

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, JANUARY 28, 2014
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

AGENDA

1. Call to Order by Chair Justin Lundvall
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the January 14, 2013 –Regular Meeting
6. NEW BUSINESS:
 - A. Sign Plan- Zapata’s Restaurant at 1362 Sheridan Avenue.
 - B. Sign Plan- The Hatch at 1390 Sheridan Avenue.
 - C. Sign Plan- Buffalo Bill’s Cody Motor Lodge at 1455 Sheridan Avenue.
 - D. Final Plat- J. and K. Major Subdivision, on East side of 29th Street
Proposed 15-lot major subdivision submitted by Jerry Thiel & Sons
Construction.
 - E. Exception for a nonconforming building or use that has existed 5+ years
Residence at 808 Aspen Drive (24.7’ setback where 25’ minimum required.)
 - F. Exception for a nonconforming building or use that has existed 5+ years.
Moose Creek Lodge Annex at 1014 10th Street (D-2 use in D-1 zone)
 - G. Zoning Ordinance Amendment—Nonconforming Buildings, Uses, and Lots
7. Tabled Items
 - A. Minutes from the December 10, 2013.
 - B. Zoning Ordinance Amendment—Nonconforming Buildings, Uses, and Lots
8. P&Z Board Matters (announcements, comments, etc.)
9. Council Update: Steve Miller
10. Staff Items: Master Plan schedule and process
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, January 14, 2014

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, January 14, 2014 at 12:00 PM

Present: Justin Lundvall, Vice Chairperson; Justin Ness; Buzzy Hassrick; Brad Payne; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Engineering Technician II;

Absent: Kim Borer, Mark Musser, Bob Senitte

Vice-Chairperson Justin Lundvall called the meeting to order at 12:03 PM, followed by the pledge of allegiance.

Justin Ness made a motion seconded by Buzzy Hassrick to approve the agenda. Vote on the motion was unanimous, motion carried.

New Planning, Zoning and Adjustment Board members Buzzy Hassrick and Brad Payne were introduced.

Justin Ness made a motion seconded by Buzzy Hassrick to nominate Justin Lundvall as Planning, Zoning and Adjustment Board Chairperson for 2014. Vice Chairperson Justin Lundvall called for the vote. Vote on the motion was unanimous, the motion carried.

Justin Lundvall made a motion seconded by Buzzy Hassrick to nominate Justin Ness as Planning, Zoning and Adjustment Board Vice Chairperson for 2014. Chairperson Justin Lundvall called for the vote. Vote on the motion was unanimous, motion carried.

Justin Ness made a motion seconded by Brad Payne to table the minutes of the December 10, 2013 until the next regular meeting. Vote on the motion was unanimous, motion carried.

PRESENTATION OF COMMUNICATIONS:

Justin Ness made a motion seconded by Buzzy Hassrick to remove the Transitional Zone Recommendation from the table. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report with a recommendation for the Board to withdraw the motion for a rezone to Transitional for land on the hillside North of Road 2AB. The property owner has concerns with the Transitional zone, as it would permit residential use, and they want a buffer with no residential use. Additional planning and discussions are needed, and the matter is not pressing. The owner currently has no intent to develop the area. The zoning of the area could be looked at again sometime after the Master Plan is adopted.

Justin Ness made a motion seconded by Brad Payne to recommend withdrawal of the previous motion to recommend to city council the Transitional zone area north of Road 2AB. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the Minor Architectural proposal by William Holly (Big Bear Motors) for the addition of a new garage door located at 225 Yellowstone Avenue.

Justin Ness made a motion seconded by Brad Payne to approve the application submitted by William Holly for the addition of the garage door to the building located at 225 Yellowstone Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report regarding the proposed Sign Plan located at 720 Sheridan Avenue for Buffalo Bill Center of the West.

Paul Brock of the Buffalo Bill Center of the West answered questions from the board about the proposed signage (illumination of name sign and content and operation of the LED sign display).

Justin Ness made a motion seconded by Buzzy Hassrick to approve the two signs as proposed, subject to compliance with the electronic message board standards and removal of the monument sign, as submitted by Buffalo Bill Center of the West located at 720 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the Architectural Review by Paul Martin and Tundra Construction for the moving of a duplex to 1208 Wyoming Avenue. The location of the site is within a D-2 commercial zone.

Justin Ness expressed concerned about the area east of the duplex being used as a through drive immediately next to the neighbor.

Andy Cowan answered questions about the architecture, parking, and how access could be configured.

Justin Ness made a motion seconded by Buzzy Hassrick to approve the proposal to locate the duplex at 1208 Wyoming Avenue, subject to:

- 1) Re-siding and re-roofing the structure as proposed prior to occupancy of the building; and,
- 2) No pass thru vehicle traffic will be allowed on the east side of the property.

Vote on the motion was unanimous, motion carried.

The board had a friendly suggestion that they would like to see some additional landscaping on the Wyoming Avenue side of the duplex.

Todd Stowell gave a brief process background of how the proposed Zoning Ordinance Amendment to the Nonconforming Buildings, Uses and Lots was developed. As Kim Borer, a member of the subcommittee that helped develop the proposal was absent, the board wished to postpone discussion on the ordinance itself to when she was in attendance.

Justin Ness made a motion to table the item for the next meeting, which was seconded by Buzzy Hassrick. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the recent approved sign applications to the board.

P&Z Board Matters

Justin wanted to welcome the two new members to the board.

Justin Lundvall asked about the status of the Heavy Industrial Zone changes. Todd Stowell explained that City Council has had two readings on the text and the two areas recommended by the board. The Stampede grounds area was not voted on. So far the Council has approved the entire ordinance so far.

Council Updated by Steve Miller. Mr. Miller just wanted to wish everyone a Happy New Year.

Todd Stowell informed the board about the parking plan for the new Tacos el Taconazo location.

Brad Payne made a motion seconded by Justin Ness to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Justin Lundvall adjourned the meeting at 1:02PM.

Utana L. Dye
Certified Engineering Technician II

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

MEETING DATE:	JANUARY 28, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	ZAPATA'S RESTAURANT SIGN PLAN DOWNTOWN ARCHITECTURAL DISTRICT REVIEW. SGN 2014-04	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Zapata's Restaurant proposes to replace their awning and associated signage. The structural support for the awning will not change, it will only be recovered. The proposal is depicted on the attached rendering.

REVIEW CRITERIA:

The property is within the Downtown Architectural District established by Section 9-2-2 of the Cody City Code. Pursuant to Subsection B of 9-2-2, within the downtown Architectural District, *"The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.*

STAFF COMMENTS:

The sign types, locations, and sizes meet the requirements for the downtown sign district in which the property is located. The total size of all proposed Zapata's signage is about 38.7 square feet. The downtown sign district permits 50 square feet of awning signage, with no individual sign larger than 25 square feet.

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. This awning and signs are of professional quality and represents an upgrade to the weathered existing awning.

ATTACHMENTS:

Digital rendering.

ALTERNATIVES:

Approve the signs, with or without making recommendations and suggestions.

