAMETER	SDWK	SIDEWALK
E	EAST/EASTING	SECT	SECTION
ELEV	ELEVATION	SF	SQUARE FEET
EP	EDGE OF PAVEMENT	SHLDR	SHOULDER
EX	EXISTING	SPECS	SPECIFICATIONS
FG	FINISH GRADE	STA	STATION
FH	FIRE HYDRANT	STD	STANDARD
FL	FLOW LINE/FLOOR/FLANGE	SY	SQUARE YARDS
	FEET	TB	THRUST BLOCK
GB	GRADE BREAK	TBC	TOP BACK OF CURB
GV	GATE VALVE	TW	TREATED WATER
HOPE	HIGH DENSITY POLYETHYLENE	TYF	TYPICAL
HERCP	HORIZONTALLY ELLIPTICAL REINFORCED CONCRETE PIPE	UTL	UTILITY/UTILITIES
	HORIZONTAL	VC	VERTICAL CURVE
HORIZ	HORIZONTAL	VERT	VERTICAL
"	INCHES	VOL	VOLUME
INV	INVERT	VPC	VERTICAL POINT OF CURVATURE
JB	JUNCTION BOX	VPI	VERTICAL POINT OF INTERSECTION
L	LENGTH	VPT	VERTICAL POINT OF TANGENCY
LF	LINEAR FEET		
LT OR L	LEFT		
MH	MANHOLE		
MIN	MINIMUM		

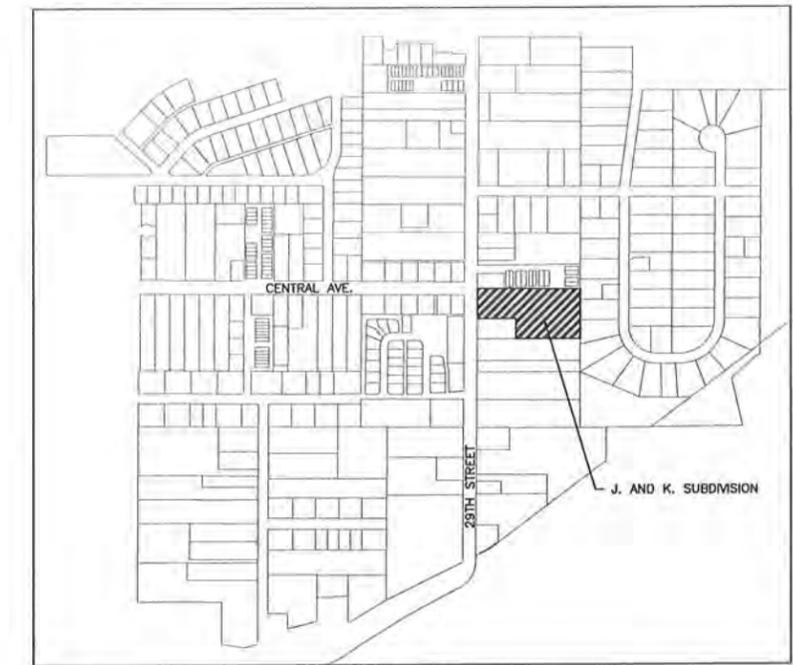
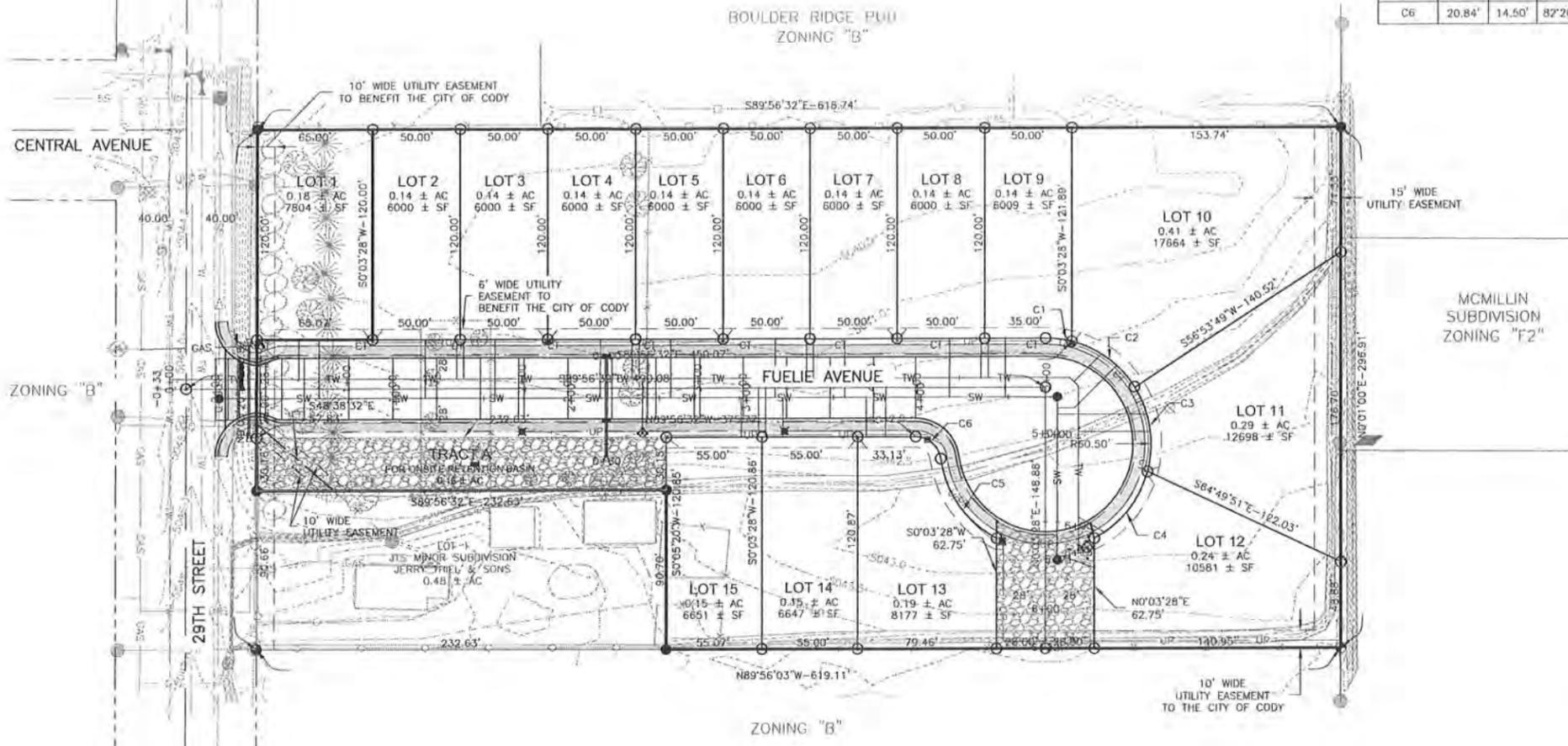


DRAWN BY: KES  
 CHECKED BY: TJI  
 GDA ENGINEERS  
 CODY, WYOMING  
 GDA ENGINEERS  
 131109  
 PROJ NO. 131109  
 PARK COUNTY  
 CODY, WYOMING  
 COVER  
 PRELIMINARY PLAT FOR J & K MAJOR SUBDIVISION  
 SHEET NUMBER  
 1  
 OF 13 SHEETS

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T.52N., R.101W., 6TH P.M.

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	15.16'	60.50'	14°21'19"
C2	45.79'	60.50'	43°22'06"
C3	50.00'	60.50'	47°21'10"
C4	50.00'	60.50'	47°21'18"
C5	57.83'	60.50'	54°46'02"
C6	20.84'	14.50'	87°20'01"



VICINITY  
SCALE=1:500

**DESCRIPTION OF LANDS**

A PARCEL OF LAND BEING LOT 2, JTS MINOR SUBDIVISION, LOCATED WITHIN A PORTION OF TRACT 71, RESURVEY, T.52N., R.101W., AND LOT 61, RESURVEY, T.52N., R.101W., PARK COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 2 1/2" ALUMINUM CAP AT THE NORTHWEST CORNER OF SAID LOT 2, THENCE S.89°56'32"E. ALONG THE NORTH LINE OF SAID LOT 2, 618.74 FEET TO A FOUND 2 1/2" ALUMINUM CAP MARKING THE NORTHEAST CORNER OF THEREOF, THENCE S.0°01'00"W, 296.91 FEET TO A FOUND 3 1/2" ALUMINUM CAP MARKING THE SOUTHEAST CORNER THEREOF, THENCE N.89°56'03"W, 386.48 FEET, TO A FOUND 3 1/2" ALUMINUM CAP; THENCE N.0°05'20"E, 120.85 FEET, TO A FOUND 3 1/2" ALUMINUM CAP; THENCE N.89°56'32"W, PARALLEL WITH THE NORTH LINE OF SAID LOT 2, 232.63 FEET, TO A FOUND 3 1/2" ALUMINUM CAP UPON THE EAST RIGHT-OF-WAY LINE OF 29TH STREET; THENCE N.0°05'20"E, ALONG SAID EAST RIGHT-OF-WAY LINE, 176.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 3.58 ACRES, MORE OR LESS.

**VARIANCE REQUESTS**

1. DEVIATION FROM THE CITY OF CODY'S MASTER STREET PLAN INDICATING 29TH STREET WILL BE 100 FEET WIDE REQUIRING AN ADDITIONAL 10 FEET OF RIGHT-OF-WAY DEDICATION. CITY STAFF HAS INDICATED RIGHT-OF-WAY WIDENING IS NOT PLANNED FOR THIS AREA. NO ADDITIONAL RIGHT-OF-WAY DEDICATION IS PROPOSED WITH THIS SUBDIVISION.
2. DEVIATION FROM SUBDIVISION REQUIREMENTS PERTAINING TO ALLEYS. NO ALLEYS ARE PROPOSED WITH THIS SUBDIVISION.
3. DEVIATION FROM SUBDIVISION REQUIREMENTS PERTAINING TO MINIMUM LOT FRONTAGE OF 50 FEET. LOT 10 HAS A FRONTAGE OF 34 FEET ALONG THE CUL-DE-SAC AND LOT 11 HAS A FRONTAGE OF 46 FEET ALONG THE CUL-DE-SAC.
4. DEVIATION FROM SUBDIVISION REQUIREMENTS PERTAINING TO SIDEWALKS. SIDEWALKS WILL BE ALONG THE FRONTAGES OF LOTS 1 THROUGH 12. LOTS 13 THROUGH 15 WILL NOT HAVE SIDEWALKS.
5. DEVIATION FROM CITY OF CODY DEVELOPMENT STANDARDS PERTAINING TO SEWER MANHOLE MAXIMUM SPACING OF 400 FEET. SPACING BETWEEN MANHOLES WILL BE 480 FEET TO ALLEVIATE THE NEED FOR AN ADDITIONAL MANHOLE.

**NOTE:**

1. BASEMENTS WILL REQUIRE GRINDER PUMPS FOR SERVICES INSTALL BELOW MAIN
2. TRACT A SHALL BE MAINTAINED BY MAINTENANCE AGREEMENT

**LEGEND**

BOUNDARY OF J. AND K. SUBDIVISION	—————
LOT LINES	—————
RIGHT-OF-WAY LINE	—————
NEW EASEMENT LINE	—————
FOUND BRASS CAP	⊙
FOUND ALUMINUM CAP	●
FOUND IRON PIPE	⊙
FOUND REBAR	⊕
SET 5/8"x24" REBAR WITH 2 1/2" ALUMINUM CAP	⊙
SET 3 1/2" BRASS CAP IN CONCRETE	⊙
MEASURED DATA	S.89°56'51"E - 1318.62'
RECORD DATA	(S.89°54'00"E - 259.09')

**BASIS OF BEARINGS**

PROJECT IS BASED OFF OF CITY OF CODY HORIZONTAL AND VERTICAL CONTROL SYSTEM

104 REBAR SOUTHEAST CORNER PUD	N=465648.07 E=895773.20 EL=5044.37
108 ALUMINUM CAP NORTHEAST CORNER TRACT 71-5	N=465944.97 E=895773.29 EL=5041.67
111 REBAR SOUTHWEST CORNER PUD	N=465648.78 E=895154.09 EL=5046.356
112 ALUMINUM CAP NORTHWEST CORNER TRACT 71-5	N=465945.60 E=895154.55 EL=5042.08

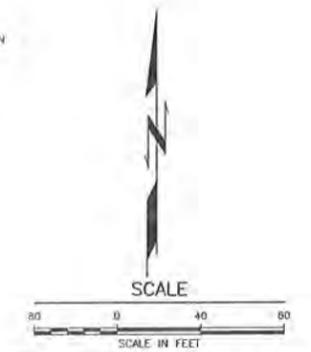
**WATER RIGHTS**  
NO WATER RIGHTS EXIST ON LOT 2, JTS MINOR SUBDIVISION.

**RECORD EASEMENTS**  
RECORD EASEMENTS WERE TAKEN FROM A TITLE REPORT ISSUED TO JERRY THIEL & SONS CONSTRUCTION, INC. BY PARK COUNTY TITLE INSURANCE AGENCY ON JUNE 15, 2006 BY ORDER NUMBER 20060578.  
BK149 PAGE 559 EASEMENT TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY. EASEMENT IS NOT LOCATABLE BY DESCRIPTION.

**CERTIFICATE OF SURVEYOR**  
I, JUSTIN G. NESS, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY AND FIELD SURVEY WERE MADE BY ME OR UNDER MY SUPERVISION AND THAT BOTH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND IN COMPLIANCE WITH ALL STATE AND COUNTY STATUTORY PROVISIONS AND REGULATIONS.



JUSTIN G. NESS  
WYOMING PLS 14276

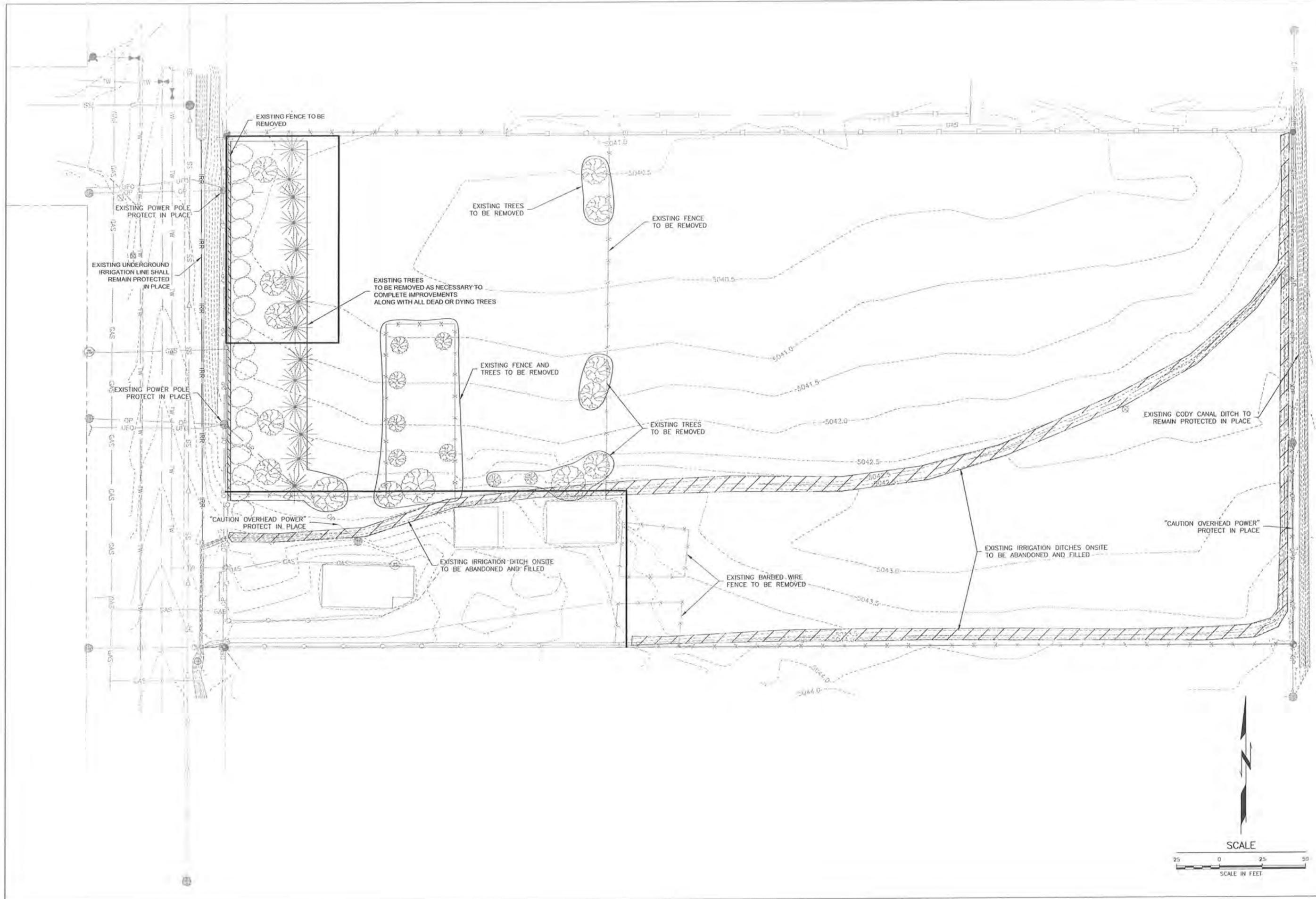


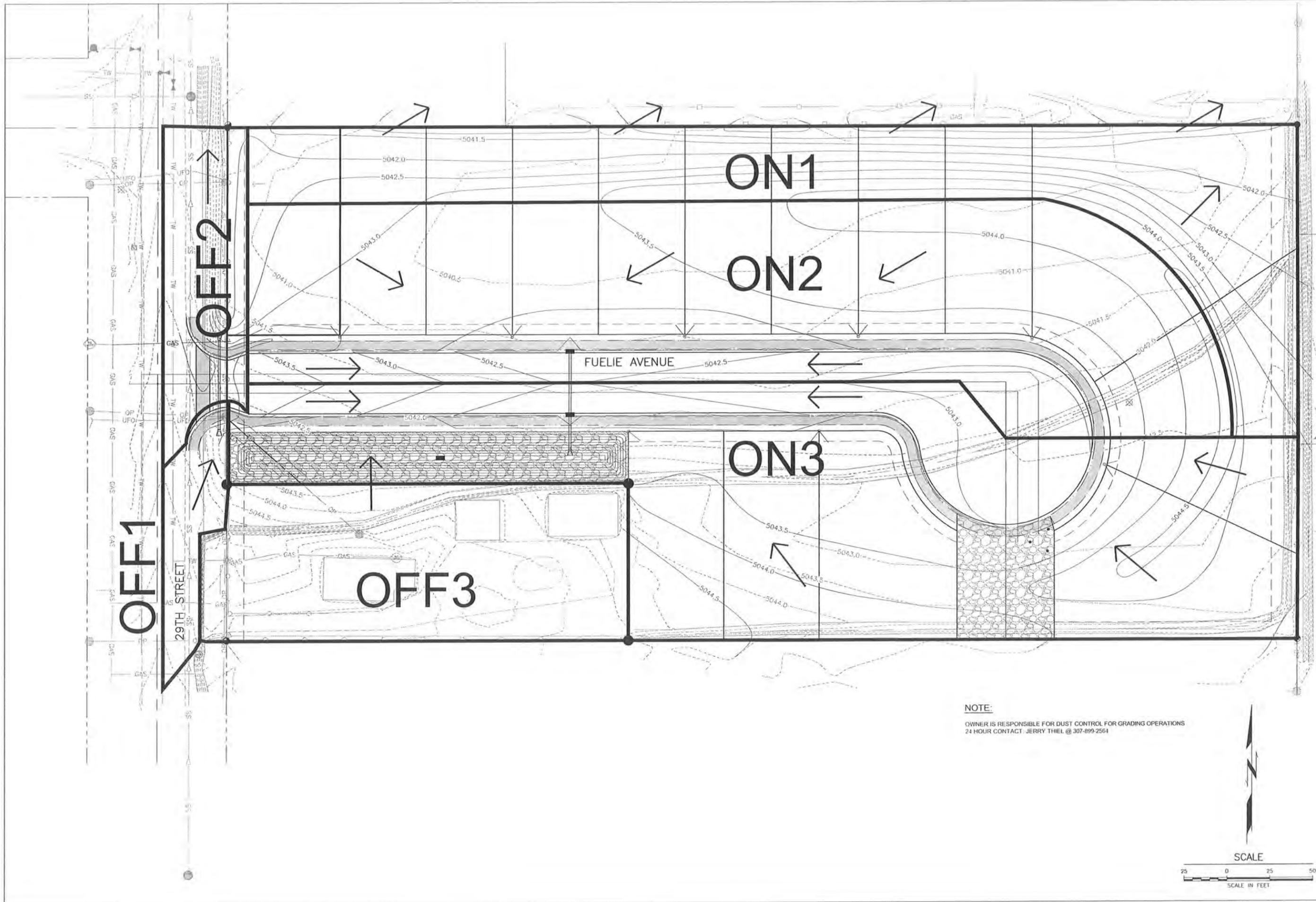
**PRELIMINARY PLAT**  
SHOWING  
J. AND K. SUBDIVISION  
WITHIN  
LOT 2, JTS MINOR SUBDIVISION  
CITY OF CODY, WYOMING  
PARK COUNTY, WYOMING  
JERRY THIEL AND SONS CONSTRUCTION, INC., CODY, WY  
PROJECT NO: 131109