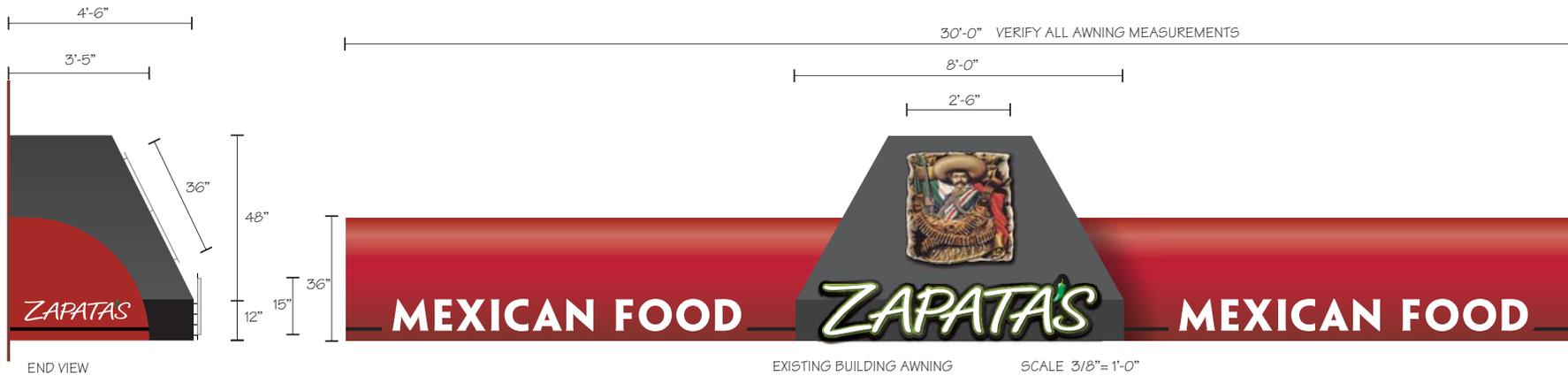


PHOTO RENDERING NO SCALE



EXISTING AWNING

DESIGN	<input type="checkbox"/> As Designed
Approval for Production	<input type="checkbox"/> With Changes
X	
Client Signature	
Sales	
DATE	/ /



END VIEW

EXISTING BUILDING AWNING

SCALE 3/8" = 1'-0"

A RECOVER ONE EXISTING BUILDING AWNING. REMOVE AWNING FROM BUILDING AND BRING INTO SHOP (3 SECTIONS). RECOVER QUARTER BARREL SIDE SECTIONS WITH NEW SUNBRELLA #4666 LOGO RED FABRIC AWNING MATERIAL, ENAMEL PAINTED GRAPHICS, WHITE COPY, BLACK STRIPE, BULLETIN EMERALD AND LIGHT GREEN FOR PEPPER ON ENDS OF AWNING. RECOVER 4 POINT CENTER SECTION WITH SUNBRELLA #4608 BLACK SUNBRELLA FABRIC AWNING MATERIAL. "ZAPATA'S" BACKGROUND IS BLACK DIBOND PANEL. APPLIED 7725-196 APPLE GREEN VINYL OUTLINE. COPY IS CUT OUT 1" DEEP HDU SIGN FOAM WITH A SATIN WHITE ENAMEL PAINT FINISH. STUD ATTACHED COPY TO FRAME WITH A 1" PEG OFF FROM AWNING. CHEMICAL GLUE SEAL ALL PENETRATIONS OF AWNING MATERIAL. UPPER GRAPHIC IS PRINTED VINYL WITH A UV COATING APPLIED TO A CUT OUT WHITE DIBOND PANEL BACKGROUND. STUD ATTACH TO FRAME. RE-INSTALL AWNING BACK TO ORIGINAL POSITION ON BUILDING AFTER RECOVER.

A1 OPTION: RE-PAINT AWNING FRAME BLACK.

This design is the property of Sign Products Inc. and all rights to its use or reproduction are reserved	
DESIGNER	TP
DESIGN #	17650-13
SALES	MIKE N.
DATE	10-11-13
SCALE	3/8" = 1'-0"
CLIENT	ZAPATA'S MEXICAN FOOD CODY, WY
SIGN PRODUCTS, INC. 1425 MONAD, BILLINGS, MT 59104 Phone (406) 252-6348 Fax (406) 252-6654	
SIGN PRODUCTS MONTANA WORKING	

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

MEETING DATE:	JANUARY 28, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	"THE HATCH" SIGNS, DOWNTOWN ARCHITECTURAL DISTRICT REVIEW. SGN 2014-03	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

A fly shop and guide service known as "The Hatch" is planning to be a joint tenant at the existing Gradient Mountain Sports site at 1390 Sheridan Avenue. "The Hatch" is taking the place of "Wyoming Trout Guides" and would like to install one wall sign and one freestanding sign where the "Wyoming Trout Guide" signs were previously located.

The proposed wall sign would be mounted below the Gradient Mountain Sports sign on the front of the building, be 60" in diameter (19.6 sq. ft.), and use the colors of black, yellow and white, as depicted below. The proposed freestanding sign would be 50" by 57" (19.8 sq. ft.), which is the same size as the former sign, and would use the same logo as the wall sign.



REVIEW CRITERIA:

The property is within the Downtown Architectural District established by Section 9-2-2 of the Cody City Code. Pursuant to Subsection B of 9-2-2, within the downtown Architectural District, *"The planning, zoning and adjustment board shall examine and*

evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.

STAFF COMMENTS:

The type, location and size of each sign meets the requirements for the downtown sign district in which the property is located. The total size of all attached wall signs would be about 50 square feet where 285 square feet is allowed. The total proposed size of the freestanding sign is less than 40 square feet per face where 240 square feet is allowed.

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. The signs are of professional quality and do not appear to significantly affect the architectural character of the building. No exterior changes other than signage are proposed to the building.

ATTACHMENTS:

None.

ALTERNATIVES:

Approve the signs, with or without making recommendations and suggestions.

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

MEETING DATE:	JANUARY 28, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	"BUFFALO BILL'S CODY MOTOR LODGE" SIGN, DOWNTOWN ARCHITECTURAL DISTRICT REVIEW. SGN 2014-04	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

An application has been submitted by John Darby to replace the freestanding Cody Motor Lodge sign located at 1455 Sheridan Avenue. The existing sign and proposed sign are shown below.

The proposed sign includes a two-sided 5'6" tall and 8' wide (44 sq. ft.) main panel showing "Buffalo Bill's Cody Motor Lodge". Below would be an 18" tall by 8' wide (12 sq. ft.) electronic message sign (back to back).



REVIEW CRITERIA:

The property is within the Downtown Architectural District established by Section 9-2-2 of the Cody City Code. Pursuant to Subsection B of 9-2-2, within the downtown Architectural District, *"The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants."*

STAFF COMMENTS:

The proposed sign, being 56 square feet in size on each side, is well within the 240 square feet that may be permitted. It is also smaller than the existing sign.

The main panel of the sign is professionally designed and contains the Buffalo Bill logo, which with the rustic brown background adds western character to the sign.

The electronic message board is subject to the following requirements. Staff comments follow each.

10. Electronic Message Boards and Animated Signs:

- a. Not more than one electronic message board sign may be permitted per zoning lot. *(When determining allowable size and number of signs, the sign ordinance only counts one side of double-sided free-standing signs. Technically there are two electronic message boards mounted back to back, but staff's interpretation is that such a configuration would count as only one.)*
- b. Electronic message boards and animated signs shall not display off-premise commercial advertising. *(Ongoing. The Board will need a commitment for such from the owner.)*
- c. Electronic message boards and animated signs are not permitted in residential sign districts. *(Met.)*
- d. The leading edge of the sign must be a minimum distance of one hundred feet (100') from an abutting residential zoning district boundary. *(Met—the nearest residential zone is over 500 feet away.)*
- e. Electronic message boards must utilize an automatic dimmer control so as to not exceed a maximum luminance of five thousand (5,000) nits (candelas per square meter) during daylight hours (from sunrise to sunset), and a maximum luminance of five hundred (500) nits (candelas per square meter) from sunset to sunrise. *(Staff spoke with the sign vendor and he indicates the sign has the necessary controls to meet this standard, and they can adjust the settings to the proper level immediately after the sign is installed. Verification of correct settings will need to occur in conjunction with the building permit/electrical inspection.)*
- f. The use of audio speakers is prohibited in association with a sign. *(Met.)*
- g. Electronic message boards and animated signs shall be permitted only in the following sign districts: D-2, D-3, and E industrial. In addition, electronic message boards and animated signs may be permitted in the downtown business sign district, but must have special approval by the planning and zoning board. Approval will be based on consideration of adjacent signage, the size of the proposed signage, and compliance with applicable sign requirements of the Wyoming Department of Transportation.

The property is within the downtown business sign district, so special approval by the Board is needed. The Board can discuss the considerations noted. As far as the WYDOT requirements, the sign will overhang the sidewalk by 8 to 10 inches, which means it encroaches on the WYDOT right-of-way and can only be installed if the property owner obtains an encroachment permit from

WYDOT. Speaking with WYDOT staff, they likely can authorize it, but the permit is needed. Under WYDOT requirements, any encroachment should be at least 10 feet above the sidewalk. The current sign is 12 feet above the sidewalk and the new sign will be at least that high.

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features.

ATTACHMENTS:

None.

ALTERNATIVES:

Approve the main sign panel, with or without making suggestions; and,
Deny or approve the electronic message board subject to ongoing compliance with the electronic message board requirements.

Installation of either sign is subject to the property owner obtaining an encroachment permit from WYDOT prior to installation.

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

MEETING DATE:	JANUARY 28, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	J. AND K. SUBDIVISION, FINAL PLAT SUB 2013-09	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Jerry Thiel and Sons Construction has submitted the final plat application and construction plans for the J. and K. Subdivision, a 15-lot residential subdivision on a 3.7 acre property located on the east side of 29th Street, just south of the intersection with Central Avenue.

APPLICATION REQUIREMENTS

The construction plans have been reviewed by public works, electrical, and planning staff and appear to meet City standards and conditions of the preliminary plat approval. The final plat drawing appears to contain all items required by the subdivision ordinance and to be filed with the county clerk. The water and sewer plans have been approved by WY Dept. of Environmental Quality (DEQ).

The following variances were granted at the time of preliminary plat approval by the City Council, and are noted on the final plat:

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))*
2. *Variance from 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.*
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.*

The conditions required with the preliminary plat approval are listed below, with a note indicating the status of the condition.

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.

Comment: The modifications have been made to the final plat and construction plans, and a copy provided for the file.

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.

Comment: The construction plans have been reviewed and signed by the utility providers, other than the city. This includes Energy West, TCT, and Charter Communications. A copy of the plans is attached.

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.

Comment: The amount of \$11,909.29 is recommended to be used, which is what was calculated at the time of the preliminary plat. This is based on the formula in the code (equivalent value of 1 acre per 50 dwelling units), using the 2013 land valuation for the parcel prior to subdivision. The 2014 valuation has not yet been determined by the County Assessor. The calculation used 17 dwelling units, based on 13 single-family and two duplex units.

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.

Comment: The note is shown as Note #2. The agreement has been submitted and is under review by the City attorney. A copy is attached.

5. The final plat application shall otherwise reflect the preliminary plat and comply with the City subdivision ordinance.

Comment: The final plat reflects the preliminary plat. Minor changes were made to the construction plans, including using 3-inch minus rip rap instead of cobble for lining the storm water tract, and eliminating the curb, gutter, and sidewalk on the portion of Fuelie Avenue within the 29th Street right-of-way. Public Works is agreeable to the changes, although they should be acknowledged by the Planning and Zoning Board as being acceptable or not.

RECOMMENDATION:

Recommend approval of the final plat to the City Council and have the Planning and Zoning Board chairman sign the final plat mylar.

ATTACHMENTS:

Final Plat and construction drawings.

Proposed maintenance agreement.

DECLARATION OF MAINTENANCE AGREEMENT

This Declaration of Maintenance Agreement is made this ___ day of _____, 2014 by Jerry Thiel and Sons Construction, Inc.

WITNESSETH

WHEREAS, Jerry Thiel and Sons Construction, Inc., a Wyoming corporation ("Thiel") is currently the owner of all Lots in J. and K. Subdivision (formerly known as a parcel of land in Lot 2, JTS Minor Subdivision, located within a portion of Tract 71, Resurvey, T. 52 N., R. 101 W. and Lot 61, Resurvey, T. 52 N., R. 101 W., 6th P.M., Park County, Wyoming); and

WHEREAS, J. and K. Subdivision contains a tract of land designated as the "Storm Water Retention Tract"; and

WHEREAS, the Storm Water Retention Tract requires certain maintenance including, but not limited to, spraying for weeds and removal of debris; and

WHEREAS, Thiel wishes to put in place an agreement providing for the maintenance of the Storm Water Retention Tract and the payment of costs associated therewith.

NOW, THEREFORE, Thiel declares the following covenants and restrictions run with the land for all Lots of J. and K. Subdivision:

1. Every present and future record owner of the Lots in J. and K. Subdivision will be a joint owner of the Storm Water Retention Tract and shall equally share in the maintenance costs for the Storm Water Retention Tract. Each Lot will be assessed an annual fee of \$40.00 that will be used for the maintenance costs.

2. Failure of any Lot owner to pay the annual fee shall operate as a lien on the Lot of the non-paying Lot owner, and any other Lot owner in J. and K. Subdivision may enforce the collection of said lien.

3. Thiel shall collect the initial \$40.00 maintenance fee at the time each Lot is sold and the fee shall be deposited in a separate account set up for that purpose. Such account shall be used solely for maintenance expenses associated with the Storm Water Retention Tract.