**GDA ENGINEERS**  
ENGINEERING · SURVEYING · PLANNING  
1508 STAMPEDE AVE., CODY, WYOMING 82414

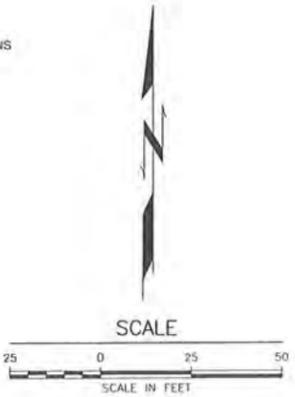
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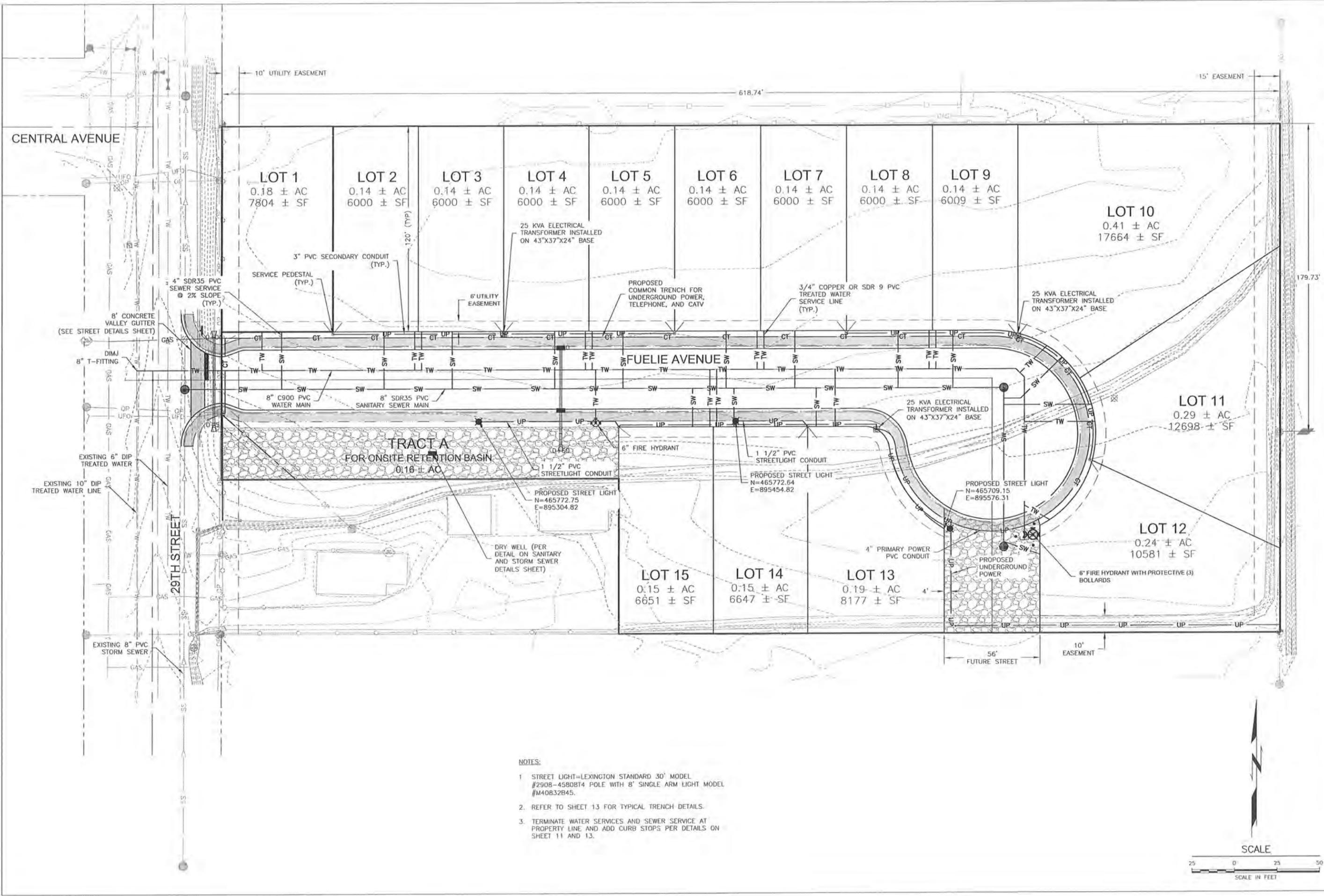
SURVEY COMPLETED  
DATE: AUG. 15, 2013  
BY: JGN  
REVIEWED BY: JGN





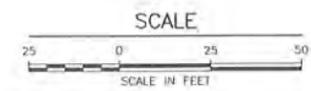
**NOTE:**  
 OWNER IS RESPONSIBLE FOR DUST CONTROL FOR GRADING OPERATIONS  
 24 HOUR CONTACT: JERRY THIEL @ 307-899-2564

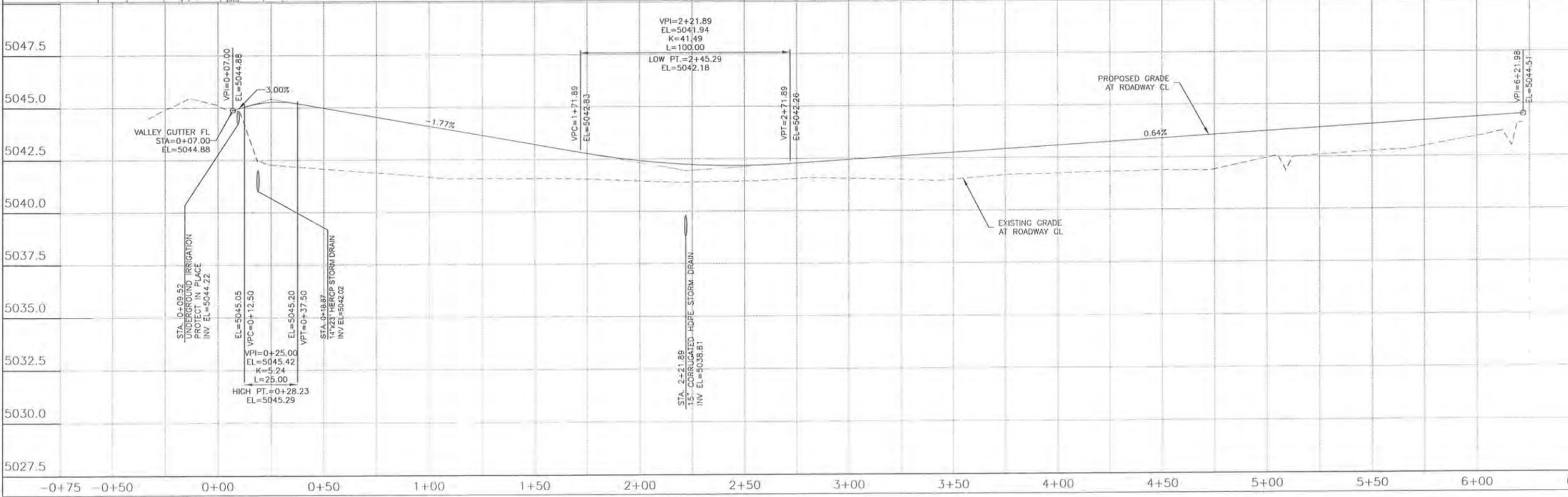
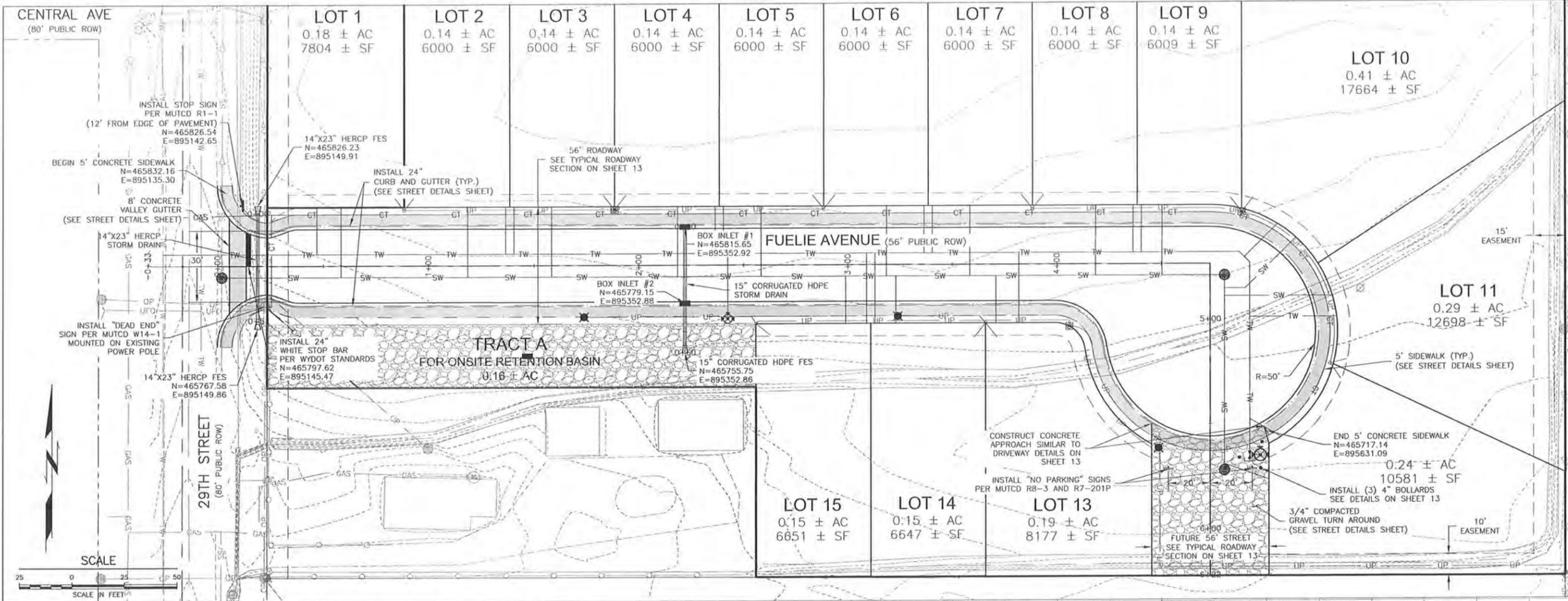




NOTES:

1. STREET LIGHT—LEXINGTON STANDARD 30' MODEL #2908-4580BT4 POLE WITH 8' SINGLE ARM LIGHT MODEL #M40832B45.
2. REFER TO SHEET 13 FOR TYPICAL TRENCH DETAILS.
3. TERMINATE WATER SERVICES AND SEWER SERVICE AT PROPERTY LINE AND ADD CURB STOPS PER DETAILS ON SHEET 11 AND 13.





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DATE	DESCRIPTION	REVISIONS

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 CHECKED BY: T.J.  
 APPR. BY: DAB  
 PROJ. NO.: 131109

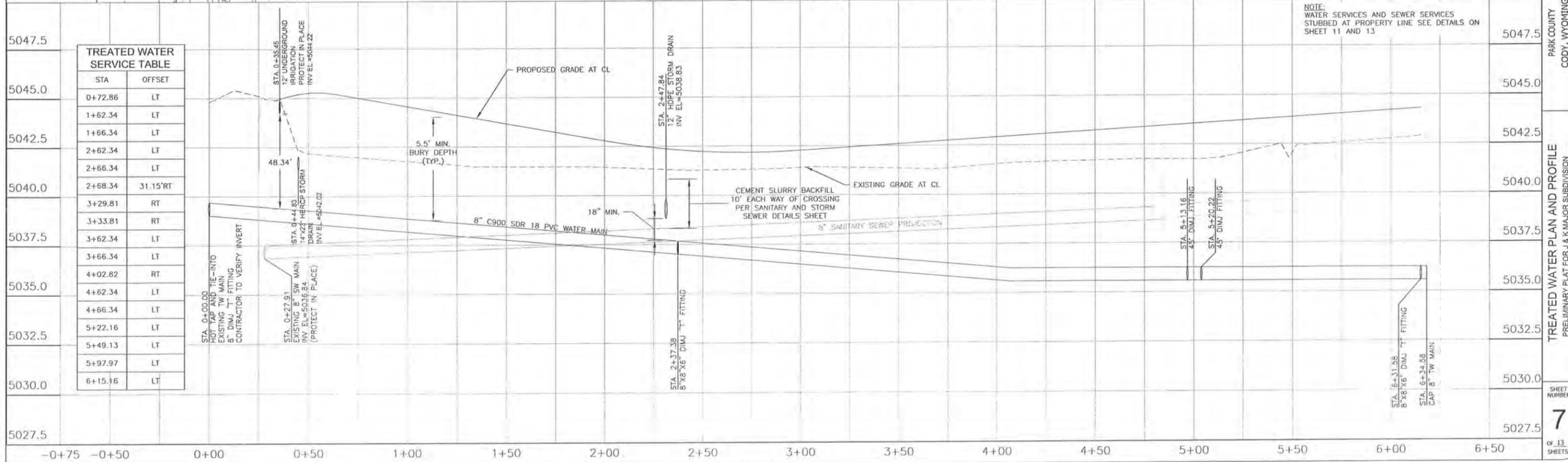
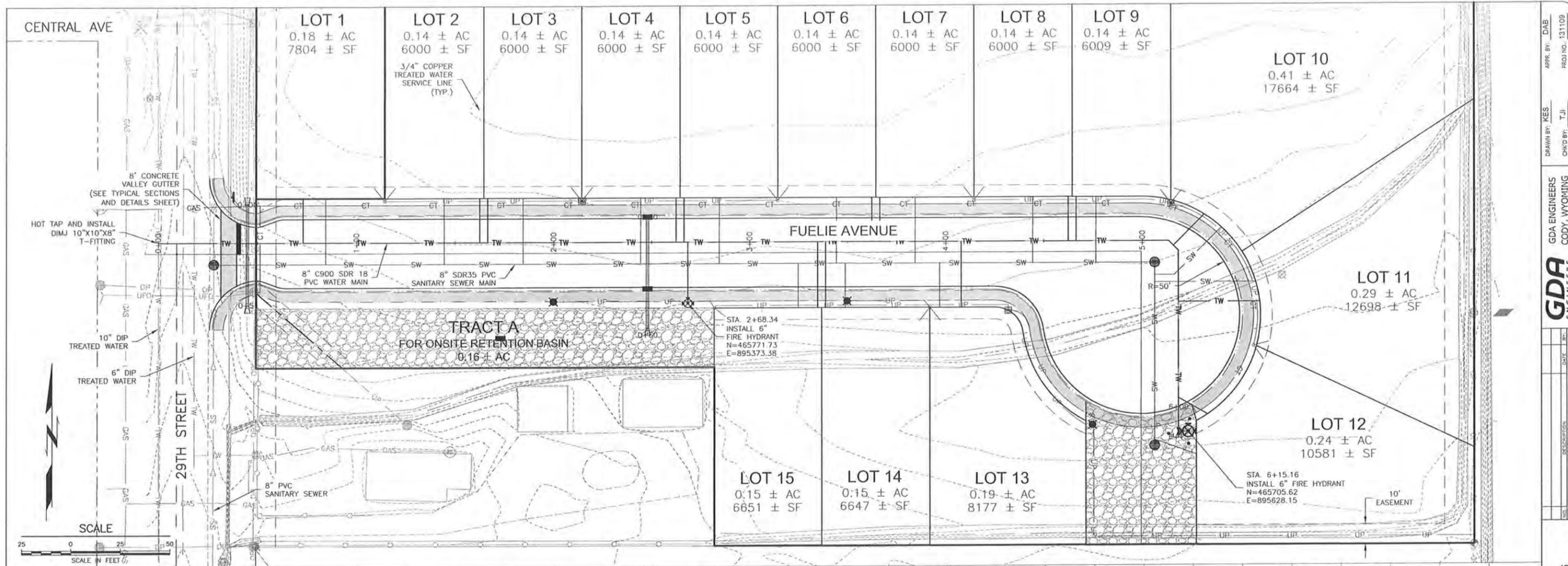
**GDA ENGINEERS**  
 GDA ENGINEERS  
 CODY, WYOMING

PARK COUNTY  
 CODY, WYOMING

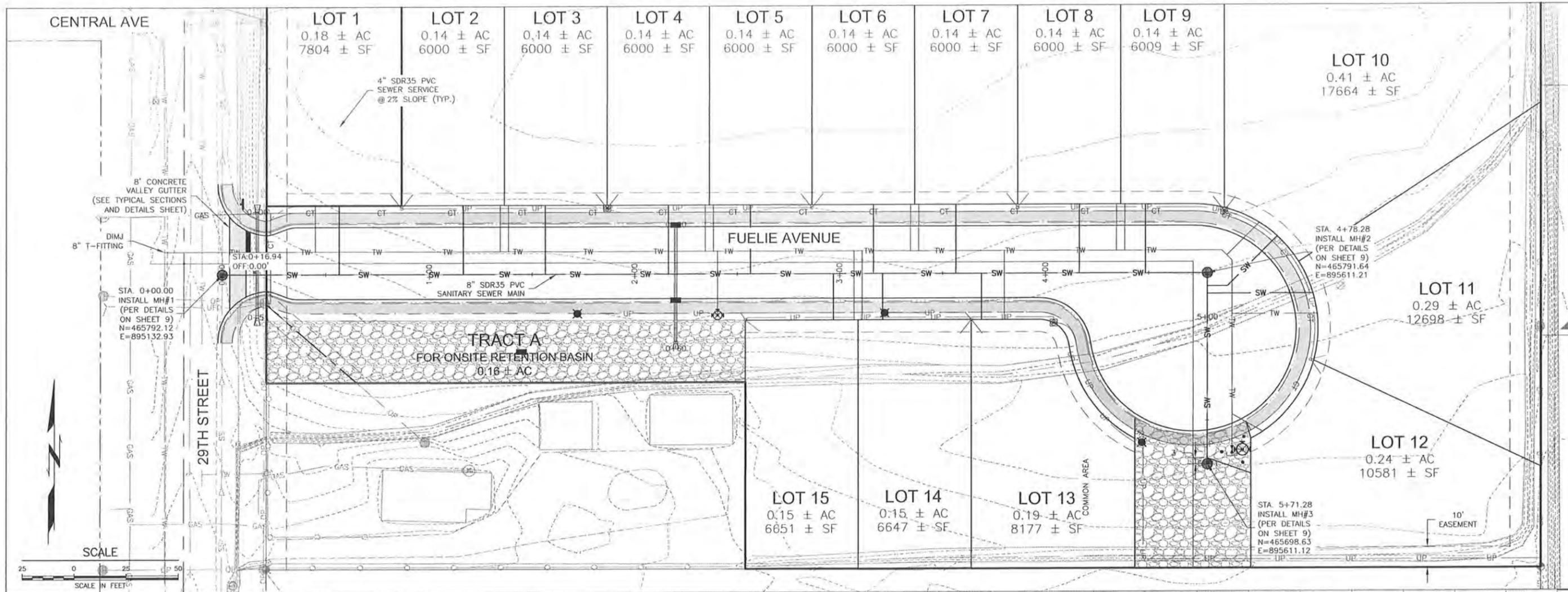
**STREET PLAN AND PROFILE**  
 PRELIMINARY PLAN FOR J & K MAJOR SUBDIVISION

SHEET NUMBER  
**6**  
 OF 13 SHEETS

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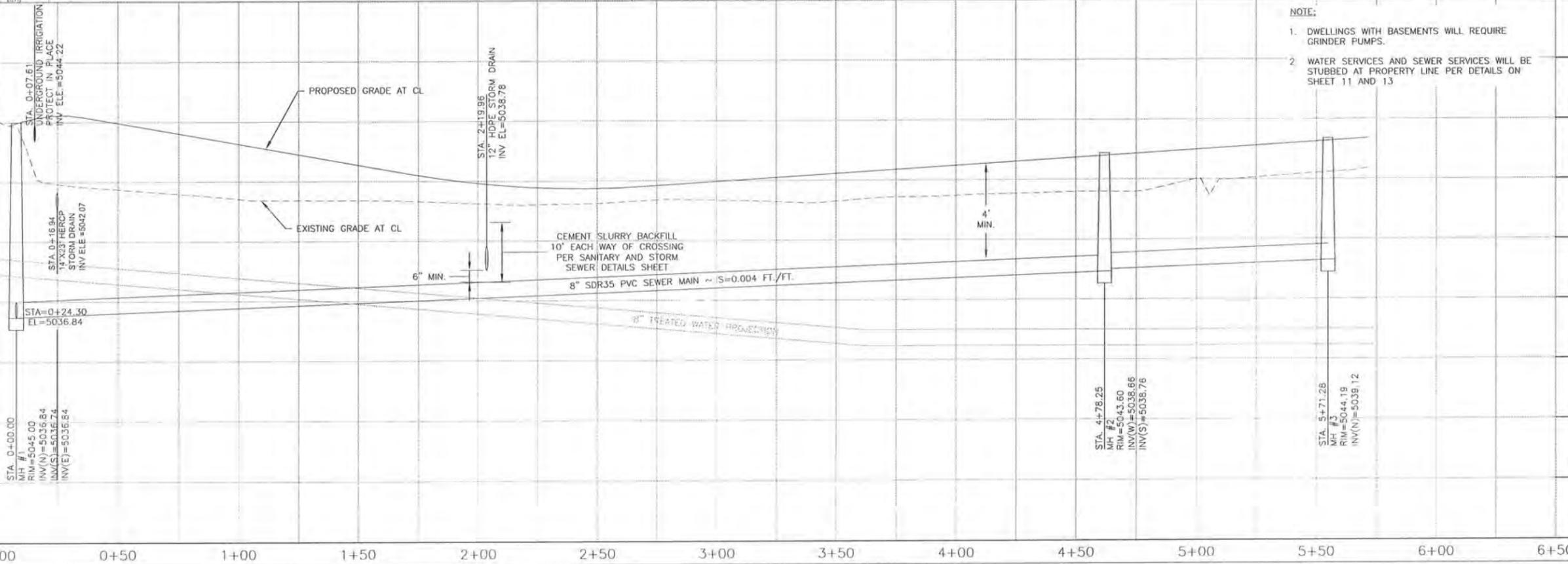


APPR. BY: DAB  
DRAWN BY: KES  
GDA ENGINEERS  
CODY, WYOMING  
GDA ENGINEERS  
CODY, WYOMING  
DATE: \_\_\_\_\_  
DESCRIPTION: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
SHEET NUMBER: **7**  
OF 13 SHEETS



**SANITARY SEWER SERVICE TABLE**

STA	OFFSET
0+56.46	LT
1+16.46	LT
1+56.46	LT
2+16.46	LT
2+56.46	LT
2+91.93	RT
3+15.93	RT
3+16.46	LT
3+56.46	LT
3+63.93	RT
4+16.46	LT
4+48.46	LT
4+78.28	LT
4+88.26	LT
5+71.28	LT



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APPR BY: DAB  
PROJ NO: 131109

DRAWN BY: KES  
CHKD BY: TJI

GDA ENGINEERS  
CODY, WYOMING

DESCRIPTION: REVISIONS

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

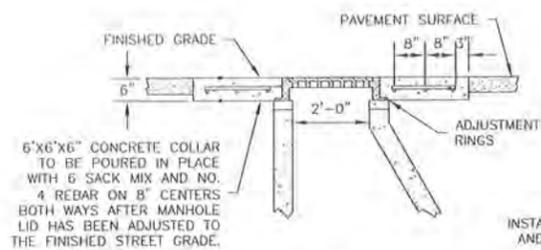
NO: \_\_\_\_\_

PARK COUNTY  
CODY, WYOMING

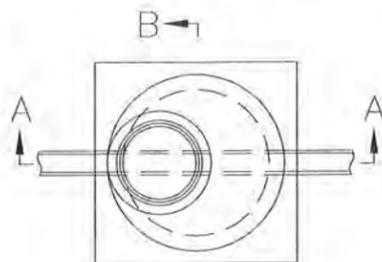
SANITARY SEWER PLAN AND PROFILE  
PRELIMINARY PLAN FOR J & K MAJOR SUBDIVISION

SHEET NUMBER  
**8**  
OF 13 SHEETS

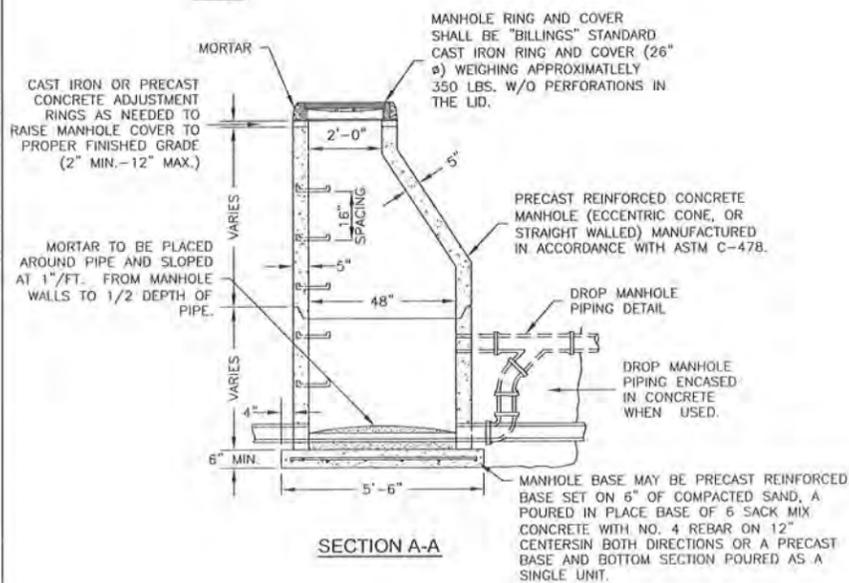




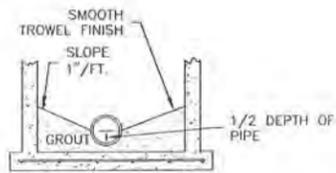
**MANHOLE COLLAR DETAIL**  
N.T.S.