4. Within one year following the sale of all Lots in J. and K. Subdivision, the Lot owners shall elect a person (the "Maintenance Manager") who will be responsible for collecting the annual maintenance fee and will be responsible for the maintenance account. The Maintenance Manager

will be selected by a majority vote of the Lot owners. Each Lot shall have one vote even if the Lot is owned by more than one person or even if one person owns more than one Lot. Jerry L. Thiel shall serve as the Maintenance Manager until the Lot owners elect a Maintenance Manager.

5. The Maintenance Manager shall be responsible for making certain that the annual maintenance of the Storm Water Retention Tract is accomplished in a timely and efficient manner. Any expenditure of \$500.00 or over from the maintenance account must be approved by a majority vote of the Lot owners.

6. The Maintenance Manager shall be selected every three years by a majority vote of the Lot owners. A Maintenance Manager may be removed by a majority vote of the Lot owners.

7. The Maintenance Manager shall send an annual accounting of the maintenance account to each Lot owner on or before January 31 of each year. Any person who is a Lot owner may request a copy of the bank statements for the maintenance account at any time and such copies will be provided within 5 days.

8. The annual maintenance fee may be changed from time to time by the vote of a majority of the Lot owners.

Jerry Thiel and Sons Construction, Inc.

By _____
Jerry L. Thiel

STATE OF WYOMING)
)SS
COUNTY OF PARK)

The foregoing instrument was acknowledged before me by Jerry L. Thiel, President of Jerry Thiel and Sons Construction, Inc. this ____ day of January, 2014.

WITNESS my hand and official seal.

Notary Public

My commission expires: _____

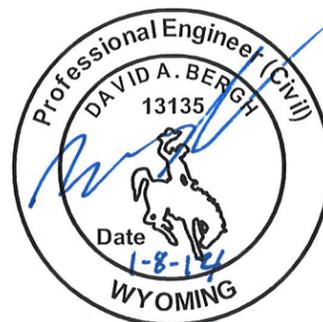
GENERAL NOTES

- 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 DAMAGE CAUSED TO EXISTING UTILITIES 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.
- PERMITS REQUIRED BY LOCAL, STATE, OR FEDERAL AGENCIES FOR CONSTRUCTION OF THIS PROJECT ARE THE RESPONSIBILITY OF THE CONTRACTOR, UNLESS OTHERWISE SPECIFIED.
- CONTRACTOR SHALL PROVIDE 24 HOURS NOTICE FOR MATERIALS TESTING AND 72 HOURS NOTICE FOR CONSTRUCTION STAKING (PROVIDED BY OTHERS).
- CONTRACTOR SHALL COORDINATE STREET CLOSURE AND UTILITY SHUTDOWNS AS REQUIRED BY LOCAL, STATE, OR FEDERAL AGENCIES.
- AREAS TO BE DISTURBED SHALL BE CLEARED TO 1" OF SURFACE BEFORE GRADING OPERATIONS BEGIN TO REMOVE ALL ORGANIC VEGETATION.
- TOPSOIL ENCOUNTERED IN CUT AREAS SHALL BE STRIPPED AND TEMPORARILY STOCKPILED AT LOCATIONS DIRECTED BY THE ENGINEER.
- FILL AREAS ON WHICH CURB AND GUTTER, SIDEWALK OR PAVEMENT IS TO BE PLACED SHALL BE STRIPPED OF TOPSOIL.
- CONTRACTOR IS RESPONSIBLE FOR THE PREPARATION OF THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP). 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.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DUST CONTROL OPERATIONS AND WHO CAN BE REACHED AT 307-250-7566 24 HOURS A DAY.
- 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.
- COMPACTION OF AGGREGATES SHALL BE 95% PER ASTM D1557 UNLESS OTHERWISE NOTED.
- CURB, GUTTER, AND SIDEWALK WILL BE INSTALLED ON 29TH STREET FRONTAGE BY OTHERS THROUGH A SPECIAL IMPROVEMENT DISTRICT.
- LOT 10 SHALL BE RESTRICTED TO SFR, LOTS 11&12 MAY BE USED FOR SINGLE OWNER DUPLEXES.

CONSTRUCTION DOCUMENTS

FOR THE J. & K. SUBDIVISION

CODY, WYOMING



INDEX OF DRAWINGS:

- COVER
- FINAL PLAT
- DEMOLITION PLAN
- GRADING AND DRAINAGE PLAN
- MASTER UTILITY PLAN
- STREET PLAN AND PROFILE
- TREATED WATER PLAN AND PROFILE
- SANITARY SEWER PLAN AND PROFILE
- STORM DRAIN PLAN AND PROFILE
- SANITARY & STORM SEWER DETAILS
- TREATED WATER DETAILS
- THRUST BLOCK DETAILS
- STREET DETAILS

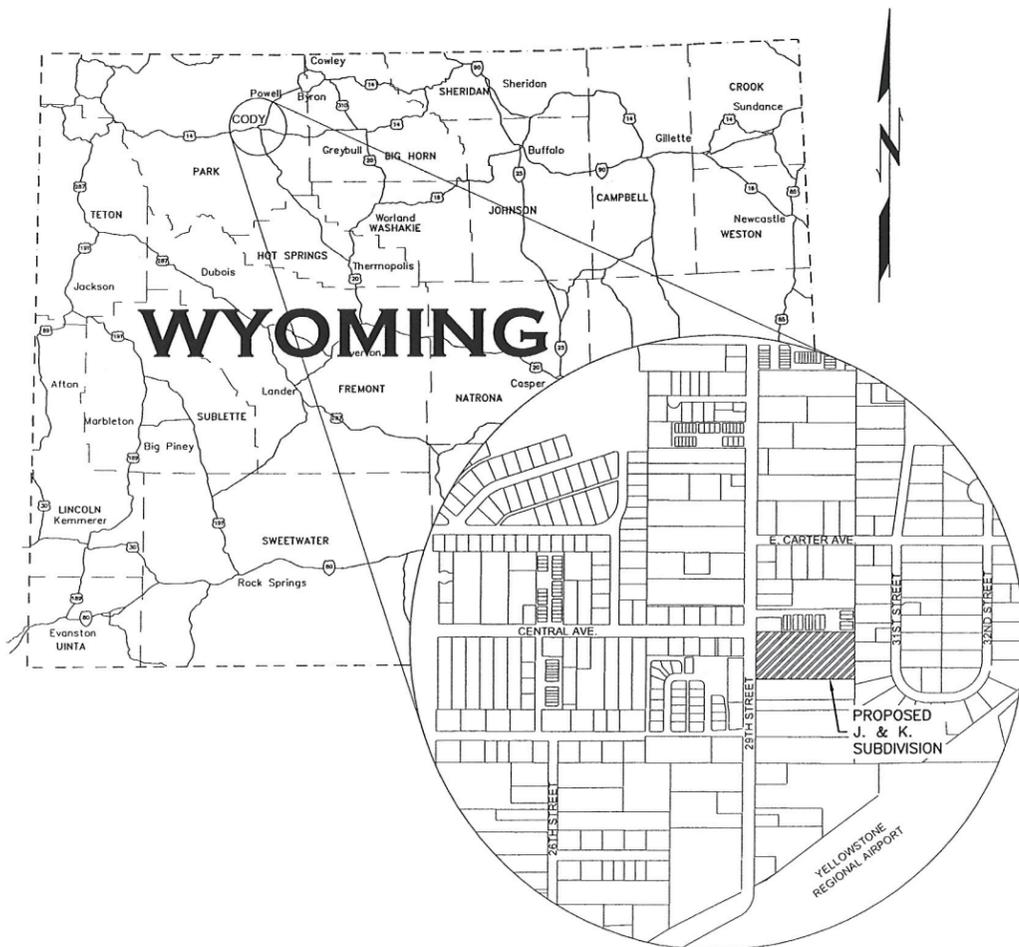
UTILITY COMPANY SIGNATURES			
UTILITY COMPANY	CONTACT	SIGNATURE	DATE
TCT WEST	BEN WALKER	<i>B. Walker</i>	1-7-14
ENERGY WEST	STEPHANIE FRY	<i>Stephanie Fry</i>	1-7-14
CHARTER COMMUNICATIONS	DAN HIGGINS	<i>Dan Higgins</i>	1-7-14