**PLAN**



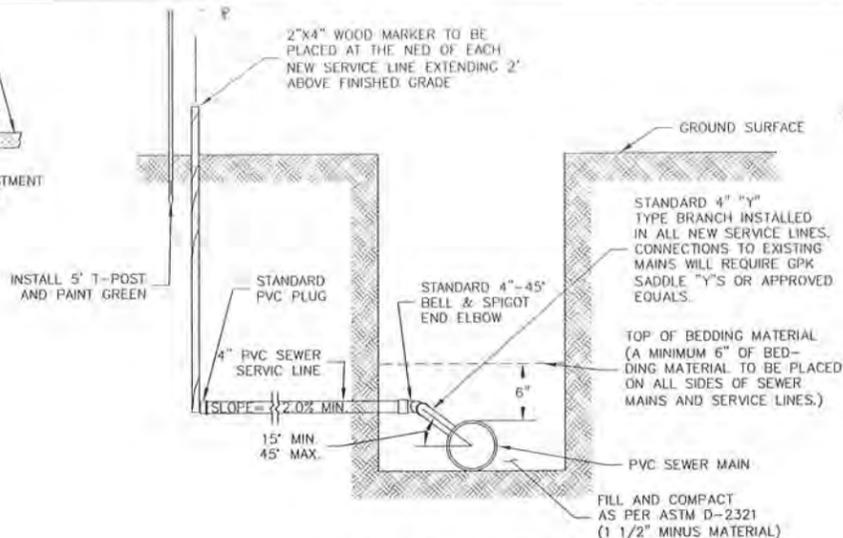
**SECTION A-A**



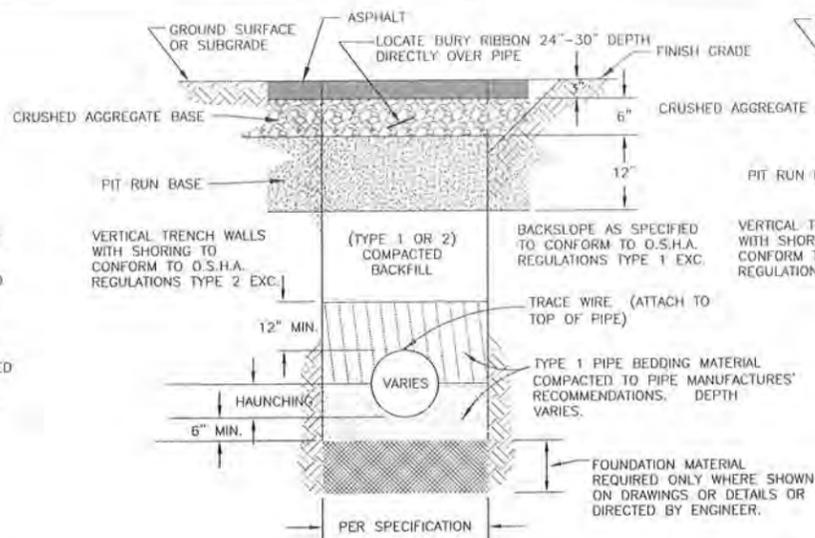
**SECTION B-B**

**MANHOLE DETAILS**  
N.T.S.

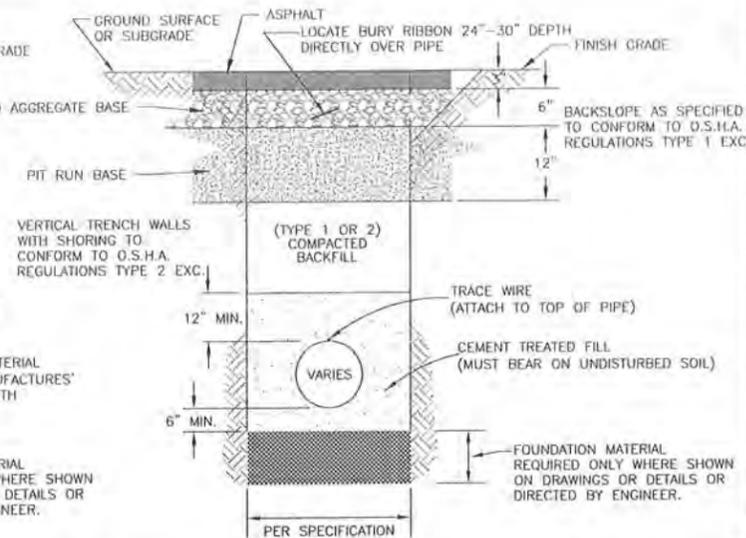
- NOTES:**
1. ALL STEPS WITHIN THE MANHOLES SHALL BE CAST IRON OR STEEL REINFORCED POLYURETHANE STEPS.
  2. ALL JOINTS IN THE MANHOLE WALLS SHALL BE SEALED WITH EITHER A RUBBER GASKET OR BITUMINOUS BASE SEALANT.



**SANITARY SEWER SERVICE DETAIL**  
N.T.S.

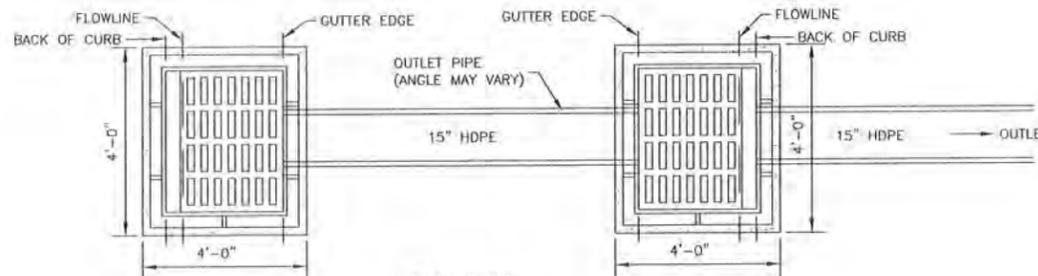


**SANITARY SEWER & TREATED WATER TYPICAL TRENCH DETAIL**  
N.T.S.

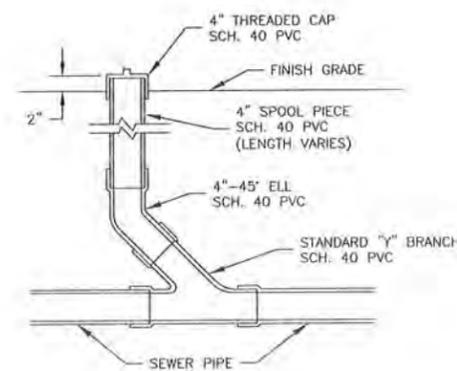


**SANITARY SEWER & TREATED WATER CEMENT TREATED FILL DETAIL**  
N.T.S.

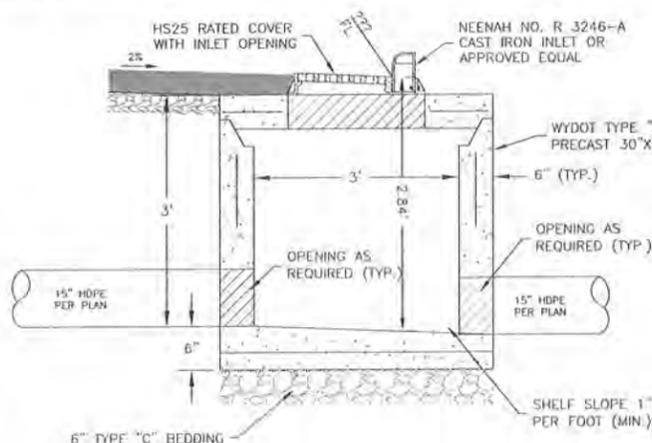
**NOTE:** DIMENSIONS SHOWN ARE THE PAY LIMITS FOR THIS PROJECT. QUANTITIES PLACED OUTSIDE THE LIMITS SHOWN SHALL BE AT THE CONTRACTOR'S EXPENSE.



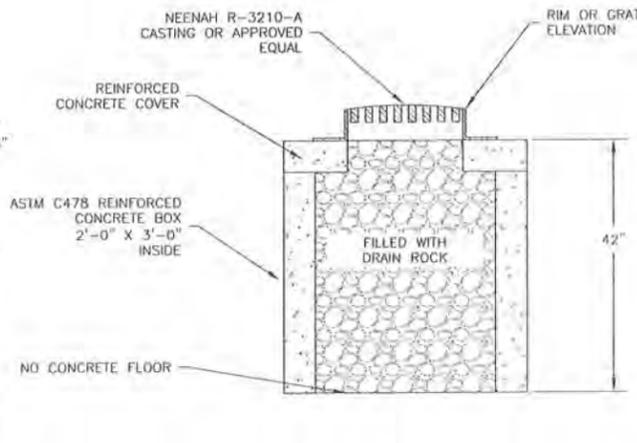
**INLET PLAN**  
N.T.S.



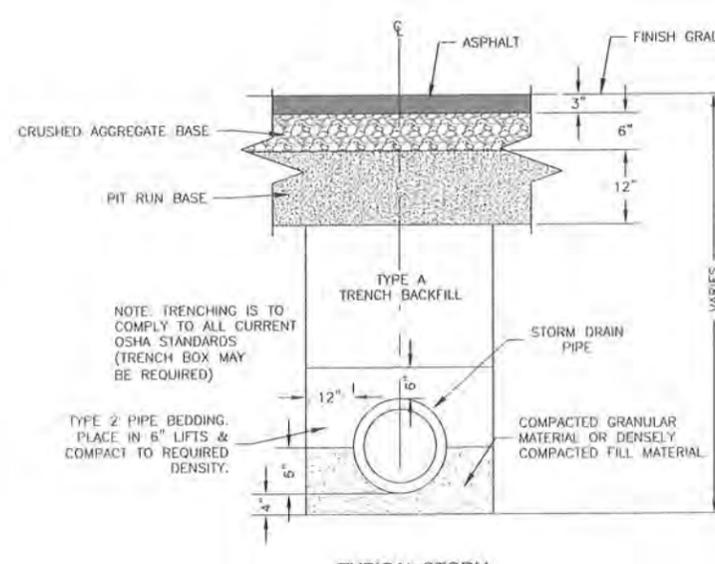
**CLEANOUT DETAILS**  
N.T.S.



**BOX INLET DETAIL**  
N.T.S.

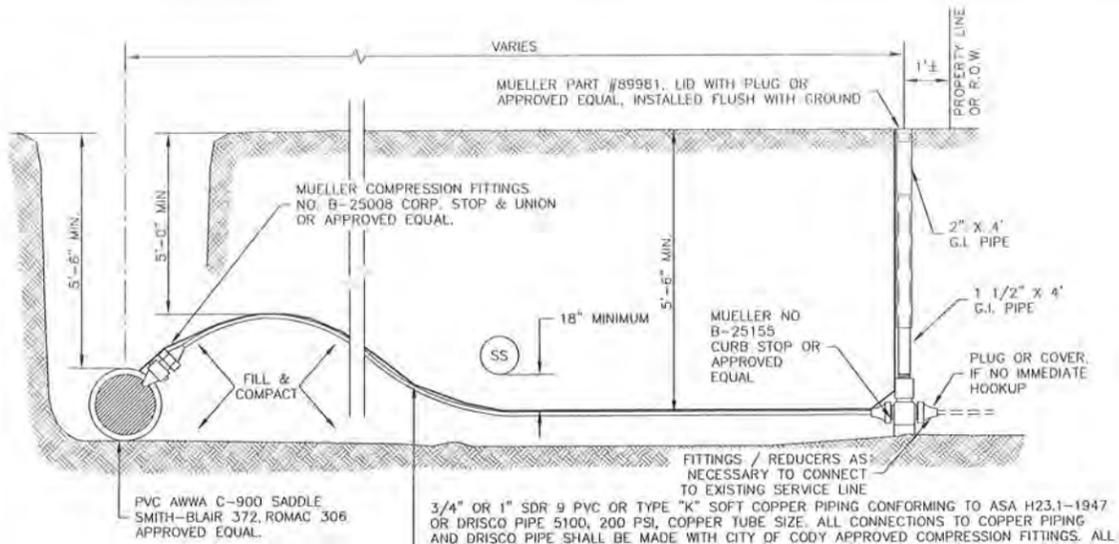


**DRY WELL DETAIL**  
N.T.S.



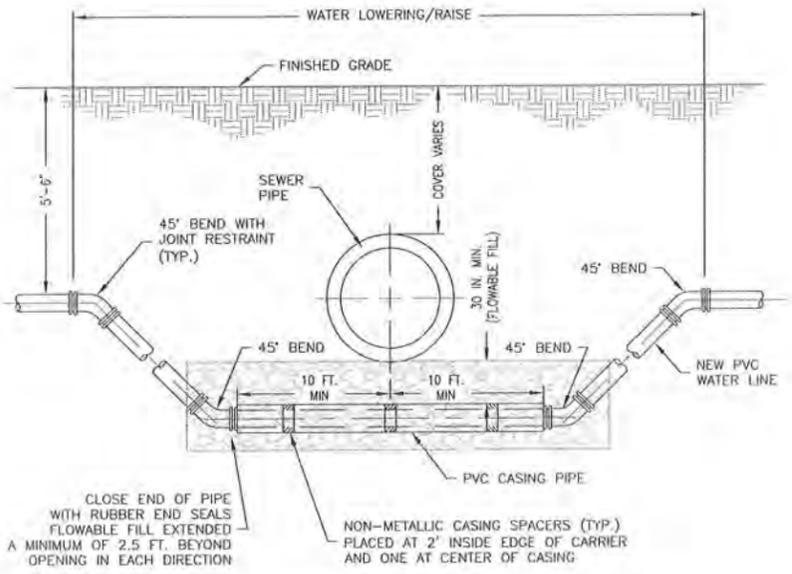
**TYPICAL STORM SEWER TRENCH DETAIL**  
N.T.S.

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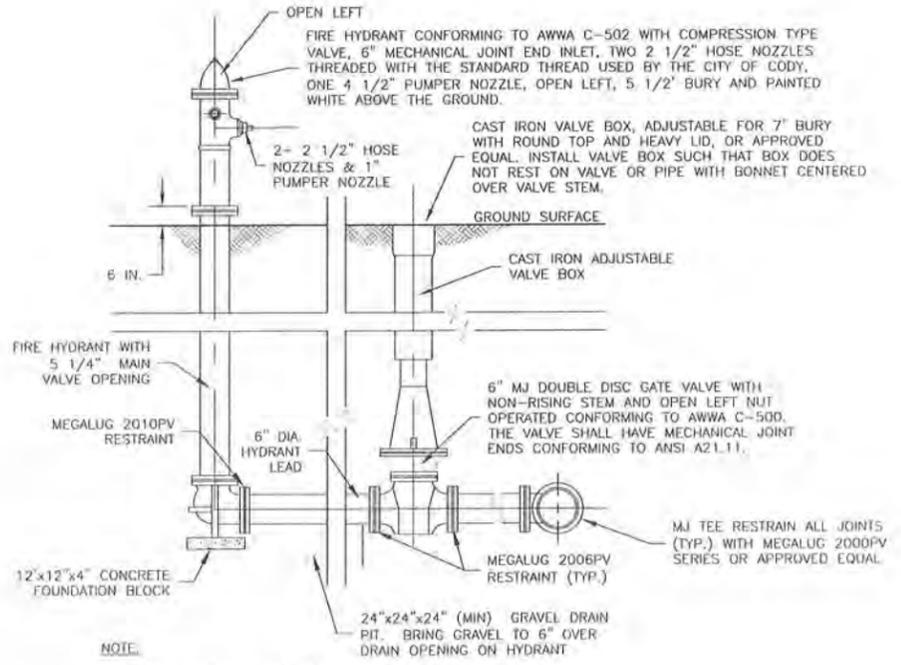


- NOTE:**
- SERVICE LINE TO BE INSTALLED WITH NO LESS THAN 5'-6" COVER, PROPERLY BEDDED WITH 3/8" MINUS PEA GRAVEL 6" BELOW AND 6" ABOVE SERVICE LINE.
  - SERVICE LINE SHALL BE CONSTRUCTED TO MAINTAIN 18" VERTICAL SEPARATION BETWEEN ANY SANITARY SERVICE. IF CLEARANCE CANNOT BE MET, CEMENT SLURRY 10' EACH WAY OF CROSSING. IN NO INSTANCE SHALL THE VERTICAL SEPARATION BE LESS THAN 6". CONTRACTOR TO COORDINATE WITH ENGINEER IF SERVICE CANNOT BE INSTALLED PER PLAN.

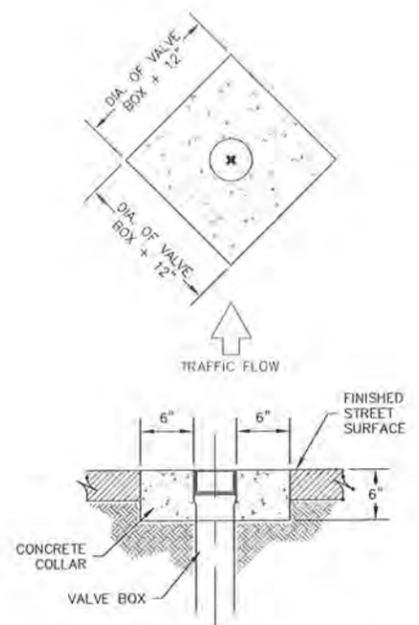
**TREATED WATER SERVICE DETAIL**  
N.T.S.



**WATER MAIN LOWERING UNDER SANITARY SEWER WITH CASING DETAIL**  
N.T.S.

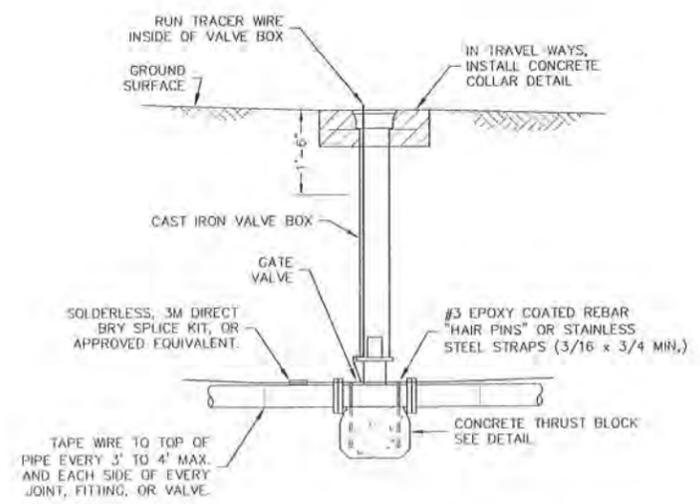


**FIRE HYDRANT VALVE ASSEMBLY DETAIL**  
N.T.S.



FINAL ADJUSTMENT OF THE VALVE BOX AND THE PLACEMENT OF THE CONCRETE COLLAR WILL BE MADE AFTER THE PAVING OF THE STREET HAS BEEN COMPLETED.

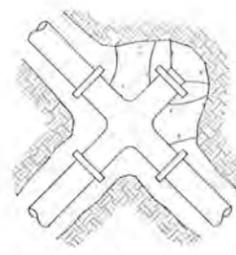
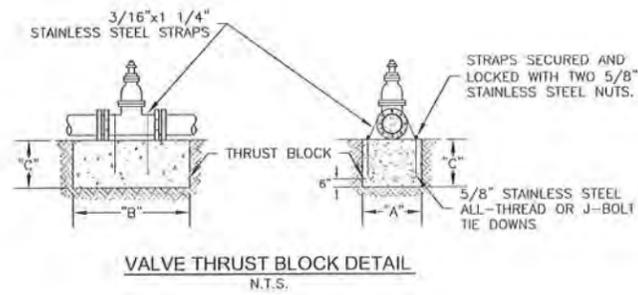
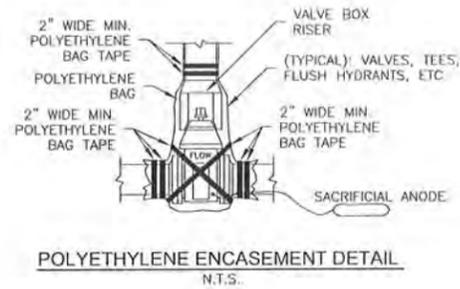
**GATE VALVE SURFACE PAD**  
N.T.S.



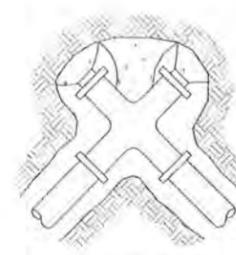
- NOTE:**
- TRACER WIRE SHALL TERMINATE INSIDE VALVE BOX WITH ENOUGH SLACK TO REACH 2' ABOVE GROUND SURFACE.
  - ALL WIRE AND CABLE SHALL BE 12-GAUGE SOLID OR STRANDED COPPER WIRE, WITH 600 VOLT RATED HIGH MOLECULAR WEIGHT POLYETHYLENE (HMWPE) INSULATION.

**BURIED VALVE DETAIL**  
N.T.S.

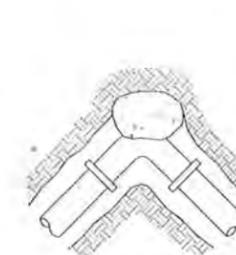
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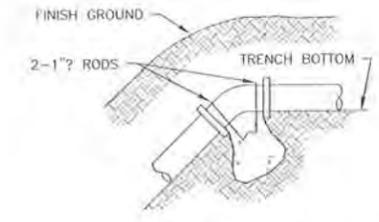
PLUGGED CROSS



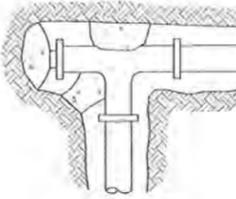
PLUGGED CROSS



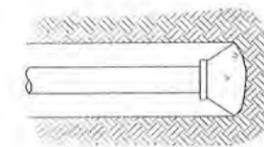
HORIZONTAL BEND



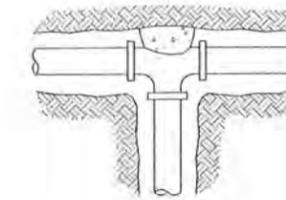
VERTICAL BEND  
ENGINEER TO SPECIFY CONSTRUCTION



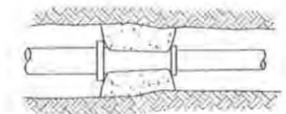
PLUGGED TEE



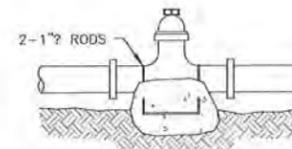
DEAD END



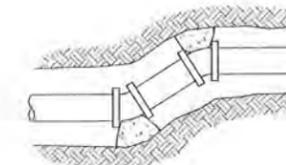
TEE



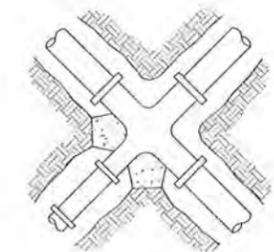
REDUCER



VALVE



OFFSET



UNBALANCED CROSS

THRUST BLOCKING DETAILS  
N.T.S.

NOTES:

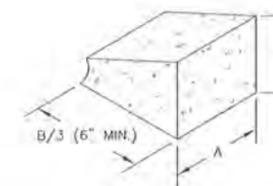
1. SIZE OF BLOCK SHALL BE A MINIMUM OF 6" THICK.
2. ALL BLOCKS SHALL BEAR AGAINST UNDISTURBED MATERIAL.
3. FITTINGS TO BE SEPARATED FROM THRUST BLOCK WITH AN APPROVED BOND BREAKER.

MINIMUM DIMENSIONS FOR THRUST BLOCKING								
ANCHOR ROD SIZE	3/4"	3/4"	3/4"	1"	1 1/8"	1 1/4"	1 3/8"	
VALVE SIZE	2", 4", 6" & 8"	10"	12"	14"	16"	18"	24"	
100 PSI	"A"	2'-0"	2'-0"	2'-3"	2'-3"	3'-0"	3'-8"	4'-4"
	"B"	2'-0"	2'-0"	2'-0"	2'-0"	3'-0"	3'-0"	4'-0"
	"C"	2'-0"	2'-0"	2'-9"	2'-4"	2'-11"	3'-0"	4'-0"
150 PSI	"A"	2'-0"	2'-6"	3'-0"	3'-5"	4'-4"	5'-5"	6'-5"
	"B"	2'-0"	2'-6"	3'-0"	3'-0"	3'-0"	3'-0"	4'-0"
	"C"	2'-0"	2'-0"	2'-8"	3'-0"	3'-0"	3'-0"	4'-0"
200 PSI	"A"	2'-0"	2'-9"	3'-5"	4'-6"	4'-1"	5'-1"	6'-6"
	"B"	2'-0"	2'-6"	3'-0"	3'-0"	4'-0"	4'-0"	5'-0"
	"C"	2'-0"	2'-6"	3'-0"	3'-0"	4'-0"	4'-0"	5'-0"

NOTES:

1. PRESSURES SHOWN ABOVE ARE MAXIMUM WORKING PRESSURE IN THE SYSTEM.
2. TO BE INSTALLED AT THE LOCATIONS SHOWN ON THE PLANS, OR AS CALLED FOR BY THE ENGINEER.
3. COAT EXPOSED PORTIONS OF ANCHOR RODS WITH "KOPPERS" BITUMASTIC NO. 50 COATING OR APPROVED EQUAL.

MINIMUM DIMENSIONS FOR THRUST BLOCKING										
FITTING SIZE	TEES & PLUGS		90° BENDS		45° BENDS & WYES		REDUCERS & 22 1/2° BENDS		11 1/4° BENDS	
	A	B	A	B	A	B	A	B	A	B
2" & 4"	1'-7"	1'-2"	1'-9"	1'-6"	1'-8"	0'-10"	1'-7"	0'-6"	0'-6"	0'-6"
6"	2'-0"	1'-11"	2'-5"	2'-2"	1'-10"	1'-7"	1'-9"	0'-10"	1'-0"	0'-6"
8"	2'-8"	2'-6"	3'-2"	3'-0"	2'-5"	2'-1"	1'-9"	1'-6"	1'-0"	1'-0"
10"	3'-4"	3'-3"	4'-0"	3'-10"	3'-0"	2'-9"	2'-2"	1'-11"	1'-6"	1'-0"
12"	4'-10"	3'-10"	4'-8"	4'-8"	3'-8"	3'-3"	2'-7"	2'-3"	2'-0"	1'-0"

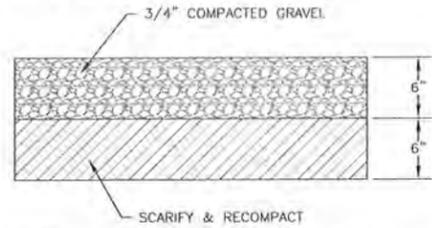


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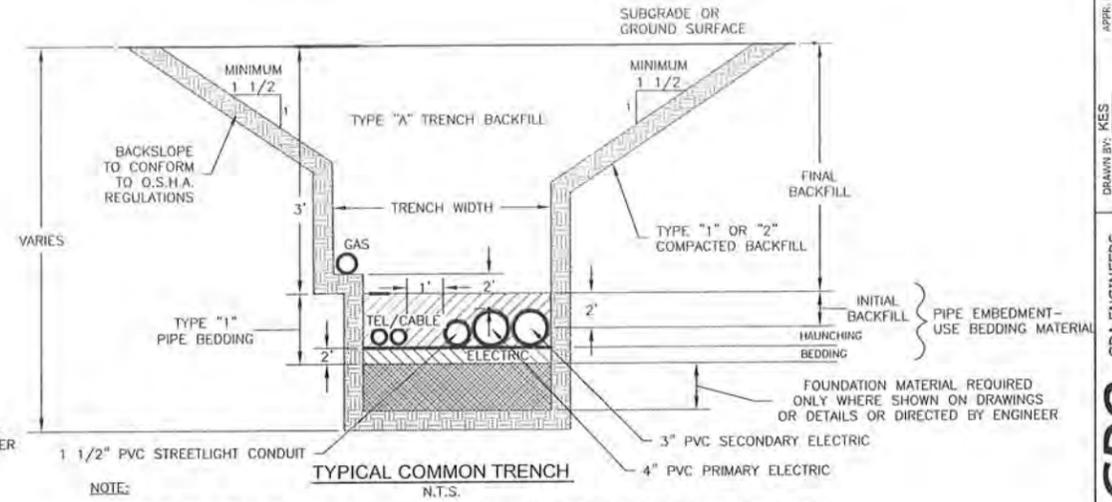
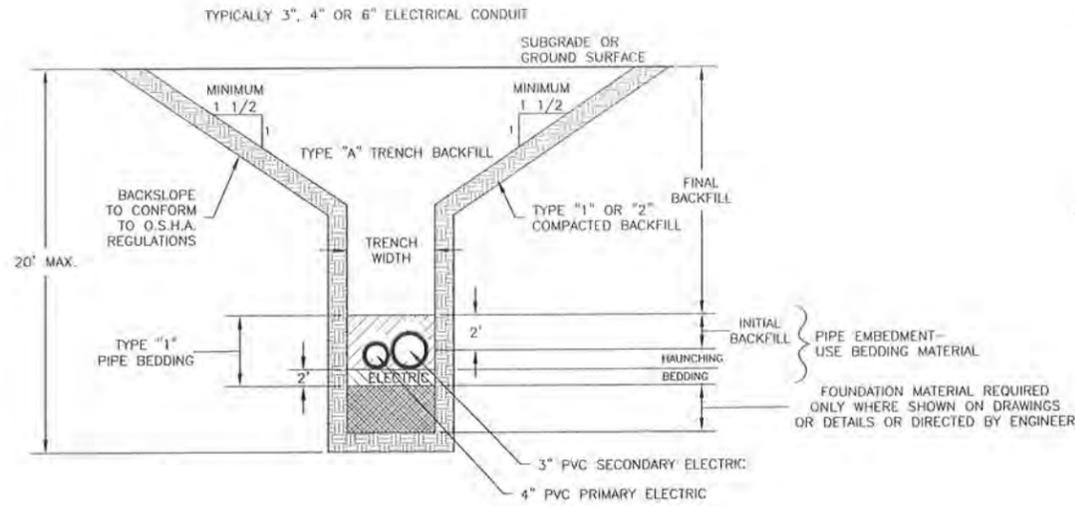
1. FITTINGS TO BE SEPARATED FROM BLOCKS WITH AN APPROVED BOND BREAKER, SUCH AS POLY WRAP.
2. ALL BLOCKS TO BEAR AGAINST UNDISTURBED MATERIAL.
3. DESIGN IS BASED ON 150 PSI MAIN PRESSURE AND 2000 PSF SOIL BEARING CAPACITY.

**NOTES:**

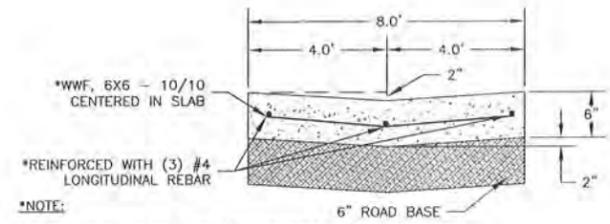
- SUBGRADE COMPACTION SHALL CONFORM TO THE WYOMING PUBLIC WORKS STANDARD SPECIFICATION.
- 1/2" EXPANSION JOINT MATERIAL SHALL BE PLACED AT POINT OF CURVATURE, POINT OF TANGENCY, AND CURB TURNS. CONTRACTION JOINTS SHALL BE 5 FT O.C. TO COMPLY WITH THE WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS.
- NO CURB AND GUTTER SHALL BE PLACED WITHOUT A FINAL FORM OF INSPECTION FROM THE ENGINEER.
- CLASS 4000 (TABLE 03304-2.08 W.P.W.) CONCRETE SHALL BE USED.
- COMPACTION SHALL BE 95% ON ALL AGGREGATES UNLESS OTHERWISE NOTED.



**TYPICAL COMPACTED GRAVEL TURN AROUND DETAIL**  
N.T.S.

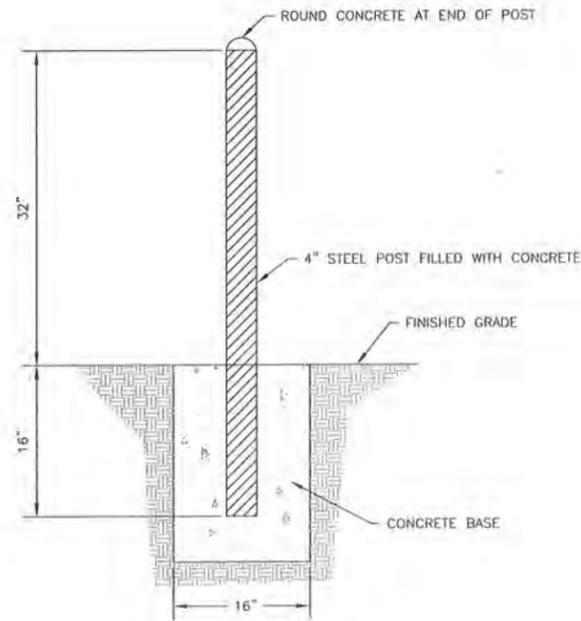


**NOTE:**  
IF SUPPORT OR SHIELD SYSTEM IS NOT USED, MAXIMUM ALLOWABLE SLOPE FOR ALL TRENCHES LESS THAN 20' DEEP WILL BE 1 1/2H : 1V. COMPLY WITH ALL APPLICABLE SAFETY REQUIREMENTS.

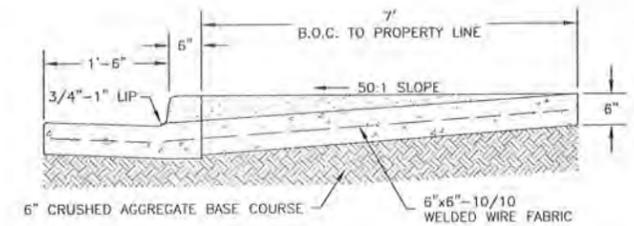


**NOTE:**  
AS AN ALTERNATE TO STEEL REINFORCEMENT, NOVAMESH 850, OR APPROVED EQUAL, MAY BE USED AT A MINIMUM RATE OF 24 POUNDS PER CUBIC YARD.

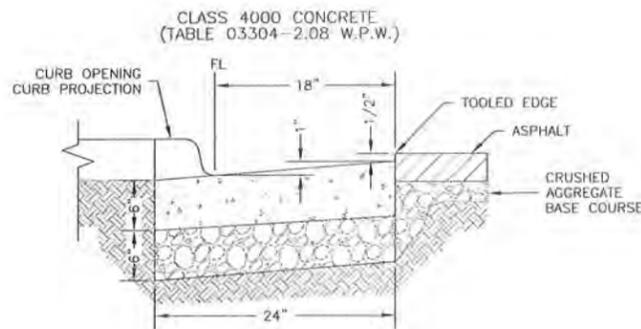
**8\"/>**



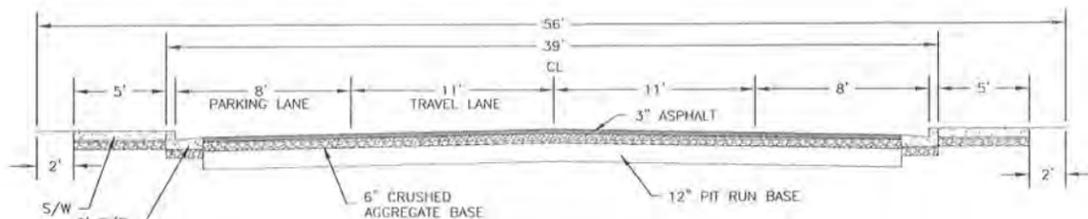
**BOLLARD DETAIL**  
N.T.S.



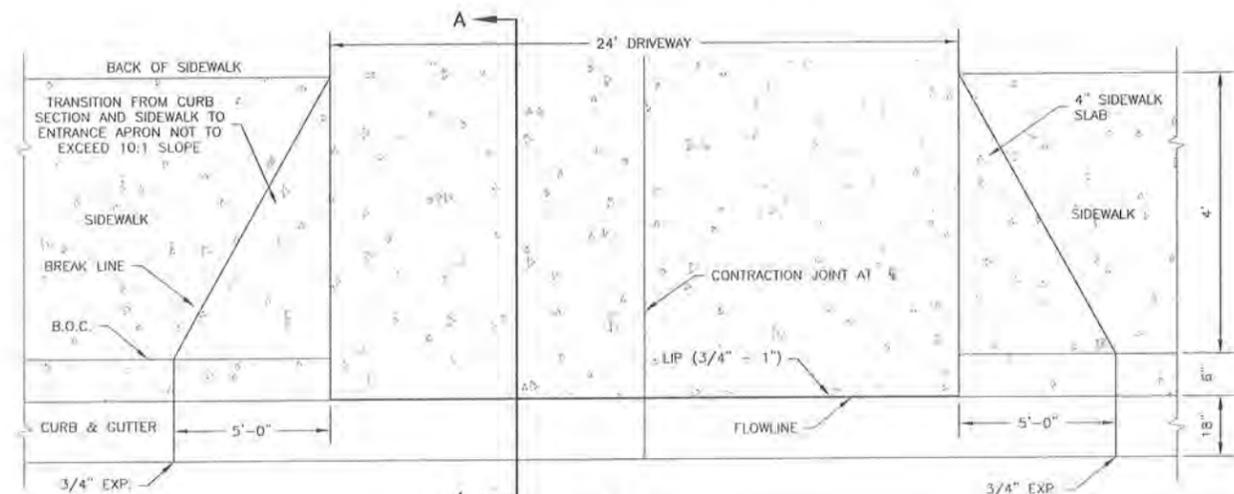
**SECTION A-A**



**TYPICAL 24\"/>**



**TYPICAL STREET SECTION**  
N.T.S.



**TYPICAL DRIVEWAY APPROACH**  
N.T.S.

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DRAWN BY: KES  
 CHECKED BY: T.J.  
 GDA ENGINEERS  
 CODY, WYOMING  
 SHEET NUMBER  
**13**  
 OF 13 SHEETS



1326 Beck Ave.  
Cody, WY 82414  
307-899-3815  
Scott Wagner  
Beckie Tilden

Dear Board Members,

November 21, 2013

Buffalo Jump Wines would like you to take under consideration a request to a small craft distillery where we would distill wine into brandy, and make small amounts of other distilled products in our present location, 1326 Beck Avenue. Distilleries are currently not specifically listed in the D2 general business list of allowed businesses.

Many wineries distill their product into brandy due to it being a natural addition to their product inventory. This process is a direct progression into the fortified products offered in many wineries. The production of distilled products is very similar to the production of wine or beer, with the additional step of concentrating the ethanol through the distillation process. Ethanol is listed as a flammable liquid, but is less volatile than many of the processes and products currently allowed in D2 zoned businesses including gasoline, propane, paint and body shops, and dry cleaners, and the production of ethanol does not produce the offensive odors that the above list of approved businesses produce. We will be required by federal and state law to comply with all federal and state fire codes in the operation of a distillery.

Our current equipment and machinery already lends itself to the natural fit of distilling and will cause no more impact than our present business plan. We believe this addition will accentuate our present business and add considerable interest to the current appeal of the winery.

Tourism is a big business in Cody and we've found our addition to the community has increased traffic to Cody and have had people travel and stay in Cody with the single goal of visiting our winery. We believe that the addition of a distillery to Cody would only increase this traffic. We would like you to consider this opportunity for us to continue increasing the excitement of our present business.

Thank You,

Scott Wagner and Beckie Tilden

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

<b>MEETING DATE:</b>	DECEMBER 10, 2013	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	PRELIMINARY PLAT OF CLDC SUBDIVISION— A 10-LOT SUBDIVISION. SUB 2013-10	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT OVERVIEW**

The Cody Land Development Corporation has submitted a preliminary plat application for a 10-lot subdivision known as the CLDC Subdivision. The property is 119 acres in size and located along both sides of Road 2AB. The proposed lots range in size from 3.57 acres to 32.91 acres and all have direct access to Road 2AB.

The property is industrially zoned. Presently it is Industrial "E", but is in the process of being rezoned to Heavy Industrial. There are no minimum lot size requirements in either zone.

No new streets are proposed and all lots are provided with City water. City sewer services are already provided to all lots except Lot 10, although the main is directly along its frontage as well.

**SUBDIVISION REGULATIONS**

The subdivision ordinance requirements are as follows. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

**11-4-2: STREETS, ALLEYS AND EASEMENTS:**

As no new streets are proposed, the only portions of this section that apply are as follows:

*P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys. A variance of up to four feet (4') may be granted by the commission and council in a residential development if setbacks are provided for utility boxes, garbage cans, etc. Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.*

Comment: The applicant requests a variance from the alley requirement. However, they do propose an access and utility easement through the lots on the north side of Road 2AB. An easement is preferred, as it will allow the underlying land to remain as part of the lots, as opposed to a strip of City ownership. Although perhaps not anticipated by the applicant, initial review by the water and gas providers is that they will likely also use this easement for potential water and natural gas line services. (The gas line along Road 2AB is a transmission line, not a distribution line, and the utilities are already crowded along 2AB. Also, if water needs to be looped for an industrial user, this easement may be needed for such. The easement already contains a Rocky Mountain Power line. The applicant does not wish to construct a roadway in this easement at the present time. The Board should talk through the benefits and negatives about whether the improvement of the access easement should occur with the subdivision, or at the time of development of the lots.

*Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and adjustment board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.*

Comment: Road 2AB was annexed after the last master street plan update and the future street profile is not formally established in the street plan. (The draft master plan has it designated as a minor collector, measuring 49' from back of curb to back of curb in a 60-foot right-of-way.) Public Works is of the opinion that the right-of-way shown will be adequate for future use, provided utility easements are established along the lot frontages. Due to the industrial nature of the area and lack of a regional storm water system a rural road standard (borrow ditches instead of curb and gutter) seems to be appropriate for the time being. Agreement to participate in a future improvement district for curb, gutter, and sidewalk will need to be noted on the final plat. Street lighting should also be included as a future improvement.

*T. Drainage: The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All stormwater systems shall be designed to achieve zero increase in runoff and shall be in compliance with the city stormwater management policy, as amended. They shall be designed and constructed to allow runoff and stormwater to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available, the proposed system shall be designed to connect to it. When an existing storm sewer*

*trunk line is not available, a drainage plan must be developed that is acceptable to the city. Minor subdivisions shall be exempt from this requirement.*

Comment: The preliminary plat indicates that "On site retention shall be utilized for storm water drainage". The concept is acceptable to staff, yet the language should be more extensive, as noted in the recommended conditions at the end of this report.