LEGEND

EXISTING CONTOUR	---
EXISTING WIRE FENCE	X X X X X X
PROPOSED STORM SEWER	ST ST
EXISTING SANITARY SEWER	SW SW
PROPOSED SANITARY SEWER	SW SW
EXISTING TREATED WATER	TW TW
PROPOSED TREATED WATER	TW TW
EXISTING UNDERGROUND FIBER OPTIC	UFO UFO
EXISTING OVERHEAD POWER	OP OP
EXISTING UNDERGROUND GAS	GAS GAS
EXISTING COMMON TRENCH	CT CT
EXISTING VALVE	
PROPOSED VALVE	
EXISTING FIRE HYDRANT	
EXISTING SIGN	
EXISTING LIGHT POLE	
EXISTING MANHOLE	
PROPOSED MANHOLE	
EXISTING ELECTRICAL VAULT	
PROPOSED CATCH BASIN	
PROPOSED 25 KVA ELECTRICAL TRANSFORMER	
PROPOSED ELECTRICAL SERVICE PEDESTAL	

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	CURB 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
HDPE	HIGH DENSITY POLYETHYLENE	TYP	TYPICAL
HERCP	HORIZONTALLY ELLIPTICAL REINFORCED CONCRETE PIPE	UTIL	UTILITY/UTILITIES
HORIZ	HORIZONTAL	VC	VERTICAL CURVE
"	INCHES	VERT	VERTICAL
INV	INVERT	VOL	VOLUME
JB	JUNCTION BOX	VPC	VERTICAL POINT OF CURVATURE
L	LENGTH	VPI	VERTICAL POINT OF INTERSECTION
LF	LINEAR FEET	VPT	VERTICAL POINT OF TANGENCY
LT OR L	LEFT		
MH	MANHOLE		
MIN	MINIMUM		



VICINITY MAP
N.T.S.

ENGINEER
GDS ENGINEERS
P.O. BOX 338
CODY, WY 82414

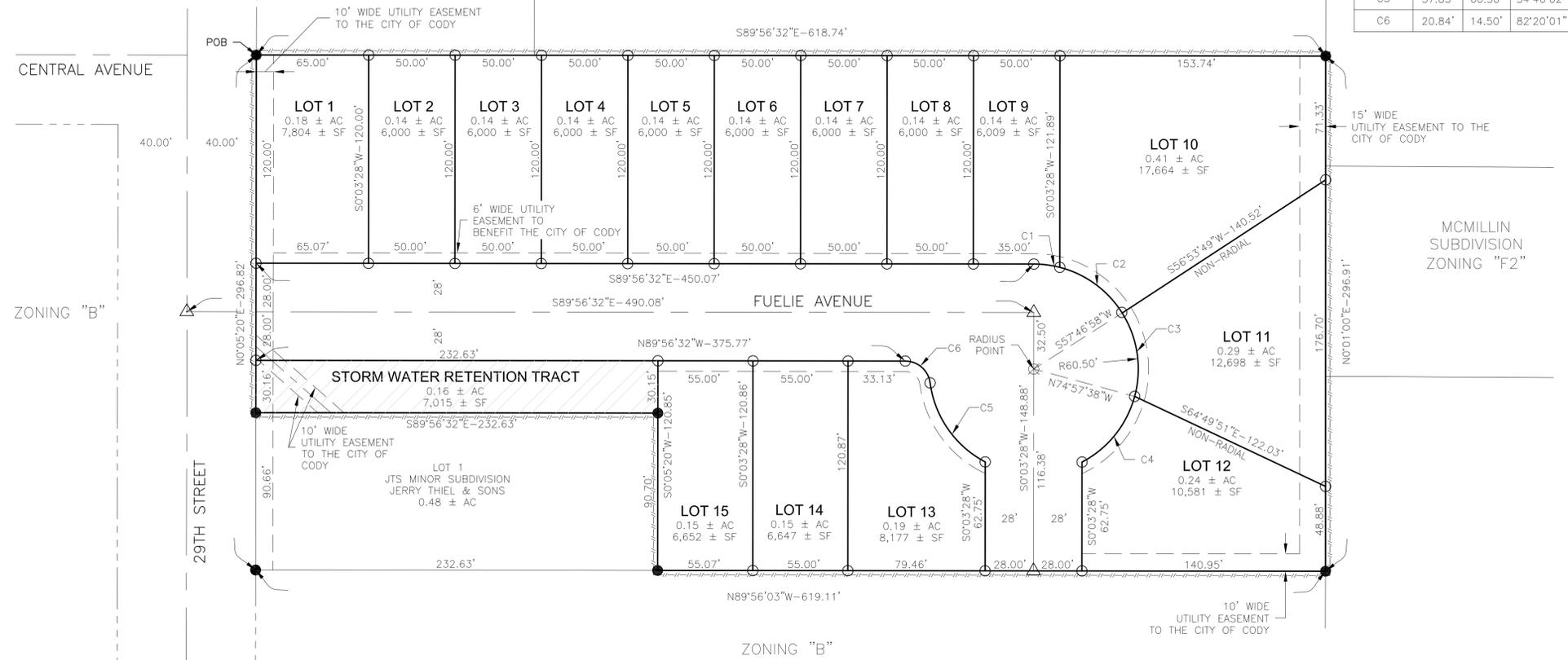
OWNER
JERRY THIEL
P.O. BOX 1566
CODY, WY 82414



APPR BY: DAB
 DRAWN BY: KES
 CHECKED BY: TJJ
 GDA ENGINEERS
 CODY, WYOMING
 PROJ NO.: 131109
 PARK COUNTY
 CODY, WYOMING
 COVER
 CONSTRUCTION DOCUMENTS FOR J & K SUBDIVISION
 SHEET NUMBER
 1
 OF 13 SHEETS

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

BOULDER RIDGE PUD
ZONING "B"



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'	82°20'01"



VICINITY
SCALE=1:500

DESCRIPTION OF LANDS

A PARCEL OF LAND BEING LOT 2, JTS MINOR SUBDIVISION, AS RECORDED IN THE PARK COUNTY CLERKS OFFICE UNDER DOCUMENT NO. 2013-6543, PLAT CABINET M, PAGE 9, 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 3 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 3 1/2" ALUMINUM CAP MARKING THE NORTHEAST CORNER THEREOF, THENCE S.0°01'00"W., ALONG THE EAST LINE OF SAID LOT 2, 296.91 FEET TO A FOUND 3 1/2" ALUMINUM CAP MARKING THE SOUTHWEST CORNER THEREOF, THENCE N.89°56'03"W., ALONG THE SOUTH LINE OF SAID LOT 2, 386.48 FEET, TO A FOUND 3 1/2" ALUMINUM CAP; THENCE N.0°05'20"E., ALONG THE WESTERLY LINE OF SAID LOT 2, 90.70 FEET, TO A FOUND 3 1/2" ALUMINUM CAP; THENCE N.89°56'32"W., ALONG THE SOUTH 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, 206.16 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 3.73 ACRES, MORE OR LESS.