*U. Lot Requirements: All lots within a proposed subdivision will meet the following requirements:*

- 1. Lots shall be sized to meet the requirements of the appropriate zoning.*
- 2. Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.*
- 3. Side lot lines shall be at approximate right angles to the street line on which the lot faces.*
- 4. Strip lots established with the intent of restricting access to streets or alleys will be prohibited.*

Comment: Met.

*V. Blocks: Blocks shall be at least three hundred feet (300') long, normally, not to exceed six hundred sixty feet (660') long. All blocks shall normally be of sufficient width to allow for two (2) tiers of lots of approximately equal width and an alley.*

Comment: Road 2AB serves properties on a topographically restrained bench that does not lend itself to cross streets to access the benches above or below due to the steep hillsides. Also the block standard dimensions appear to be based on residential development rather than large lot industrial. A variance to this requirement should be granted.

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards, most of which relate to construction plans and the final plat. However, the following portions need to be noted:

*F. Sanitary Sewer: ...Each lot within the proposed subdivision shall be connected to a minimum eight inch diameter sewer main by a minimum four inch diameter sewer service line.*

Comment: All lots except Lot 10 meet this requirement. The applicant requests a variance for Lot 10. Lot 10 is not anticipated to need sewer service, as it is intended for rail loading purposes. If sewer is needed, the main is immediately accessible all along Lot 10.

*H. Water Mains: ...The system will connect each lot within the subdivision to a minimum six inch diameter main by the use of a minimum ¾" copper service line.*

Comment: Lot 10 is provided with a 4-inch valve (no curb stop). All other lots are provided with two-inch services.

*I. Fire Hydrants: Fire hydrants shall be installed at intervals not to exceed 500'...*

Comment: Hydrants exist along the north side of 2AB through the subdivision.

*K. Utilities: All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys. Written agreements between the subdivider and each utility company, copies of which will be presented to the city with the construction specifications, shall be drawn up stating who will install the utilities and how the costs for their installation shall be covered. In the event an area is annexed and proposed for subdivision which already has an adequate electrical distribution system, the subdivider will bear all costs that may be accrued to alter the system to make it compatible with the city system. It will be the developer's responsibility to ensure that all utilities necessary or reasonably expected are placed within the proposed subdivision.*

Comment: This information is typically provided with the construction and final plat submittal. However, a summary of what is known now follows. For water service, no tap fees are needed as the services were installed with state grant monies. No additional water fees are needed until time of connection/building permit. Sewer service will require payment of the connection and plant investment fees at the time of building permit. Electrical service typically requires payment of the city's cost estimate and installation of facilities by the developer. The main lines are installed, but transformers and distribution lines are still needed. However, due to the unknown electrical needs for the industrial lots (single-phase, three phase, meter size?) a new option is being presented. The electrical division is agreeable to accepting payment of the cost estimate for installation of electrical service, but allowing delay of installation until time of development of the individual lots. The cost estimate for the city portion of the work, based on basic single-phase service, is \$19,131.05. The city would prorate the amount of the cost estimate payment among the lots that still need electrical service, and apply that towards installation costs for that lot at the time it is developed. Developer costs for electrical service installation will also include approximately 710 feet of conduit, which would need to be installed in conjunction with building permits on the lots. Easements for the electrical services will also be needed. Coordinate width and locations with the electrical division.

*M. Street Lighting: Street lighting shall be installed according to the standards and requirements established by the city electrical commissioner, the cost of which will be borne by the subdivider.*

Comment: As sidewalk, curb, and gutter are proposed to be delayed, it would make sense to delay streetlights as well.

*N. Public Use Areas: There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of one acre per fifty (50) prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. ... This open space requirement shall be waived if the proposed subdivision is located in an*

*area that has been previously subdivided and the above requirement was satisfied at that time.*

Comment: The industrial zone, being the only zone that does not permit residential dwelling units, appears to not require any public use areas to be dedicated with the subdivision, as there are no prospective dwelling units.

OTHER:

1. Irrigation Water: The applicant does not believe there to be any irrigation water rights on this property. Confirmation from the State Engineer's office is pending.

2. Completeness of Survey Information: Due to the subject property never being through a local subdivision process before; the numerous utilities, easements and right-of-way that are on the property; the vagueness of the railroad right-of-way status; etc. the surveyor has quite a job to accurately depict the ownership and utility situation for this subdivision. The application includes copies of several easements, which are depicted on the survey, but it appears that some information is still missing. For example, a Rocky Mountain Power line runs through the property in the area of the proposed 40' access easement. No utility easement is shown for the power lines. Based on past situations, Rocky Mountain Power may claim a 50-foot wide easement (25' feet on each side of the existing line). The gas transmission main along the south side of Road 2AB is also lacking an easement. An unidentified "Underground Utility" wanders outside of the 10-foot easement along the north side of Road 2AB. And the railroad side spurs through Lot 1 do not have any right-of-way shown. Admittedly, the utility approvals are not required until final plat submittal, yet some of these could have implications for some of the lots. A complete title report and approvals from all utility providers and should be provided with the final plat to help staff ensure all easements of record and existing utility lines are identified. In addition, additional dimensions and/or reference points should be added to the easements shown so that their locations are more easily identifiable at the time of site plan review and construction.

We also need additional information on the status of Road 2AB, specifically if it is an easement, or reserved/dedicated right-of-way. This is necessary to determine whether the plat needs to dedicate the right-of-way, and whether the half of the road along the lots outside of the subdivision can be dedicated by this plat.

3. Required Findings for Subdivision Variance:

The criteria of 11-5-2(B) for granting a variance are as follows:

*B. Variances: If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title, the commission and council may, upon written request and proper justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any*

*such variance will not have the effect of nullifying the intent and purpose of this title.*

A list of conditions has been prepared based on the requested variances being granted. If any of the requested variances are not granted to the extent noted, additional conditions may be needed.

**RECOMMENDED MOTION:**

Recommend that the City Council approve the preliminary plat for the CLDC Subdivision with the following variances and subject to the conditions noted below:

Variances:

1. Waiver of installation of curb, gutter, sidewalk, and streetlights along Road 2AB, subject to an agreement to support and participate in a future improvement district for such. (11-4-2(Q))
2. Variance from providing alleys (11-4-2(P)).
3. Variance to the block length requirement (11-4(-2(v))).
4. Variance for no sewer service line to Lot 10.
5. Variance to delay installation of electric services until the time of building permit on the affected lot(s). Each lot owner is responsible for actual costs of installation.

Conditions:

1. Provide a full title report and any other available documentation to ensure accuracy of the preliminary and final plats, including but not limited to the Rocky Mountain Power lines, gas transmission line, status of Road 2AB easement/right-of-way, and railroad turn around spurs.
2. Submit an updated copy of the preliminary plat with, or prior to, the final plat, which includes all easements of record and easements required by the city and utility providers as necessary. All lots must have at least a 10-foot utility easement along their frontage and the 40-foot access easement must be for utilities as well. The Board reserves the right to impose additional requirements based on additional information provided with the updated preliminary plat.
3. Also include the following notes on the preliminary plat and final plat:
  - a. Change the note regarding drainage to the following: "All lot owners will be required to retain an engineer to analyze the drainage on each lot at the time of site plan submittal to the City for review and approval to assure that any proposed increase in runoff will be retained on site in an approved fashion."
  - b. Note the variances granted using the language above.
  - c. On the final plat include the standard language addressing the agreement to support and participate in a future improvement district for curb, gutter, sidewalk, and streetlights.
4. Identify that Lot 10 does not need gas at this time.
5. How the subdivision will be serviced with gas must be addressed with the final plat.

6. The final plat application shall otherwise contain and comply with the City subdivision ordinance.

**ATTACHMENTS:**

Preliminary Plat

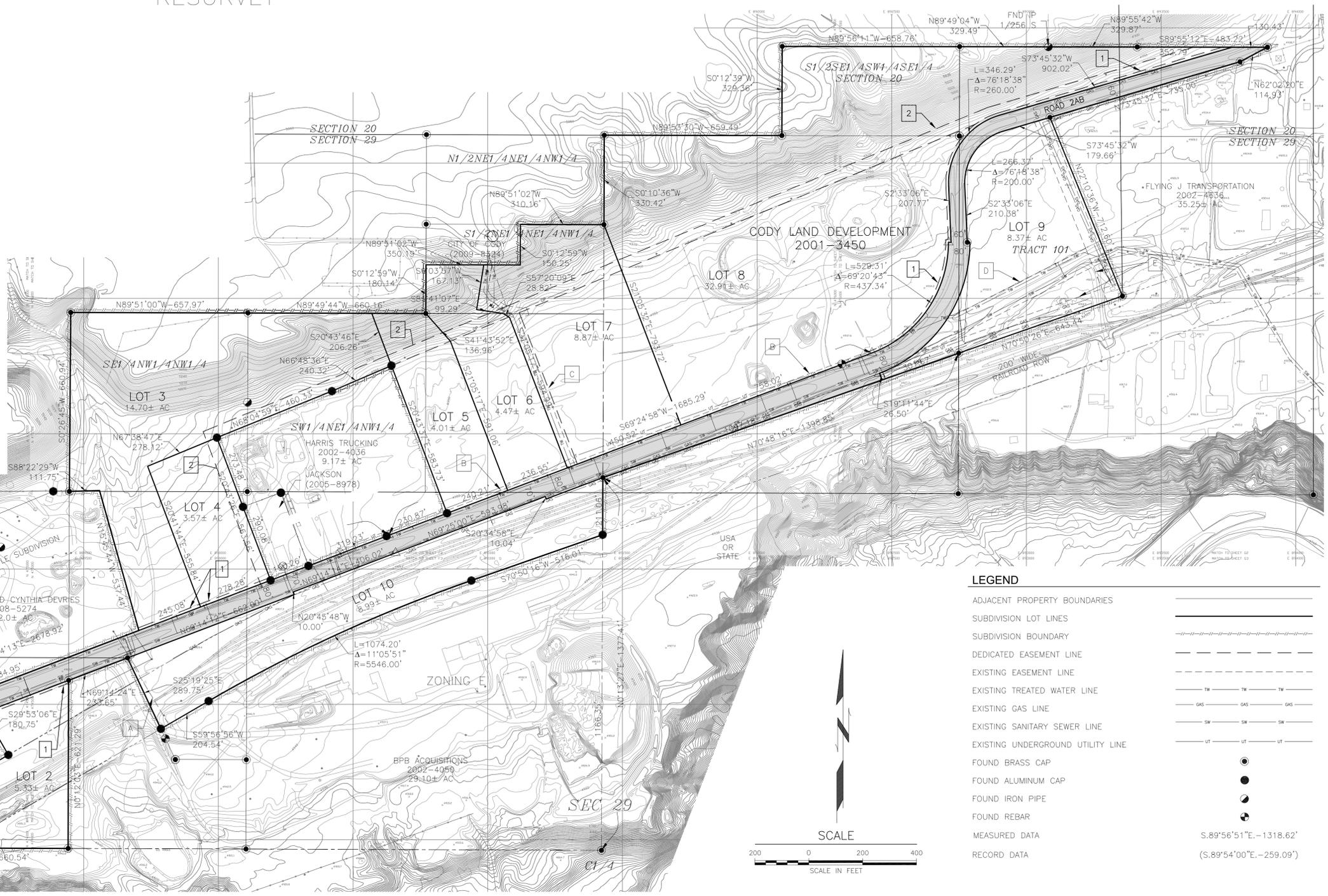
T.53N., R.101W., 6TH P.M.  
RESURVEY

EASEMENTS OF RECORD			
	GRANTEE	TYPE	BOOK AND PAGE
A	CITY OF CODY	ELECTRICAL UTILITY EASEMENT	2011-5951
B	CITY OF CODY AND TCT WEST, INC.	10' WIDE UTILITY EASEMENT	2011-5330
C	CITY OF CODY	30' WIDE UTILITY RIGHT-OF-WAY AND EASEMENT	2011-3714
D	CITY OF CODY	60' WIDE UTILITY RIGHT-OF-WAY AND EASEMENT	2009-8323
E	ENERGY WEST WYOMING, A DIVISION OF ENERGY WEST INC.	RIGHT-OF-WAY	2002-3154

EASEMENTS CREATED THIS SUBDIVISION			
	GRANTEE	TYPE	ENCUMBERED LOTS
1	CITY OF CODY	10' WIDE UTILITY EASEMENT	2-4 AND 8
2	OWNERS OF LOTS 3-8	40' WIDE ACCESS EASEMENT	3-8

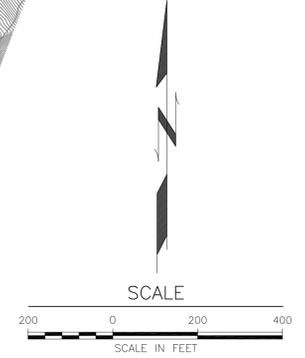
**NOTES**

ALL LANDS WITHIN SUBDIVISION FALL UNDER ZONE E, INDUSTRIAL.  
ON SITE RETENTION SHALL BE UTILIZED FOR STORM WATER DRAINAGE.  
ALL LOTS HAVE EXISTING TREATED WATER AND SANITARY SEWER STUB OUTS, WITH THE EXCEPTION OF LOT 10, SEE VARIANCE REQUESTS.  
12.28± ACRES OF ROAD 2AB RIGHT-OF-WAY WILL BE DEDICATED TO THE CITY OF CODY.  
EXISTING UTILITY DEPTH OF BURY AND PIPE SIZE INFORMATION IS ON FILE WITH THE CITY OF CODY PUBLIC WORKS DEPARTMENT.



**LEGEND**

ADJACENT PROPERTY BOUNDARIES	—————
SUBDIVISION LOT LINES	—————
SUBDIVISION BOUNDARY	—————
DEDICATED EASEMENT LINE	—————
EXISTING EASEMENT LINE	—————
EXISTING TREATED WATER LINE	—TW—TW—TW—
EXISTING GAS LINE	—GAS—GAS—GAS—
EXISTING SANITARY SEWER LINE	—SW—SW—SW—
EXISTING UNDERGROUND UTILITY LINE	—UT—UT—UT—
FOUND BRASS CAP	●
FOUND ALUMINUM CAP	●
FOUND IRON PIPE	●
FOUND REBAR	●
MEASURED DATA	S.89°56'51"E.—1318.62'
RECORD DATA	(S.89°54'00"E.—259.09')



- VARIANCE REQUESTS**
- DEVIATION FROM SUBDIVISION REQUIREMENTS PERTAINING TO ALLEYS. NO ALLEYS ARE PLANNED FOR THIS SUBDIVISION.
  - DEVIATION FROM THE SUBDIVISION REQUIREMENTS PERTAINING TO CURB AND GUTTER. NO CURB AND GUTTER WILL BE INSTALLED WITH THIS SUBDIVISION.
  - DEVIATION FROM SUBDIVISION REQUIREMENTS REQUIRING CITY SEWER AND WATER SERVICE INSTALLATION FOR LOT 10. LOT 10 IS ALMOST ENTIRELY WITHIN RAILROAD RIGHT-OF-WAY.

**DESCRIPTION OF LANDS**

A PARCEL OF LAND BEING DESCRIBED IN QUITCLAIM DEED 2001-3450 IN THE COUNTY RECORDER'S OFFICE OF PARK COUNTY, WYOMING, LOCATED WITHIN RESURVEY, T.53N., R.101W., 6TH P.M., CODY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SECTION 20, S1/2SE1/4SW1/4/4SE1/4  
SECTION 29, LOT 7  
LOT 9  
LOT 10  
LOT 12  
LOT 13  
LOT 14  
LOT 15  
S1/2NE1/4NE1/4NW1/4  
SW1/4NE1/4NW1/4  
SE1/4NW1/4NW1/4  
NW1/4SW1/4NW1/4  
TRACT 101  
SECTION 30, LOT 31  
LOT 32

CONTAINING 119.29 ACRES, MORE OR LESS.

**CERTIFICATE OF SURVEYOR**

I, JUSTIN G. NESS, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS PRELIMINARY PLAT AND FIELD SURVEY WERE MADE BY ME OR UNDER MY SUPERVISION AND THAT BOTH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND IN COMPLIANCE WITH ALL STATE AND COUNTY STATUTORY PROVISIONS AND REGULATIONS. THIS PLAT AND SURVEY WERE CREATED FROM AN ACTUAL FIELD SURVEY PERFORMED ON 11/18/2013.



JUSTIN G. NESS  
WYOMING PLS 14276

**PRELIMINARY PLAT**  
SHOWING  
**CLDC SUBDIVISION**  
WITHIN  
THE CITY OF CODY  
SECTIONS 20, 29, AND 30  
RESURVEY, T.53N., R.101W., 6TH P.M.  
PARK, WYOMING  
CODY LAND DEVELOPMENT CORPORATION, CODY, WY

PROJECT NO: 131275

**GDA**  
ENGINEERS

ENGINEERING • SURVEYING • PLANNING  
1508 STAMPEDE AVE., CODY, WYOMING 82414

SURVEY COMPLETED  
DATE: 11/18/2013  
BY: LP  
REVIEWED BY: JN

**WATER RIGHTS**  
NO REMAINING WATER RIGHTS HAVE BEEN IDENTIFIED AT THIS TIME. CURRENTLY THE SUBDIVIDER IS WAITING ON RESPONSE FROM THE STATE ENGINEER'S OFFICE.

DATE OF PREPARATION: 12/05/2013

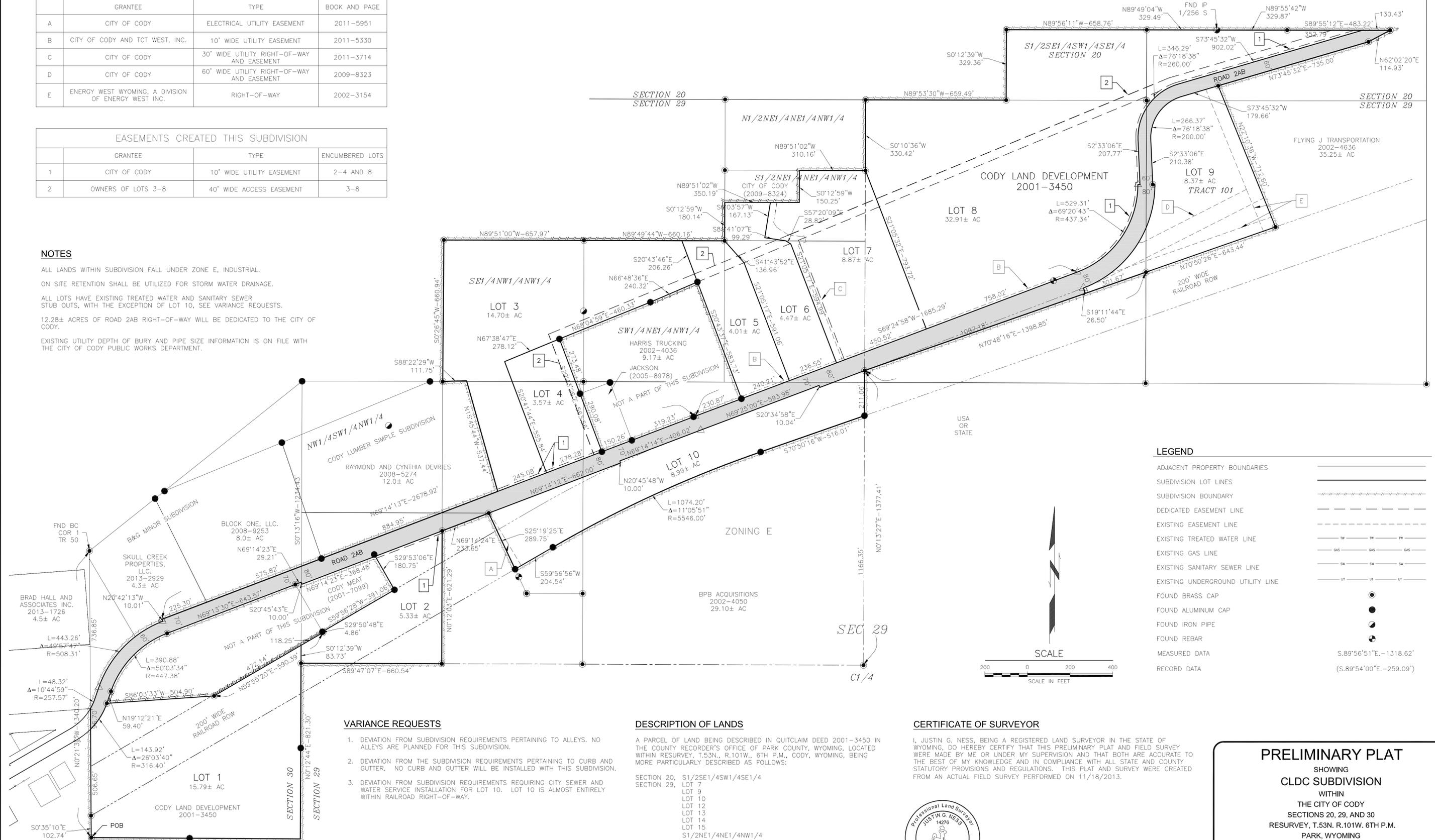
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1508 STAMPEDE AVE., CODY, WYOMING 82414

SURVEY COMPLETED  
DATE: 11/18/2013  
BY: LP  
REVIEWED BY: JN

**BASIS OF BEARINGS**  
THE CITY OF CODY HORIZONTAL AND VERTICAL CONTROL SYSTEM WAS USED AS THE BASIS OF BEARINGS

**WATER RIGHTS**  
NO REMAINING WATER RIGHTS HAVE BEEN IDENTIFIED AT THIS TIME. CURRENTLY THE SUBDIVIDER IS WAITING ON RESPONSE FROM THE STATE ENGINEER'S OFFICE.

DATE OF PREPARATION: 12/05/2013

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

<b>MEETING DATE:</b>	DECEMBER 10, 2013	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SITE PLAN REVIEW: LEGACY RESERVES OPERATING, LLC RAILROAD SIDING FACILITY SPR 2013-36	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Scott Bliss of Legacy Reserves Operating LP, has submitted an application for development of a crude oil rail loading facility between the BNSF railroad and Road 2AB, approximately one mile east of Highway 120.

**REVIEW CRITERIA:**

Section 9-2-3 of the City of Cody code states:

*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 architectural and landscaping review authority of 10-10E-3 is applicable.*

**SUMMARY:**

The location of the proposal is on the south side of Road 2AB, essentially in front of the Celotex facility. To separate the oil loading facility from 2AB the applicant proposes to install an 8-foot wide strip of cobble rock (3-8" in diameter) and delineator poles (reflectors on fiberglass or metal stakes) along the edge of Road 2AB. An area of undisturbed/native vegetation provides additional separation from 2AB. The one-way gravel access road will function as both a travel and unloading area for tanker trucks, where their cargo will be transferred to rail car through a sealed piping system. The eight feet of the access road closest to the railroad track is designed as a spill containment and storm water collection feature, with a plastic liner. A 2" HDPE pipe with connection risers spaced every 60 feet (the length of a standard tank car) is provided along the railroad track. The pipe is used to capture gases from the crude oil transfer process and transport those gases to a combustor flare at the east end of the project, where the gases are burned. The combustor is a 3-foot diameter and 20-foot tall structure commonly used in the oil field industry (see brochure). The proposed

combustor will have the gas assist option to destroy 99.9% of the BTEX (benzene, toluene, ethylbenzene, and xylene-volatile aromatic compounds typically found in petroleum products) and volatile organic compounds. Unloading each truck takes less than two hours and the combustor only operates during the unloading/filling process.

Restroom facilities for the employees are proposed to be provided by an electronic incinerator toilet in a concrete pre-fabricated structure (see brochure).

Legacy Reserve's crude oil will primarily come from the Oregon Basin, although the developer would like to offer the services to other oil producers. The applicant's narrative notes that they initially plan to unload 3 to 4 tanker trucks per day, with a potential of up to 25 trucks per day if other users utilize the facility. The intended route for the Legacy Reserves product is depicted on Sheet 1 of the drawings (Greybull Highway to Sage Creek Road, to Big Horn Avenue, to Highway 120 and Road 2AB). While it is appreciated that the route avoids 17<sup>th</sup> Street and the 16<sup>th</sup> Street and Sheridan intersection, the amount of traffic is low enough that requiring a specific route does not appear necessary.

#### Zoning Restrictions:

Section 10-10E-1, (Uses Permitted) of the Industrial E district includes the following language: "...Certain uses, otherwise permitted in this zone are prohibited in the airport overlay zone: towers, stable flammable liquid storage and liquefied petroleum gas storage." Reading this backwards, stable flammable liquid storage is permitted in the E district when outside of the airport overlay zone, which is the case here. If storage is permitted, then it is interpreted that handling (e.g. loading/unloading) would also be permitted.

However, it is also necessary to address Section 10-10E-2, (Prohibited Uses) which states: "Use is specifically prohibited within an E district for the storage or handling of explosives, caustics, unstable flammable liquids, or toxic or hazardous material or substances." Sour crude oil is a highly flammable liquid, but not classified as "unstable" under normal conditions (based on review of MSDS sheets). However, it is treated as an "extremely toxic material" on MSDS sheets staff viewed in researching the topic. It is presumed that this is due to the highly toxic and immediate effects (respiratory distress or death) from inhalation of high concentrations of hydrogen sulfide, although there are also less immediate effects from exposure to high concentrations of BTEX (carcinogen and reproductive/embryo toxin effects).

Staff has not been able to fully reconcile the language in these two sections. Specifically in this case, crude oil is a stable flammable liquid that would at first seem to be permitted, yet according to the second section would be prohibited due to toxic characteristics. The zoning ordinance language does not specify the level of toxicity or hazard, so it could be interpreted that any substance with any level of toxicity or hazard would be prohibited, which is simply not practical with industrial activities.

It is also noted that pursuant to Chapter 3-7 of the City code, oil drilling wells and presumably associated collection/handling are permitted in all zoning districts in the city (subject to compliance with specified standards). This also conflicts with the language in the second section noted above. Such conflicting standards causes difficulty for staff as we attempt to give the Board and applicants clear guidance.

As the Planning and Zoning Board is aware, there is a pending ordinance amendment to adopt a new heavy industrial zone, and rezone much of the 2AB area to that zone, including this property. The new zone would appear to permit the proposal, as the prohibition of handling toxic and hazardous substances would be eliminated. The new zone will not be adopted until January 21<sup>st</sup> at the earliest (effective January 27<sup>th</sup>). Looking at the Legacy Reserves proposal from the perspective of a legal challenge on the toxic and hazardous waste language, if this proposal is approved and there is a new zone effective in the near future that more clearly permits the activity, then at most a re-review under the new zone would be necessary if the Board was determined to have mistakenly approved it. Alternatively, if the Board were to deny the proposal based on this language, reapplication could be made under the new zone once it became effective.

#### Architecture:

The only structures are the restroom facility and the flare combustor. The restroom facility is a prefabricated concrete structure (6'8' wide by 11'1" long and 10' 6" tall) with a stucco finish and painted concrete roof. The color(s) has not been indicated.

The combustor is shown with a light brown/tan painted finish, which should blend well with the area. The proposed combustor will be enclosed so that the flame is not visible.

#### Landscaping:

The proposed landscaping plan includes the large cobble but no vegetation. Regarding the large cobble, Public Works asks that it be modified so that the area between the edge of the 2AB asphalt and the reflective delineators has a drivable aggregate surface. The width of this area is shown as two feet, but the Board should discuss whether a greater distance is needed to provide more room for disabled vehicles to pull towards the side of the road.

#### Parking and Access:

Sufficient area is available along the gravel lane for any parking needs associated with the unloading/loading operations. Access is via a one-way lane. The west driveway connection to 2AB is proposed at almost 300 feet wide, and starts immediately next to the Glasroc Way. For safety concerns, staff requests that the approach be narrowed by not starting until at least 150 feet east of Glasroc Way. This still leaves nearly 150 feet for an approach.

### Exterior Lighting

Initially the operations will be conducted during daylight. If demand requires nighttime activity, the applicant contemplates installing city standard LED streetlight poles along the length of the project, as shown on Sheet C1.2. The streetlights, although 28 feet tall, are down lit in design.

### Neighborhood Compatibility, Setbacks and Buffers, and Height Requirements

There are no specified zoning setbacks or height limits in this zone. No buffers are required for this proposal. It is simply required that the operations occur outside of the Road 2AB right-of-way as proposed.

It is noted that the applicant has obtained operating easements from BNSF and the Bureau of Reclamation for the project. However, staff review discovered that property owned by the Cody Land Development Corporation is also involved. The applicant has met with CLDC and they have indicated that they will negotiate a lease for the use. Technically for a lease to occur, a lot must be created, which is in process.

### Storm Water Plan:

An engineered storm water plan has been submitted and meets the requirements of the city's storm water management policy.

### Snow Storage

Snow storage can occur in the "undisturbed area" of the property if needed.

### Utility Services

The combustor will utilize natural gas service, which will need to be coordinated with the gas provider. Power is needed for the restroom and incinerator toilet. The applicant prefers to not have to install sewer or water connections as employee use of the restroom is expected to be minimal. If a sewer connection is used it also means water is being used to serve the restroom, and the restroom would need to be heated during the winter months to avoid freezing. The applicant would like to avoid the additional costs for such. According to the product literature the electric toilet does not discharge odors in the incinerator process due to a catalyst in the toilet. Planning and public works staff is okay with the incinerator toilet setup for light use in this situation; however, to do such would appear to require a variance to the City's utility connection requirements. The applicant is preparing a request for City Council to consider on the matter. If the Board has a recommendation on the issue, it would be appreciated.

Electrical service has been coordinated and will require some extension work and costs to be borne by the developer. An estimate for the city work has been provided to the developer's engineer.

### Signage

The proposal includes one freestanding advertising sign measuring 4 feet by 2 feet to be

located near the west end of the project. Additional 1-foot by 2-foot signs will mark the entrance and exit to the facility. Traffic signs include a "Stop" sign, "One-Way" sign and "Do Not Enter" sign. The number, type, and locations meet the requirements of the sign code.

#### Hydrants

Fire hydrants exist all along the north side of Road 2AB for the length of this project.

#### Frontage Status

There is no curb, gutter, or sidewalk along Road 2AB. The master street plan does not identify a road standard for Road 2AB, as it was outside of the City the last time the plan was updated. Frontage improvements do not appear to be warranted at the present time, although an agreement for future participation in an improvement district will be discussed with the subdivision of this property.

#### **ATTACHMENTS:**

Application materials.

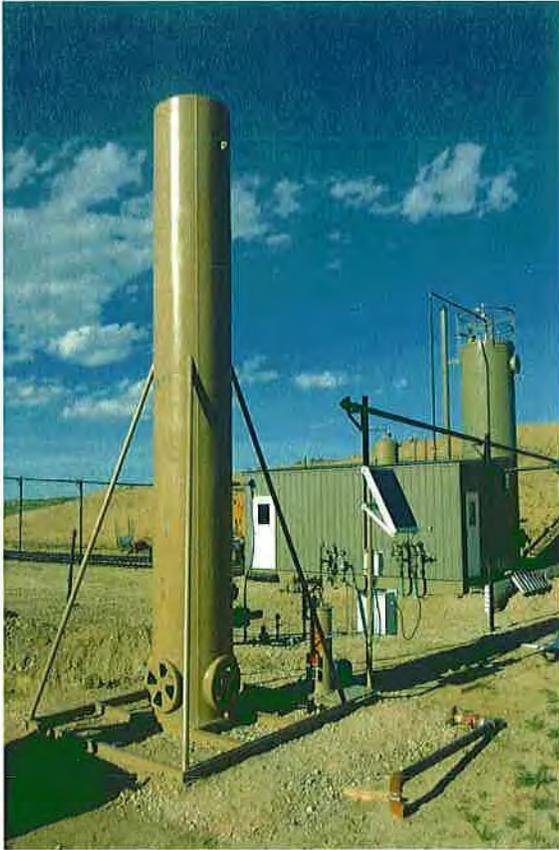
#### **ALTERNATIVES:**

Table, approve, or deny the site plan with or without changes.

#### **RECOMMENDATION:**

It is recommended that the Planning and Zoning Board approve the project subject to the following items:

1. Provide a copy of the BNSF operating easement and evidence of an executed lease with CLDC prior to commencing site development.
2. Use of the incinerator toilet is subject to City Council authorizing a waiver from the sewer and water utility connection requirements.
3. Provide an updated site plan with the following changes:
  - a. Show the requested drivable aggregate surface between the Road 2AB pavement and the reflectors.
  - b. Reduce the entrance width by not starting the entrance until 150 feet from Glasroc Way.
4. All necessary environmental permits must be obtained from WY DEQ prior to commencing operations.
5. The combustor must utilize the gas assist option.
6. The storm water facilities be inspected and certified by the applicant's engineer that they were completed according to approved plans, prior to operations.
7. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.

**CAMERON 36" ENCLOSED COMBUSTOR**

Cameron Process System's enclosed combustor was developed and tested in Wyoming, perhaps the nation's most stringent state on emissions standards. Our combustor has been used and field-proven for more than 10-years. It is available in an assist gas option that will maintain optimum temperature to effectively destroy 99.9% of BTEX and VOC emissions, unlike back pressure systems that emit harmful vapors while coming up to temperature. Our combustors are also available with burner management systems to constantly control or monitor combustors operation and come standard with adjustable air dampeners to properly control air to fuel mixture.

**Removes 99.9% of all  
BTEX® and VOC Emissions**

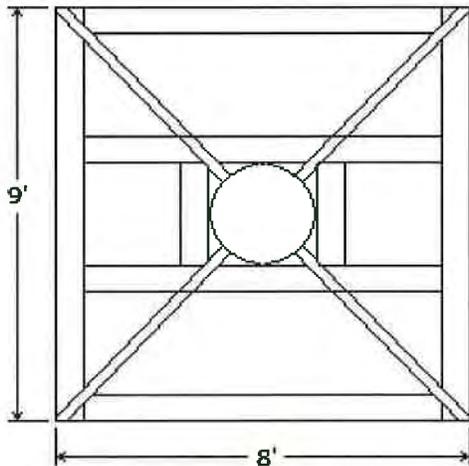
**FEATURES AND BENEFITS**

- 99.9% BTEX and VOC DESTRUCTION exceeds all current state and federal regulations
- SKID MOUNTED for easily transporting to other locations
- 3/8" WALL CONSTRUCTION for combustor wall integrity and reliability
- 2" SCHEDULE 40 PIPE SUPPORTS for extra stability and strength
- LOW NOISE, SMOKELESS and NO VISISBLE FLAME due to enclosed burners
- (4) STANDARD ADJUSTABLE AIR DAMPENERS for proper air/fuel mixture from all sides
- ASSIST GAS OPTION to constantly maintain BTX and VOC destruction
- SKID MOUNTED BURNER MANAGEMENT SYSTEMS for constant control and monitoring
- HIGH TURNDOWN RATIO for high or low volume
- FULLY STAFFED SERVICE DEPARTMENT to install or maintain your combustor

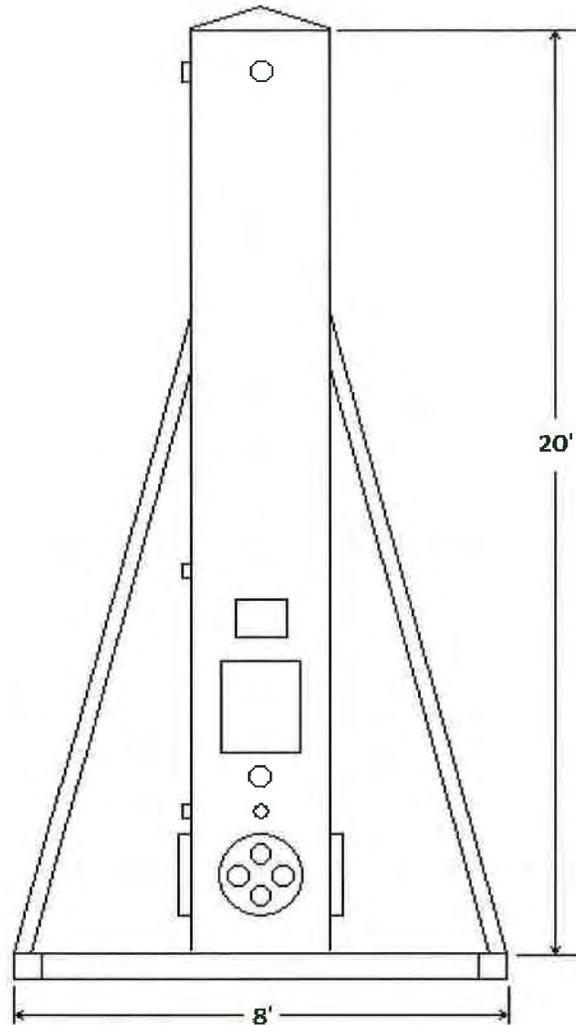
**36" Combustor Dimensions**  
**36" OD x 20'**

**Combustor Skid**  
**8' x 9', 6" I-Beam**

**4" NPT Inlet**  
**1/2" FNPT Pilot**  
**1" FNPT Assist Gas (Optional)**  
**4" FNPT Test Port**  
**4" FNPT Sight Glass (Optional)**  
**1" FPT Thermocouple Connection**



**COMBUSTOR SKID**



**36" X 20' COMBUSTOR**

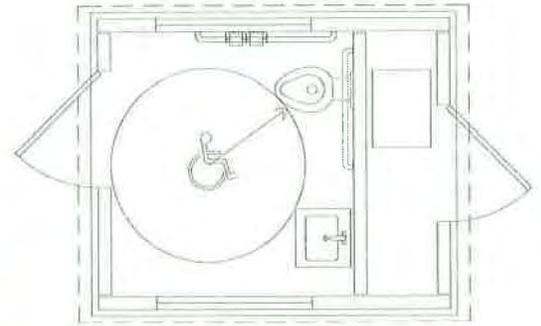
## APPLICATIONS

- TANK BATTERIES
- GAS STORAGE FACILITIES
- COMPRESSOR STATIONS
- REFINERIES



# Travis 1101

ADA-Compliant, Single-Room Restroom Building with One Flush Toilet and One Sink



## DESCRIPTION

A superior, concrete, ADA-compliant, single-room restroom building, with one flush toilet and one sink, and including floor, walls, a rear service chase and a gable roof. The **Travis 1101** has a painted stucco exterior with a painted concrete roof. This model ships in one section.

## MATERIALS OF CONSTRUCTION

The **Travis 1101** restroom facility is designed and manufactured to withstand average wind loads, snow loads and seismic activity for the specific geographic region in which it will be installed and in accordance with governing building codes and the stresses and shocks common to buildings.

The **Travis 1101** is constructed of 5,000 psi concrete with steel reinforcement in the floor and walls tied together such that the floor is poured around the walls, thus providing superior strength and durability. Walls and roof are 4" thick; the floor is a minimum of 8" thick. All vertical building sections are joined with three welding surfaces, and the roof sections are welded to the walls. Doors and building vents are painted galvanized steel, with galvanized steel door frames attached in a manner that allows replacement, as necessary. The **Travis 1101** building section can be lifted as a single unit and positioned onto a customer-provided and engineered concrete slab or prepared surface.

## DIMENSIONS

Length: 9'5", Width: 7'10",  
Height: 9'10", Weight: 27,507 lbs.

## BUILDING FINISH

**Exterior walls and roof:** The exterior concrete walls of the building have a standard 5,000 psi stucco finish. Two coats of a modified latex exterior paint, as manufactured by Benjamin Moore, are applied at the factory. Colors for the exterior concrete walls and roof are selected by owner. The exterior roof has an application of a polyamide epoxy base coat followed by a 2-part aliphatic acrylic urethane coating, as manufactured by Benjamin Moore. Optional exterior surface reveals for the walls and roof are available.

**Exterior doors and frames:** These surfaces are primed, followed by 2 coats of urethane alkyd enamel. Color is selected by the owner.

## Interior Walls, Ceiling, and Floor:

The interior wall and ceiling surfaces of the building are steel troweled, followed by a 2-part polyamide epoxy coating, as manufactured by Benjamin Moore. The interior floor surface is steel troweled, followed with a broom finish. Because the floor is a high wear surface, a 2-part polyamide epoxy coating is available as an option. Colors for all interior surfaces are selected by the customer.

## ELECTRICAL

Energy Star compliant lighting is provided in the toilet room and service chase and on the exterior of the building adjacent to the doors. Toilet room and exterior door lights are powered with separate 110 volt circuits and controlled by mechanical timers located in the rear service chase. An electric receptacle is provided in the service chase area for convenience.

## APPLICABLE BUILDING CODES

- International Building Code
- International Plumbing Code
- International Mechanical Code
- International Energy Conservation Code
- National Electrical Code
- US ADA National Accessibility Standards



All WalCon products are manufactured to the most rigorous design factors presented in the International Building Code for all geographical areas within the continental United States, with the exclusion of barrier islands.



Since 1980.

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P.O. Box 1135, Wallis, Texas 77485 1-800-852-7880 | 979-478-7314 | Fax: 979-478-6753

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ELECTRIC INCINERATING TOILET

INCINOLET

**SPECS & PRICING**

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- EASY INSTALLATION
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**Toilet Models  
Liners & Accessories**

**TOILET MODELS:**

	CF	RV	TR	WB*
<b>Uses</b>	Home, Cottage, Shop, Barn	Motorhome, RV, Trailer, Industrial	Fulltime, Heavy Use	Houseboat, Workboat
<b>Serves</b>	4	4	8	4 (8)
<b>Volts**</b>	120	120	240	120 (240)
<b>Watts</b>	1800	1800	3600	1800 (3600)
<b>Amps</b>	15	15	15	15
<b>Warranty</b>	1 year	1 year	2 years	2 years
<b>List Price</b>	\$1899	\$1929	\$2049	\$2099
<b>Current Sale Price</b>	\$1799	\$1829	\$1849	\$1899

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\* Model WB is US Coast Guard certified for marine use.

\*\* 208 volts available on models TR and WB

**LINERS & ACCESSORIES:**

**Bowl Liners, Pre-folded, box of 200**

Bowl Liners, pre-folded, box of 200, for use with all models.

Price: \$18.00

Product Code: LIN001

[Add to Cart](#)

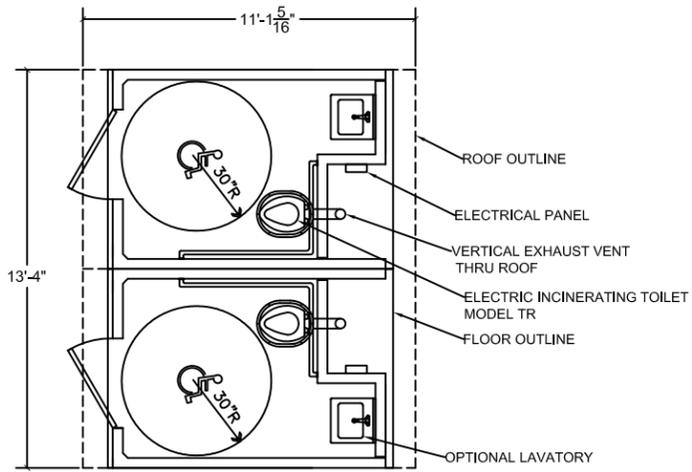
**Dispenser for Bowl Liners**

Dispenser is a stainless steel box which can be hung on the wall. Box of bowl liners fits in the dispenser for easy access.