VARIANCE:

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)).
2. VARIANCE FROM 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.
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.

NOTE:

1. BASEMENTS WILL REQUIRE GRINDER PUMPS FOR SERVICES INSTALLED BELOW MAIN.
2. THE STORM WATER RETENTION TRACT SHALL BE JOINTLY OWNED AND MAINTAINED BY A MAINTENANCE AGREEMENT BY ALL OWNERS IN THIS SUBDIVISION AND ACT AS AN OPEN SPACE TO BE USED BY SAID OWNERS

CERTIFICATE OF SURVEYOR

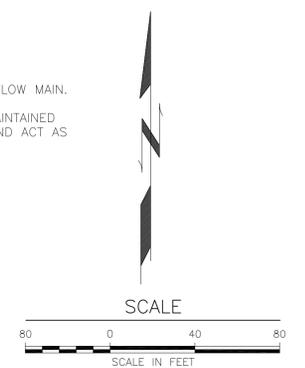
I, JUSTIN G. NESS, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS FINAL PLAT AND FIELD SURVEY WERE MADE BY ME OR UNDER MY SUPERVISION AND THAT BOTH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND IN COMPLIANCE WITH ALL STATE AND COUNTY STATUTORY PROVISIONS AND REGULATIONS.



JUSTIN G. NESS
WYOMING PLS 14276

WATER RIGHTS

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



LEGEND

- BOUNDARY OF J. AND K. SUBDIVISION
- LOT LINES
- RIGHT-OF-WAY LINE
- NEW EASEMENT LINE
- FOUND 3 1/2" ALUMINUM CAP ON 2" GALVANIZED IRON PIPE SET BY RICHARD T. MUSCIO PLS 6827
- SET 5/8"x24" REBAR WITH 2 1/2" ALUMINUM CAP
- SET 3 1/2" BRASS CAP IN CONCRETE
- 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

CERTIFICATE OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED, ALL HEIRS AND/OR ASSIGNS HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETORS OF THE LANDS NOTED HEREON IN THE DESCRIPTION OF LANDS BY DOCUMENT #2006-7265

THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED; THAT THE SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

THAT WE HEREBY DEDICATE FUELIE AVENUE AS SHOWN HEREON TO THE CITY OF CODY AS A PUBLIC RIGHT-OF-WAY.

THAT WE HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY LABELED HEREON TO THE USES SO NOTED.

THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS OF RECORD.

THAT THE SOLE PURPOSE OF THE SUBDIVISION IS TO SUBDIVIDE THE LANDS AS SHOWN HEREON.

AND, THAT ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.

AND DO HEREBY AGREE TO PROMOTE AND PARTICIPATE IN AN IMPROVEMENT DISTRICT FOR CURB, GUTTER AND SIDEWALK ALONG THE EAST SIDE OF 29TH STREET WHEN DEEMED NECESSARY BY THE CITY OF CODY. AND FURTHER THAT THIS LANGUAGE SHALL BE CONTAINED IN EACH AND ALL CONVEYANCES OF RECORD.

IN WITNESS WHEREOF, THE SAID OWNER JERRY THIEL AND SONS CONSTRUCTION, INC., WITH FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES, HAVE CAUSED THEIR NAMES HEREON TO BE SUBSCRIBED THIS ____ DAY OF _____, 2014.

JERRY THIEL
OWNER

ACKNOWLEDGMENT:

STATE OF WYOMING,)
)SS
COUNTY OF PARK,)

THE FOREGOING OWNER(S) CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2014 BY JERRY THIEL WITNESS MY HAND AND OFFICIAL SEAL: (WYOMING STATE LAW REQUIRES A NOTARY SEAL TO BE AFFIXED HEREON)

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMMISSION APPROVAL

THIS PLAT APPROVED BY THE CITY OF CODY, WYOMING PLANNING AND ZONING COMMISSION THIS ____ DAY OF _____, 2014.

ATTEST: _____ SECRETARY _____ CHAIRMAN

CITY COUNCIL APPROVAL

APPROVED AS OF THE ____ DAY OF _____, 2014 BY THE CITY COUNCIL OF CODY, WYOMING.

ATTEST: _____ CITY CLERK _____ MAYOR

RECORDER'S ACCEPTANCE

THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER ON THIS ____ DAY OF _____, 2014, AND FILED FOR RECORD AT _____ M. UNDER DOCUMENT NUMBER _____ IN PLAT CABINET ____ AT PAGE _____

PARK COUNTY CLERK AND RECORDER

BY: _____ DEPUTY

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.