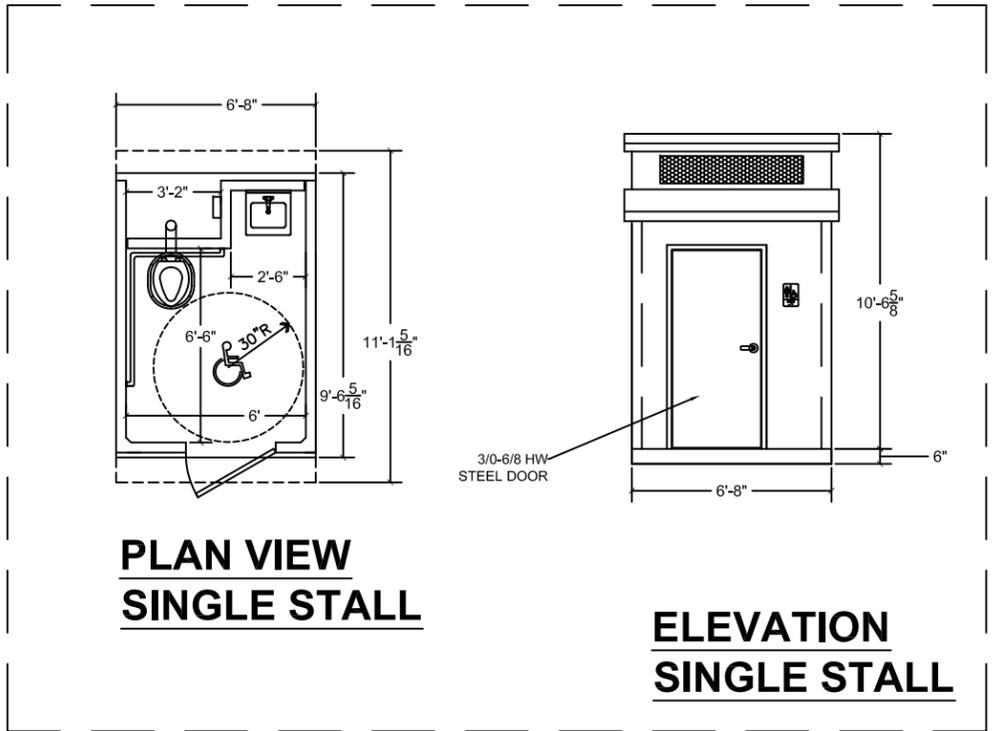
Price: \$14.95

Product Code: DIS001

[Add to Cart](#)

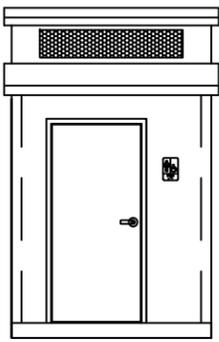


**PLAN VIEW  
JOINED**

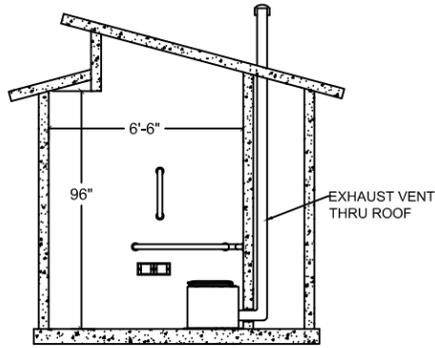


**PLAN VIEW  
SINGLE STALL**

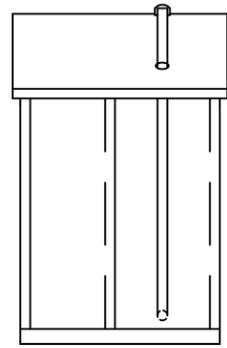
**ELEVATION  
SINGLE STALL**



**FRONT ELEVATION  
SINGLE**



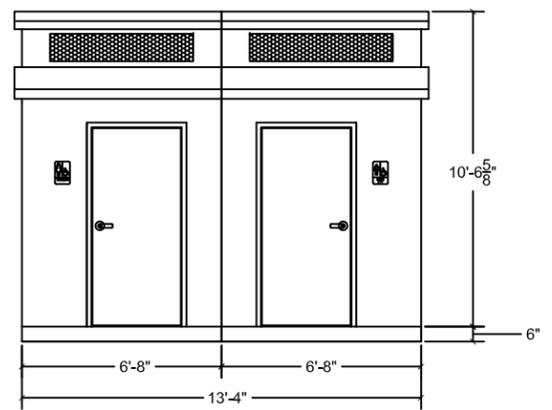
**SIDE ELEVATION**



**SIDE ELEVATION**



**FRONT ELEVATION  
SEPARATED  
DOUBLE STALL**



**FRONT ELEVATION  
MODULES JOINED  
DOUBLE STALL**

WALLIS CONCRETE, LLC  
P.O. BOX 789 \* WALLIS, TEXAS 77485

WALCON® MODEL  
TRAVIS 1101 w/options

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FAX: (979) 478-6753

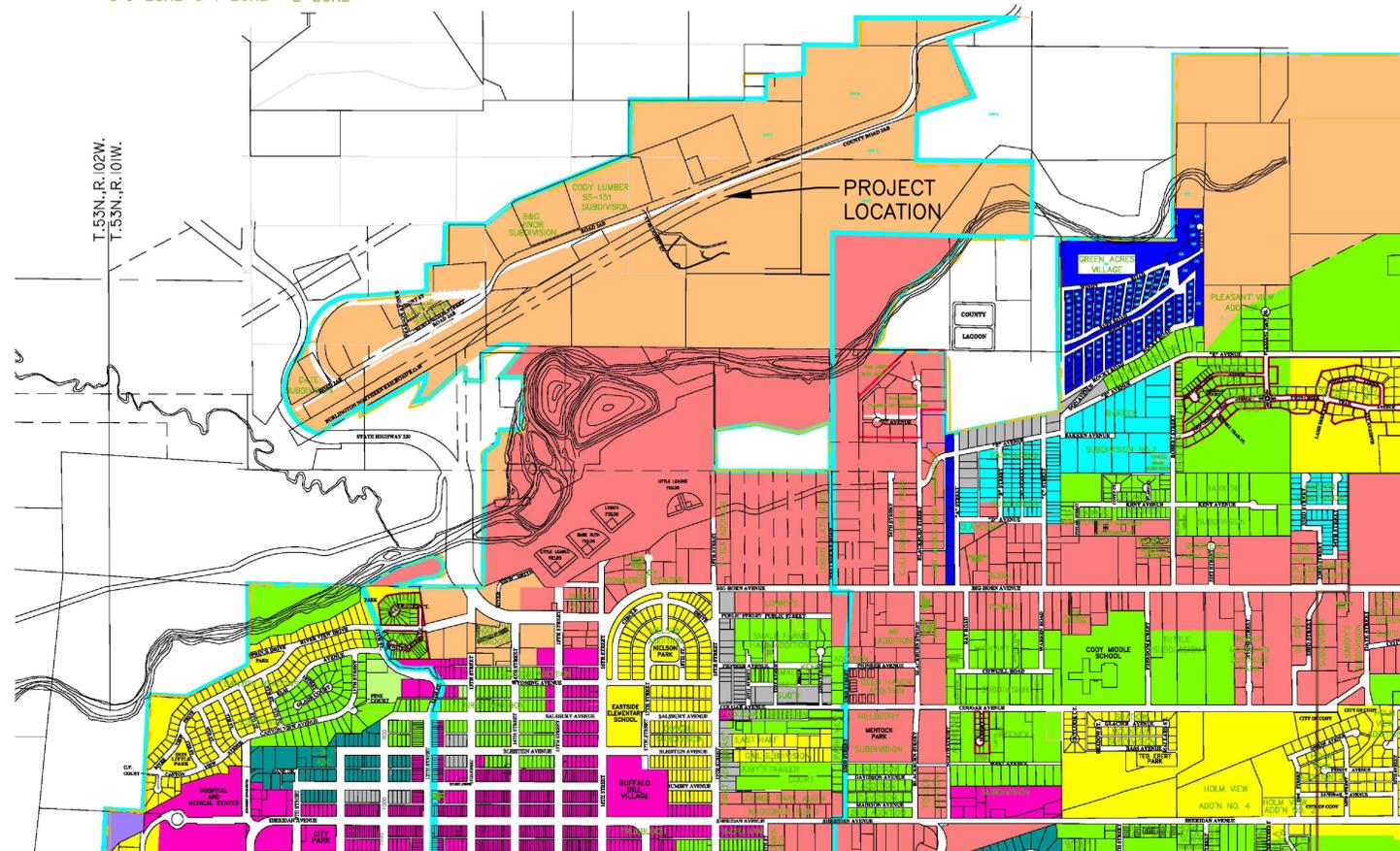
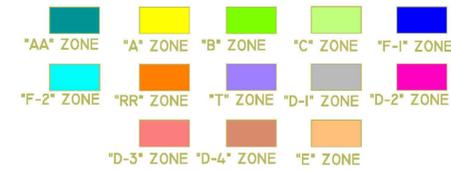
# LEGACY RESERVES OPERATING, LP CODY, WYOMING

## CONSTRUCTION DRAWINGS OF RAILROAD SIDING DEVELOPMENT PLAN

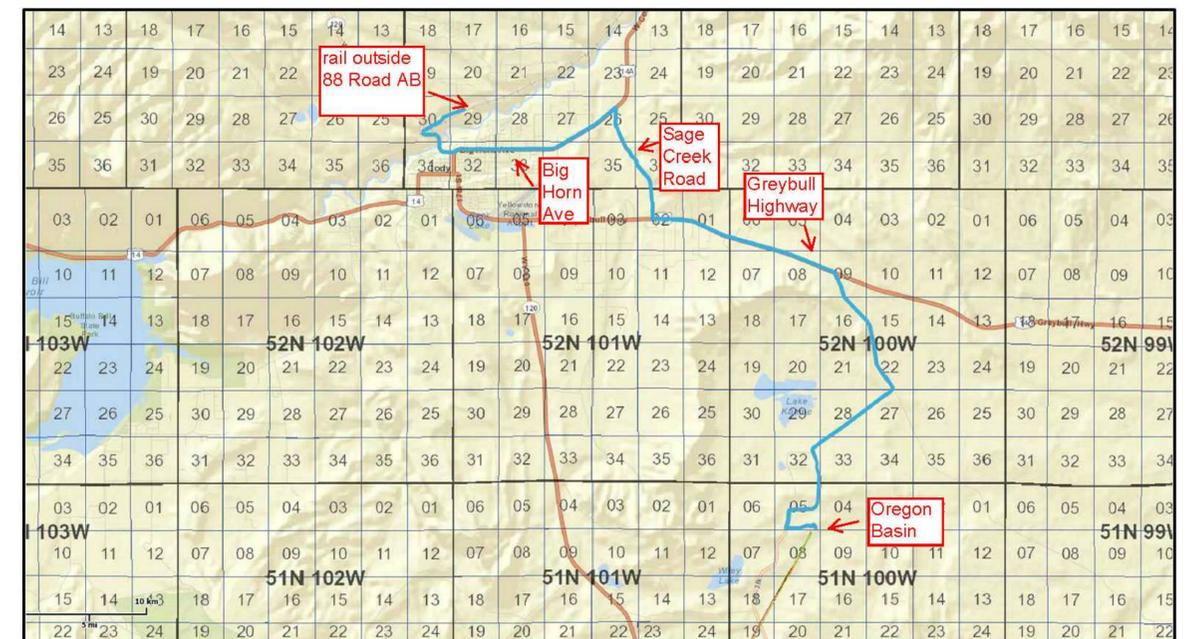
PREPARED BY  
ENGINEERING ASSOCIATES  
CONSULTING ENGINEERS & SURVEYORS  
902 13TH STREET  
CODY, WY 82414

### INDEX TO DRAWINGS

TITLE	SHEET NO.
TITLE SHEET.....	C1.0
EXISTING SITE.....	C1.1
SITE PLAN.....	C1.2
DETAILS.....	C1.3



- NOTE:
1. ZONING FOR THE PROJECT PROPERTY AND SURROUNDING AREAS ARE ZONED "E", INDUSTRIAL.
  2. THERE ARE NO SET BACKS FOR THIS ZONING.



TRUCK ROUTE PLAN



P:\2013\13094 Legacy Reserves LP-Railroad Siding\road\13094-SITE PLAN SET.dwg TITLE 11/21/13 CLIFF

DATE	DRAWING LOG	BY	CHECKED	APPROVED
07/30/13	ORIGINAL DRAWING	MMR	TLC	

DRAWN BY: MMR  
JOB NO. 13094  
FIELD BOOK NO. 525



ENGINEERING ASSOCIATES – CODY, WYOMING  
CONSULTING ENGINEERS & SURVEYORS

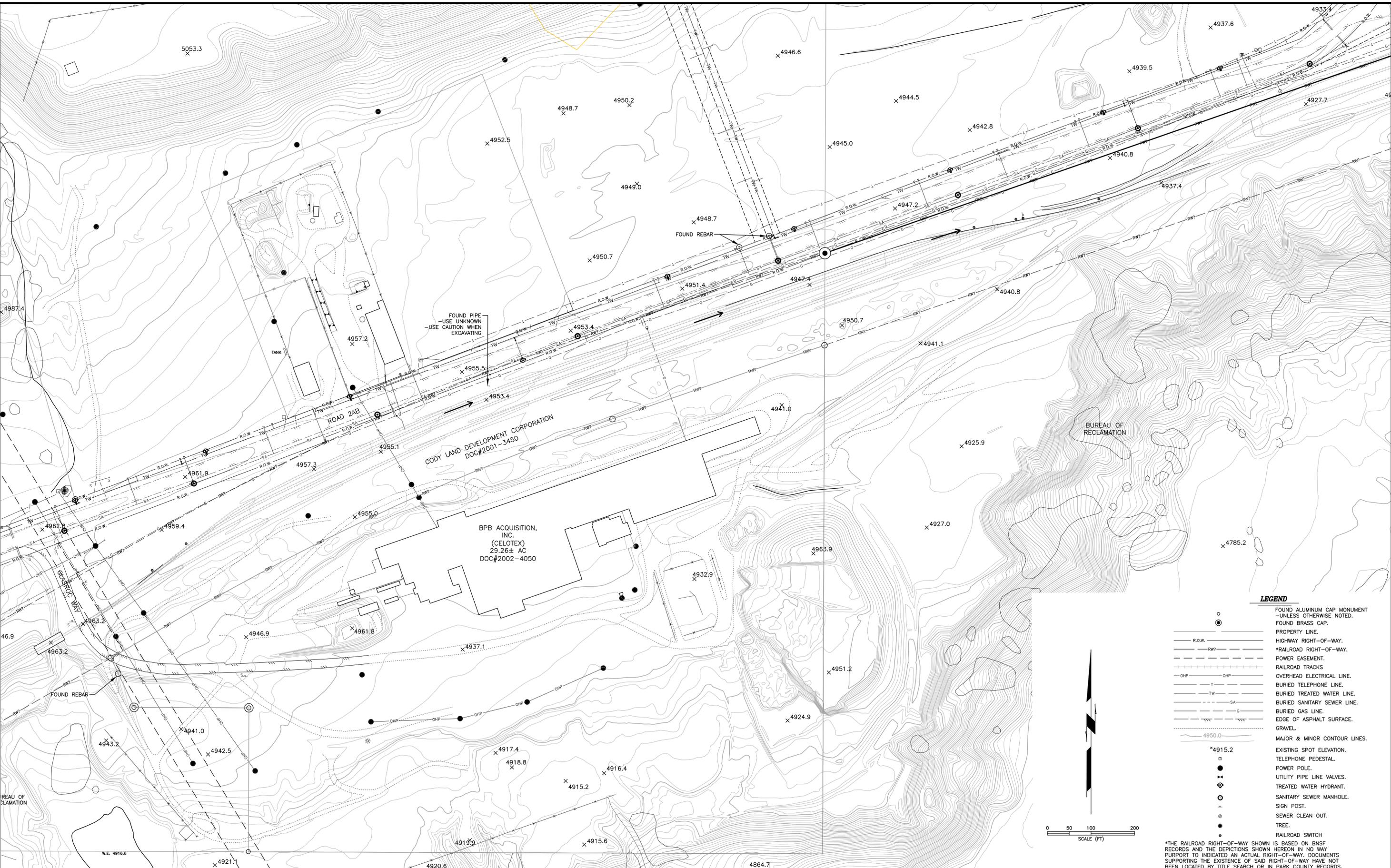
OWNER: LEGACY RESERVES  
OPERATING, LP

PROJECT: RAILROAD SIDING DEVELOPMENT PLAN

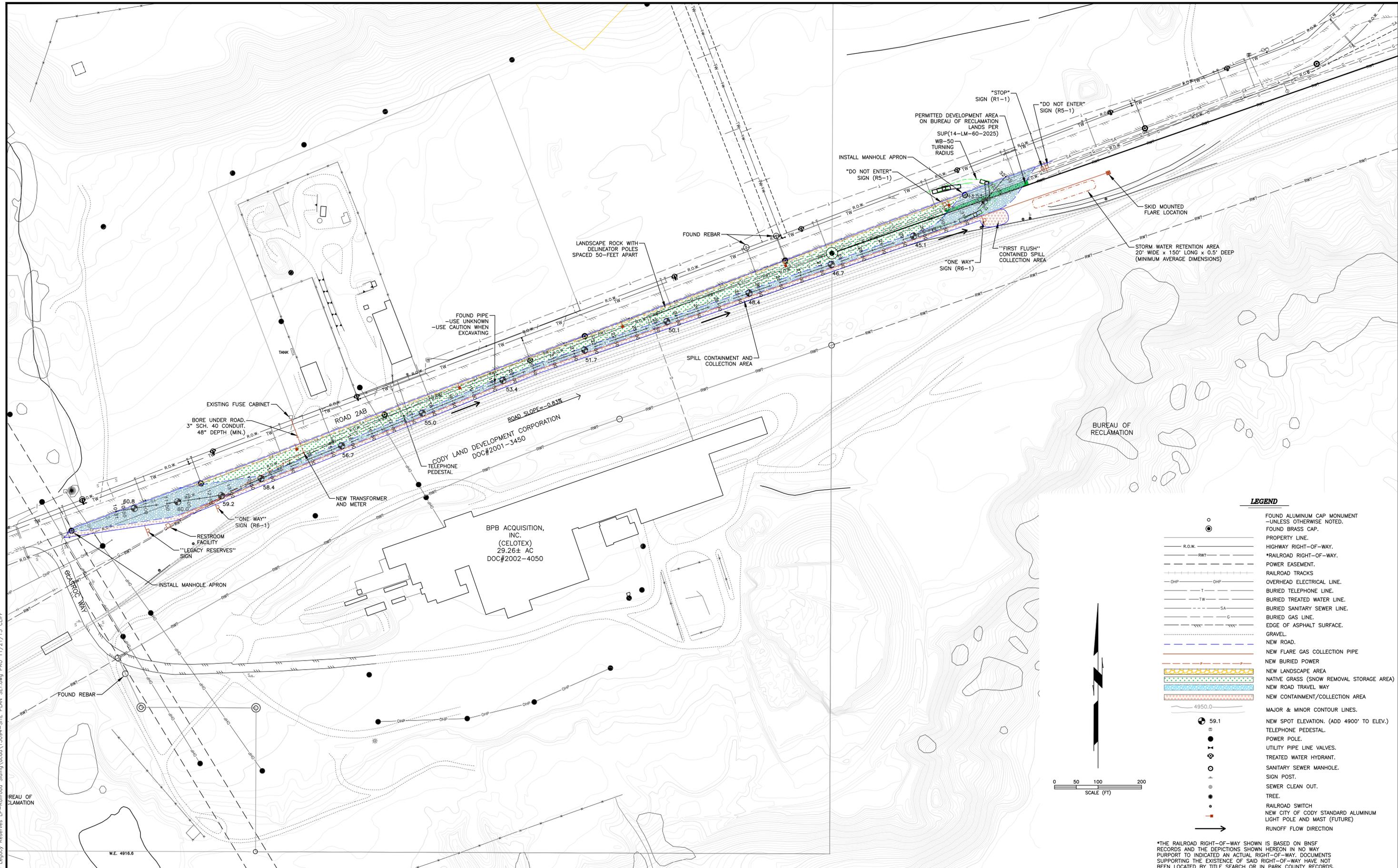
TITLE: TITLE

C1.0

P:\2013\13094 Legacy Reserves LP-Railroad Siding\road\13094-SITE PLAN SET.dwg EX 11/21/13 CLIFF

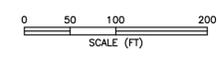


P:\2013\13094 Legacy Reserves LP-Railroad Siding\road\13094-SITE PLAN SET.dwg PRO 11/21/13 CLIFF



**LEGEND**

- FOUND ALUMINUM CAP MONUMENT  
-UNLESS OTHERWISE NOTED.
- FOUND BRASS CAP.
- PROPERTY LINE.
- R.O.W. HIGHWAY RIGHT-OF-WAY.
- R.W? RAILROAD RIGHT-OF-WAY.
- POWER EASEMENT.
- RAILROAD TRACKS
- OHP OVERHEAD ELECTRICAL LINE.
- TW BURIED TELEPHONE LINE.
- SA BURIED TREATED WATER LINE.
- G BURIED SANITARY SEWER LINE.
- BURIED GAS LINE.
- EDGE OF ASPHALT SURFACE.
- GRAVEL.
- NEW ROAD.
- NEW FLARE GAS COLLECTION PIPE
- NEW BURIED POWER
- NEW LANDSCAPE AREA
- NATIVE GRASS (SNOW REMOVAL STORAGE AREA)
- NEW ROAD TRAVEL WAY
- NEW CONTAINMENT/COLLECTION AREA
- 4950.0 MAJOR & MINOR CONTOUR LINES.
- 59.1 NEW SPOT ELEVATION. (ADD 4900' TO ELEV.)
- TELEPHONE PEDESTAL.
- POWER POLE.
- UTILITY PIPE LINE VALVES.
- TREATED WATER HYDRANT.
- SANITARY SEWER MANHOLE.
- SIGN POST.
- SEWER CLEAN OUT.
- TREE.
- RAILROAD SWITCH
- NEW CITY OF CODY STANDARD ALUMINUM LIGHT POLE AND MAST (FUTURE)
- RUNOFF FLOW DIRECTION



\*THE RAILROAD RIGHT-OF-WAY SHOWN IS BASED ON BNSF RECORDS AND THE DEPICTIONS SHOWN HEREON IN NO WAY PURPORT TO INDICATE AN ACTUAL RIGHT-OF-WAY. DOCUMENTS SUPPORTING THE EXISTENCE OF SAID RIGHT-OF-WAY HAVE NOT BEEN LOCATED BY TITLE SEARCH OR IN PARK COUNTY RECORDS.