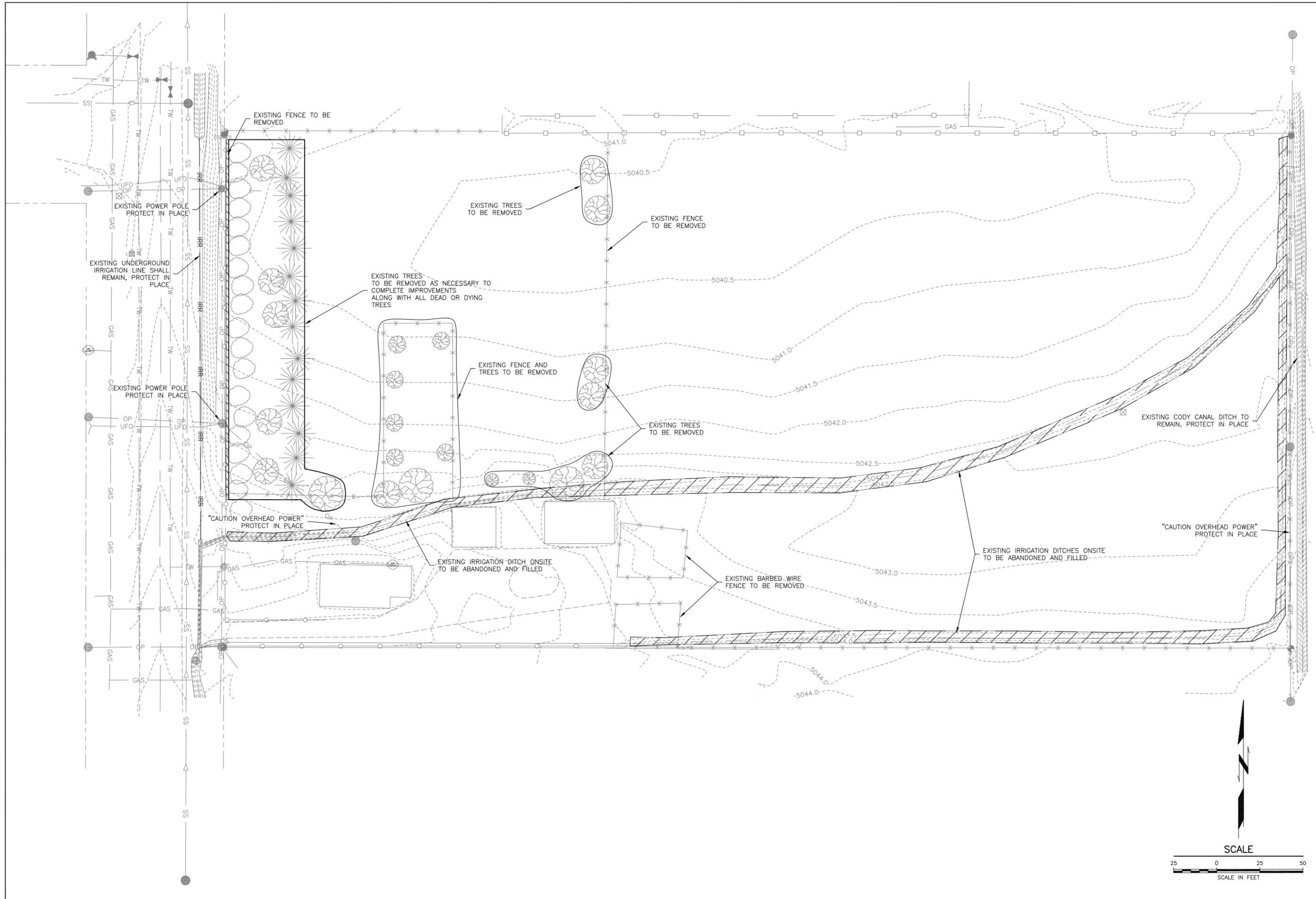
FINAL PLAT
SHOWING
J. AND K. SUBDIVISION
WITHIN
LOT 2, JTS MINOR SUBDIVISION
RESURVEY, T.52N., R.101W., 6TH P.M.
CITY OF CODY, WYOMING
PARK COUNTY, WYOMING
JERRY THIEL AND SONS CONSTRUCTION, INC., CODY, WY

PROJECT NO: 131109

GDA
ENGINEERS

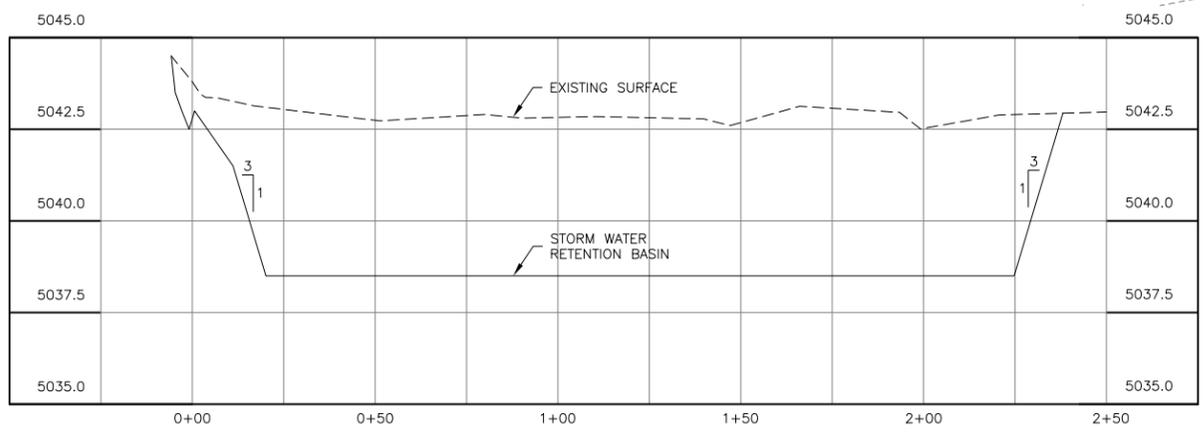
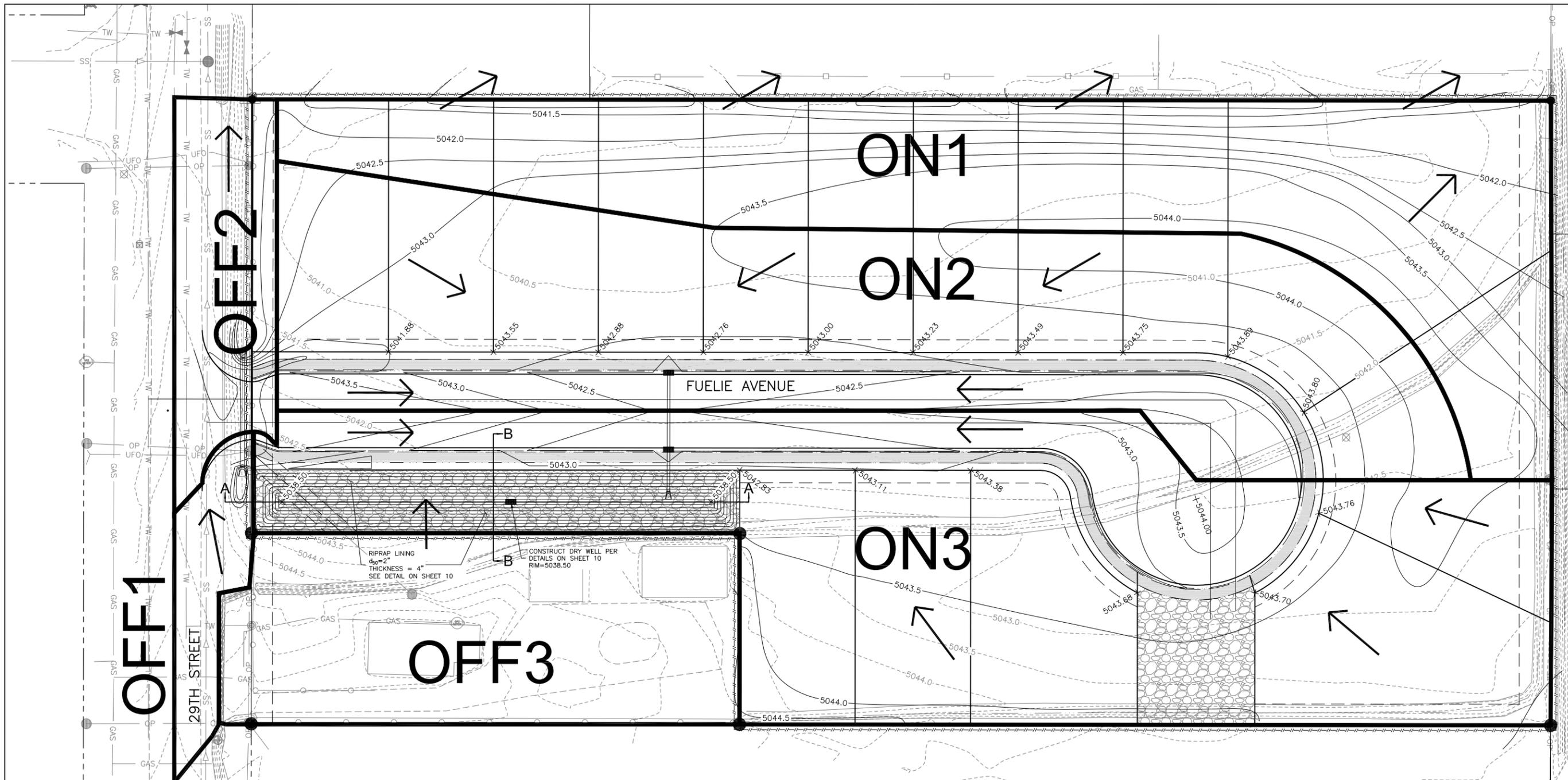
ENGINEERING · SURVEYING · PLANNING
1508 STAMPEDE AVE., CODY, WYOMING 82414