DATE	DRAWING LOG	BY	CHECKED	APPROVED
07/30/13	ORIGINAL DRAWING	MMR	TLC	

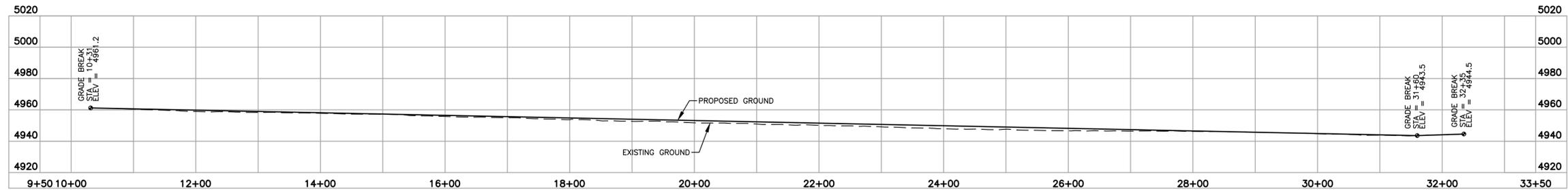
DRAWN BY: MMR  
 JOB NO. 13094  
 FIELD BOOK NO. 525

**ENGINEERING ASSOCIATES – CODY, WYOMING**  
**CONSULTING ENGINEERS & SURVEYORS**

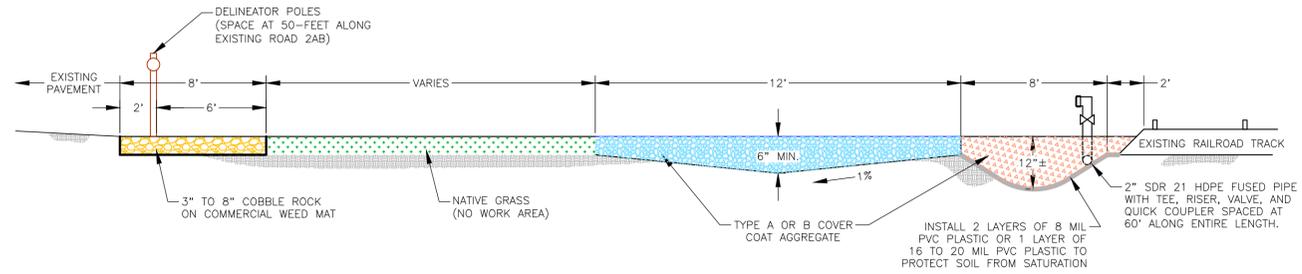
OWNER: LEGACY RESERVES OPERATING, LP

PROJECT: RAILROAD SIDING DEVELOPMENT PLAN  
 TITLE: PROPOSED SITE

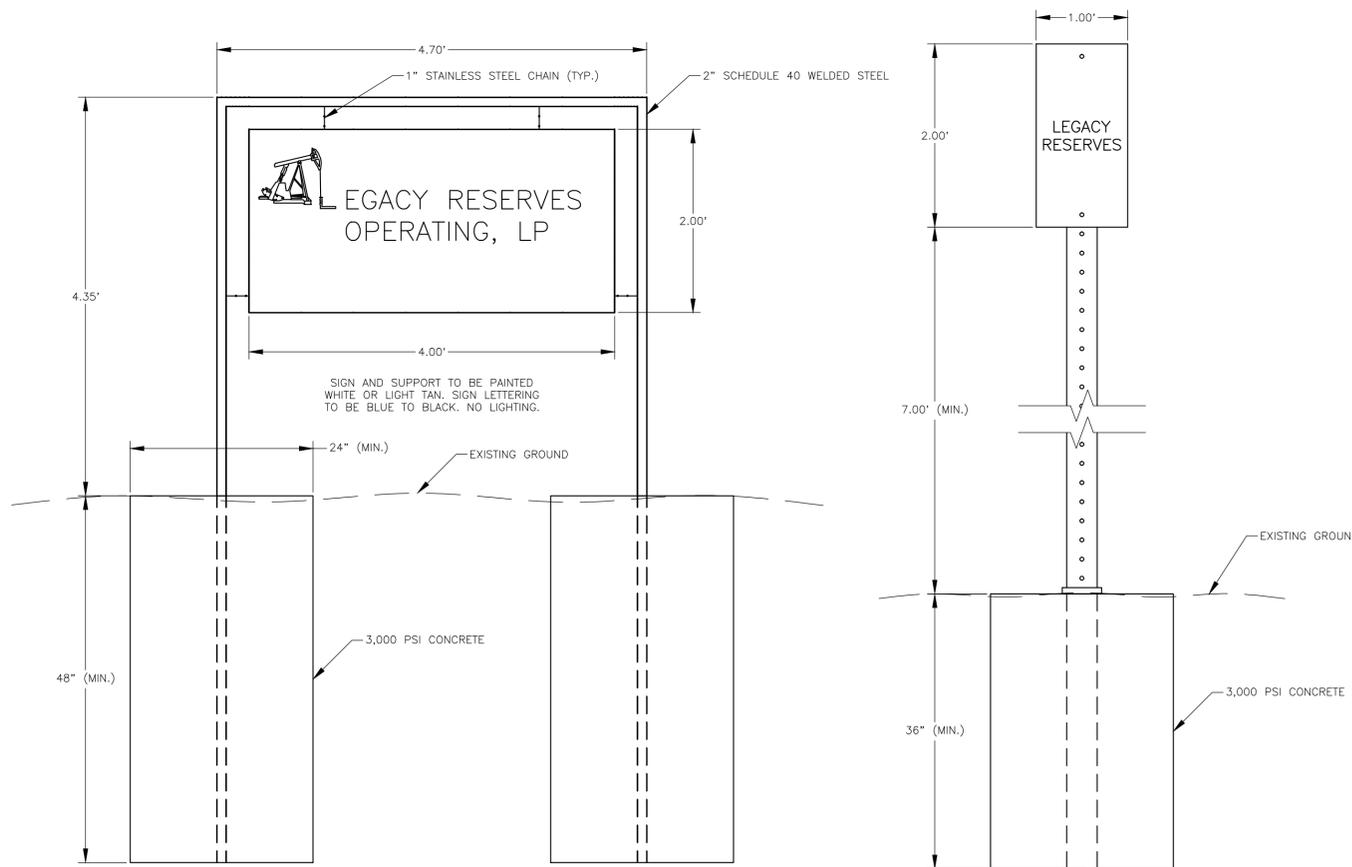
C1.2



PROPOSED ROAD PROFILE  
 HORIZONTAL SCALE: 1" = 100'  
 VERTICAL SCALE: 1" = 40'



TYPICAL ROAD CROSS SECTION  
 NOT TO SCALE



PROPOSED FUTURE SIGN  
 SCALE: 1" = 1'

ENTRY/EXIT  
 SCALE: 1" = 1'

TRAFFIC SIGNS

- (1) STOP SIGN: R1-1
  - 24" x 24" (RED/WHITE)
  - 6' RIGHT FROM ROAD EDGE OF PAVEMENT TO EDGE OF SIGN
  - MINIMUM 5' FROM EDGE OF PAVEMENT TO BOTTOM OF SIGN
  - APPROXIMATE STATION: 32+35 (R)
- (2) DO NOT ENTER: R5-1
  - 30" x 30" (RED/WHITE)
  - 6' RIGHT FROM ROAD EDGE OF PAVEMENT TO FACE OF SIGN
  - MINIMUM 5' FROM TOP OF GRAVEL TO BOTTOM OF SIGN
  - FACE APPROXIMATELY NORTH
  - APPROXIMATE STATIONS: 30+63 (L) & 32+35 (R)
- (1) ONE-WAY SIGNS: R6-1
  - 36" x 12" (BLACK/WHITE)
  - 6' RIGHT FROM ROAD EDGE GRAVEL TO EDGE OF SIGN (8' NORTH OF RAILROAD TRACK)
  - MINIMUM 7' FROM EDGE OF PAVEMENT TO BOTTOM OF SIGN
  - APPROXIMATE STATION: 12+61 (R) & 31+29 (R)

P:\2013\13094 Legacy Reserves LP-Railroad Siding\road\13094-SITE\_PLAN\_SET.dwg DETAIL 11/21/13 CLFF

DATE	DRAWING LOG	BY	CHECKED	APPROVED
07/30/13	ORIGINAL DRAWING	MMR	TLC	

DRAWN BY: MMR  
 JOB NO. 13094  
 FIELD BOOK NO. 525



ENGINEERING ASSOCIATES - CODY, WYOMING  
 CONSULTING ENGINEERS & SURVEYORS

OWNER: LEGACY RESERVES OPERATING, LP

PROJECT: RAILROAD SIDING DEVELOPMENT PLAN  
 TITLE: DETAILS

C1.3

**Chapter 10-13**

**NONCONFORMING LOTS, STRUCTURES, AND LAND USES**

Sections:

10-13-1	<u>Generally</u>
10-13-2	<u>Legal Nonconforming Status</u>
10-13-3	<u>Legal Nonconforming Lots</u>
10-13-4	<u>Legal Nonconforming Structures</u>
10-13-5	<u>Legal Nonconforming Uses</u>
10-13-6	<u>Expansions and Changes</u>

**10-13-1**      **Generally**

- A. Within the City of Cody there are lots, structures, and uses of land that were established before the Cody zoning ordinance was adopted, subsequently amended, or applied to the property, which do not comply with one or more of the present requirements of this title. Any such lot, structure, or land use that was lawfully existing on the effective date of this title, or subsequent amendments thereto, that does not presently comply with a requirement of this title shall be classified as “legally nonconforming” in respect to such requirement(s) and have all rights and restrictions pertaining thereto as set forth in this chapter. In addition, annexed properties may continue a nonconforming use that was lawful at the time of annexation and has not been discontinued for more than one year after annexation, as outlined in Wyoming Statute 15-1-410(a).
- B. A change of ownership, tenancy, or management personnel in a legal nonconforming situation shall not affect nonconforming status.
- C. It is the intent of this chapter to permit legal nonconforming structures and uses to continue until they are removed or replaced. Nonconforming structures and uses are declared incompatible with the structures and uses that conform to the zoning district requirements in which they are situated.
- D. This chapter separates nonconforming situations into three categories: Nonconforming lots; Nonconforming structures; and Nonconforming uses. Whether a property contains one or multiple nonconformities, each nonconforming aspect is to be treated individually as to legal status, termination, expansion, and all other provisions of this chapter.

- E. When the lot area, setback, or other dimensional requirement of an existing lot or structure is rendered nonconforming as the result of federal, state, or local government acquisition of land, such as right-of-way purchase, the lot or structure shall be deemed to be in compliance with the applicable standard.
- F. Land uses and structures that were established in violation of Title 10, Zoning Regulations, are deemed illegal and subject to abatement and compliance with this title, except as may be authorized by the Board of Adjustment pursuant to Wyoming Statute 15-1-608(b)(iii) and City of Cody Code 10-4-3(C)(4). When an illegally established land use or structure is permitted to continue pursuant to said sections, it shall thereafter be subject to this chapter as if it were legally nonconforming.
- G. The burden is on the owner and tenant of the property to comply with applicable zoning and development regulations. Failure of the City to enforce zoning and development regulations for any activity, land use, or structure that is in violation of this title shall not preclude the City from later enforcing applicable ordinances and regulations.
- H. The City Planner, or designee, is authorized to render a decision as to whether a nonconforming lot, structure, or use was lawfully established and whether any legal nonconforming status remains or has been lost pursuant to Section 10-13-2. The City Planner may refer such question to the Planning, Zoning, and Adjustment Board for a decision, at his/her discretion. Decisions rendered by the City Planner are appealable to the Planning, Zoning and Adjustment Board pursuant to City of Cody Code 10-4-3.

### **10-13-2 Legal Nonconforming Status**

Once the legal nonconforming status of a lot, structure, or land use is lost it shall not be reestablished. Except as may otherwise be permitted pursuant to this chapter, loss of a legal nonconforming status occurs:

- A. When the nonconformity is voluntarily eliminated by the owner, such as when a legal nonconforming use is replaced with a permitted use or conditional use, or when a nonconforming lot is merged with an adjacent lot and applicable lot size requirements are met.
- B. When a legal nonconforming use is discontinued or otherwise non-operational for a period of 365 days, or an extension period established pursuant to Section 10-13-5(a).
- C. When a legal nonconforming structure, as defined in Section 10-13-4, is demolished, destroyed, removed, or damaged to the extent that replacement cost would exceed 75% of the assessed value of the structure immediately prior to such event, except as provided for in Section 10-13-4(C).

- D. When a legal nonconforming use is replaced with a less-intensive nonconforming use as permitted by Section 10-13-6. In such case, the former nonconforming use is replaced with the new nonconforming use and cannot be reestablished.
- E. When a legal nonconforming use is replaced by an illegal use, in which case the legal nonconforming status is lost and the subsequent use, being illegal, shall be discontinued.

### **10-13-3 Legal Nonconforming Lots**

Lots or parcels that were legally created, but which do not presently conform to the applicable lot size, width, or other dimensional lot standards of this code are determined to be legal nonconforming lots.

- A. Any otherwise permitted structure may be constructed on a legal nonconforming lot if the structure and use of the structure will comply with all other provisions of this code, such as applicable setbacks, buffers, access, and parking requirements; provided, the property owner may request a special exemption or variance for any such provision that is not met.
- B. Lots may become legally nonconforming as the result of the adoption or changes to the zoning ordinance, but the City shall not grant permits that would create a nonconforming lot with the following exception. Lots dedicated for public utility facilities shall be exempt from the lot size requirements of this title.
- C. Legal nonconforming lots shall only be altered or reconfigured in a manner that achieves, or is closer to achieving, the lot size and dimensional requirements of the City's code.

### **10-13-4 Legal Nonconforming Structures**

A legally-permitted existing structure that is nonconforming only by reason of not meeting current setback, height, lot coverage, or other dimensional or architectural standards of this title is classified as a "Legal Nonconforming Structure". For legal nonconforming structures that also contain a legal nonconforming use, Section 10-13-5 shall apply rather than this section.

- A. Legal nonconforming structures may be remodeled, repaired, and enlarged by up to 50%, provided that any enlargement meets the current development standards of this title, no new dwelling units are created, the use of the structure is a permitted use, and in the Building Official's judgment the work does not significantly increase any life or safety hazards. If additional dwelling units are desired, enlargement exceeds 50% of the existing structure, or the Building

Official has a life or safety concern, the property owner may submit an application for review by the Planning, Zoning and Adjustment Board under Section 10-13-6. In determining the percentage of any enlargement, calculations shall be based on the gross square footage of the structure either at the time this provision was adopted (*insert Month Day, Year*) or the time the structure became legally nonconforming, whichever occurred most recently.

- B. When the enlargement or replacement of a legal nonconforming structure does not meet the development standards of this title, relief may be requested in the form of a special exemption or zoning variance.
- C. When a legal nonconforming structure is damaged by accidental fire, explosion or other casualty, act of God, the public enemy, or intentional acts other than those caused directly or indirectly by the owner, the structure may be restored to its legal nonconforming condition; provided, a building permit for restoration of the legal nonconforming structure must be obtained within 365 days of the damage and kept active until the project is completed.

#### **10-13-5 Legal Nonconforming Uses**

Any land use that was lawfully established, but which would now be prohibited at that location under zoning law, is classified as a legal nonconforming use; provided it has not lost that status pursuant to Section 10-13-2. A legal nonconforming use of land or structure(s) may be continued as long as the use remains otherwise lawful, as provided herein.

- A. A legal nonconforming use that is damaged or destroyed by accidental fire, explosion or other casualty, act of God, the public enemy, or criminal acts other than those caused directly or indirectly by the owner, may be restored or reconstructed. Such restoration or reconstruction shall be completed within 365 days of the date of damage or destruction and shall either duplicate, or be less nonconforming than, the original. The nonconforming use shall not be increased in size or intensity unless authorized pursuant to Section 10-13-6.

The Planning, Zoning and Adjustment Board may extend the time frame for restoration or reconstruction beyond the 365-day deadline, provided the owner or authorized agent can document that the reestablishment or reconstruction has been delayed due to pending insurance or court settlement directly related to the damage or destruction. The extension request must be submitted prior to the 365-day deadline.

- B. A legal nonconforming use may be expanded throughout any existing building in which it is located. A legal nonconforming use may not be expanded or otherwise modified to occupy any area outside such existing structure(s) except

as may be authorized by the Planning, Zoning, and Adjustment Board in accordance with Section 10-13-6.

- C. Any legal nonconforming use of land located outside of a building shall not be expanded in area except in accordance with Section 10-13-6; provided, legal nonconforming mining operations may expand to the extent of their current Wyoming DEQ Land Quality Division mining permit without such review.
- D. No legal nonconforming use shall be transferred from one property to another. Expansion onto adjacent lands may be considered under Section 10-13-6.
- E. A legal nonconforming use may be replaced with a less-intensive nonconforming use when authorized pursuant to Section 10-13-6. For purposes of regulating and defining what constitutes a change in land use, "land use" means each individual use listed in the zoning ordinance. When the use is not listed, "land use" shall mean the specific activity being conducted.
- F. Nothing in this section shall be construed to restrict normal repair and maintenance activities of a structure containing a legal nonconforming use, provided:
  - (1) The value of work and materials in any twelve-month period does not exceed twenty-five percent of the assessed value of the structure prior to such work; and
  - (2) The required maintenance and repair activities are not for the purpose of increasing the area or scope of the use.Work exceeding these limitations may be considered pursuant to Section 10-13-6.
- G. Voluntary replacement of a structure containing a legal nonconforming use may be considered pursuant to Section 10-13-6.

#### **10-13-6 Expansions and Changes**

- A. The Planning, Zoning and Adjustment Board shall consider applications for: the enlargement or expansion of a legal nonconforming use within a lot; expansion of a nonconforming use onto adjacent lands; the change of a legal nonconforming use to a different, less-intensive nonconforming use; repair and maintenance of a legal nonconforming use exceeding the limitations of Section 10-13-5(F); voluntary replacement of a structure containing a nonconforming use; and the expansion of a legal non-conforming structure by more than fifty percent. The Board may grant the relief requested if they find the following:
  - (1) In the case of a nonconforming use, that the use was lawful at the time of its inception;

- (2) That the significance of any hardship to the applicant from denial of the request is more compelling than, and reasonably outweighs, the benefit the public would receive from denial of the request;
  - (3) That the proposal is compatible with the character of the neighborhood to the extent that it does not jeopardize the future development or use of the surrounding area in compliance with this title and the master plan;
  - (4) That the project will otherwise comply with all applicable development standards and codes, such as parking and landscaping, unless a special exemption or zoning variance is granted for such.
  - (5) That the proposal will not otherwise be significantly detrimental to the public health, safety, or welfare.
- B. The Board may impose conditions on any approval granted in accordance with this section as necessary to mitigate potential adverse impacts to neighboring properties, public facilities, and natural systems.
- C. The application shall be reviewed by the Planning, Zoning, and Adjustment Board at a public hearing that has been advertised at least ten (10) days in advance. Notice of the public hearing shall be by publication in the local newspaper and by USPS first-class mail to all property owners within 140 feet of the subject property. The notice shall include the date, time, and location of the public hearing, along with a brief description of the proposal.

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

<b>MEETING DATE:</b>	DECEMBER 10, 2013	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	AMEND RECOMMENDATION TO CITY COUNCIL: BOUNDARY BETWEEN NEW HEAVY INDUSTRIAL ZONE AND TRANSITIONAL ZONE IN ROAD 2AB AREA ZON 2013-01	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**DESCRIPTION:**

At the November 26, 2013 meeting, the Planning and Zoning Board recommended to City Council the approval of the new Heavy Industrial Zone. The Board also recommended rezoning of land in the Road 2AB area to a combination of Heavy Industrial and Transitional. The Boundary between the Heavy Industrial and Transitional zone was based on a combination of topography and sectional (aliquot) descriptions (e.g. North ½ of the SE ¼ of the NW ¼ of Section...). We now have a detailed survey due to the proposed CLDC subdivision and staff would prefer that the boundary follow the proposed lot lines where appropriate. It was also necessary to increase the Transitional zone area to meet the 10-acre minimum required for the zone. The revised boundary is shown on the attached maps.

**RECOMMENDED MOTION:**

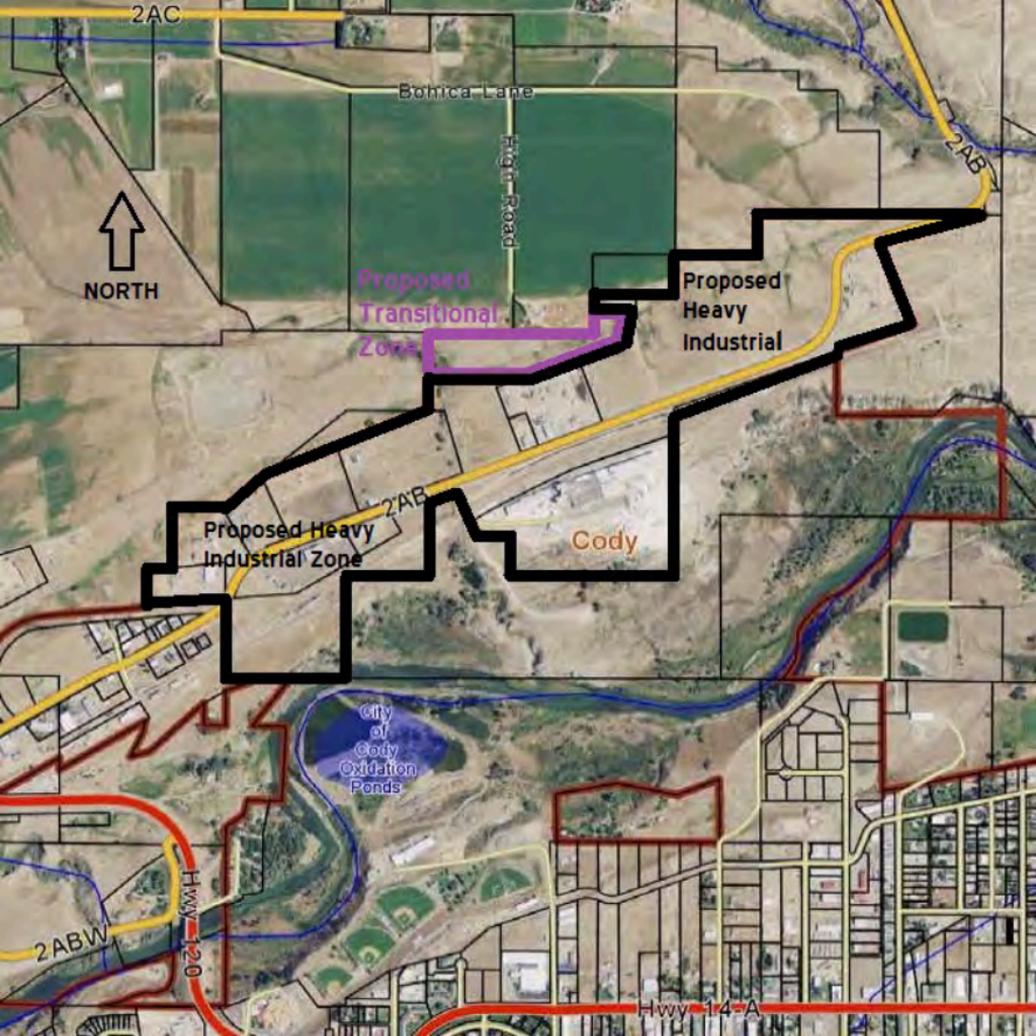
Move that the Planning and Zoning Board recommendation for rezoning the Road 2AB area be amended to reflect the boundaries shown on the attached maps.

**ATTACHMENTS:**

Revised Map, and "blow up" map of Transitional Boundary.

**ALTERNATIVES:**

Approve or deny the requested modification, as presented or amended.

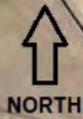


2AC

Bonita Lane

High Road

2AB



Proposed  
Transitional  
Zone

Proposed  
Heavy  
Industrial

Proposed Heavy  
Industrial Zone

Cody

City of  
Cody  
Oxidation  
Ponds

2ABW

Hwy 20

Hwy 14-A