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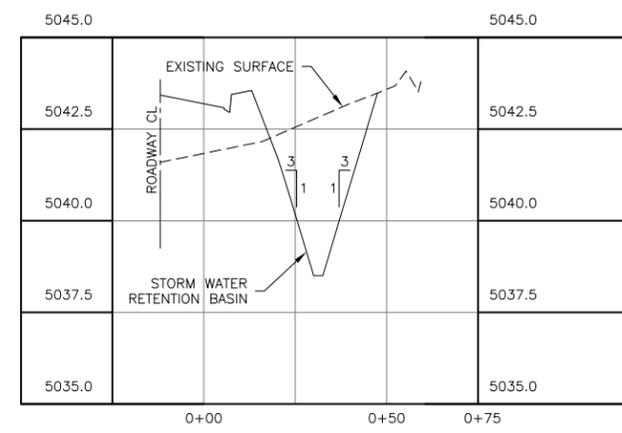


APPR. BY: DAB	DATE: _____		GDA ENGINEERS CODY, WYOMING
DRAWN BY: KES	DATE: _____		
CHK'D BY: TJJ	DATE: _____	REVISIONS NO. _____ DESCRIPTION _____	PARK COUNTY CODY, WYOMING
DEMOLITION PLAN CONSTRUCTION DOCUMENTS FOR J & K SUBDIVISION		SHEET NUMBER 3 OF 13 SHEETS	

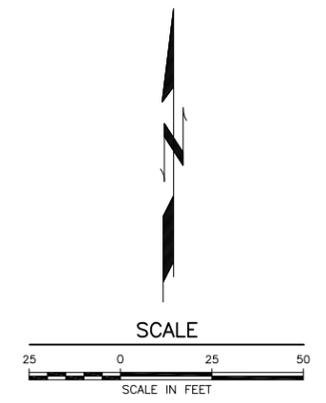
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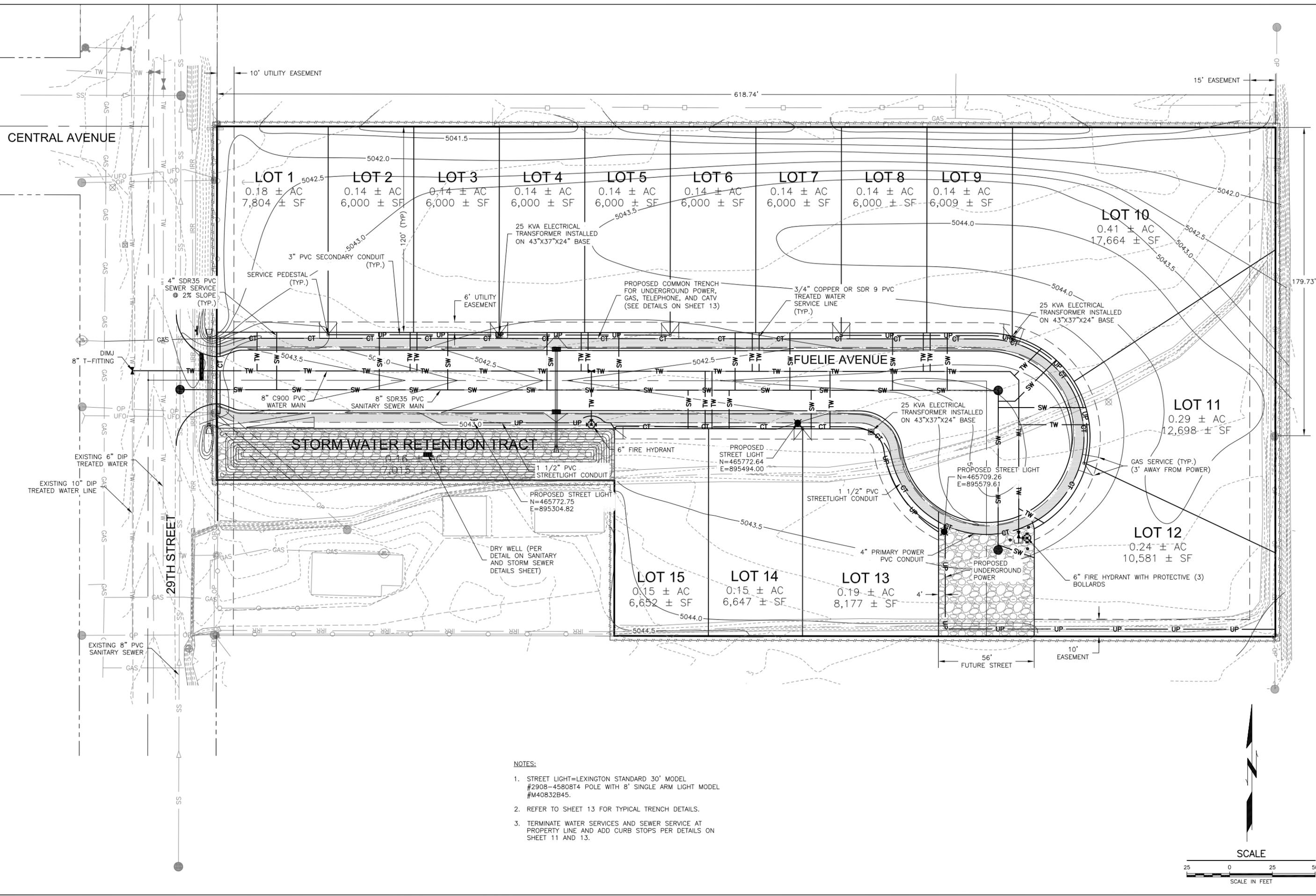


SECTION A-A
HORIZONTAL: 1:50
VERTICAL: 1:5



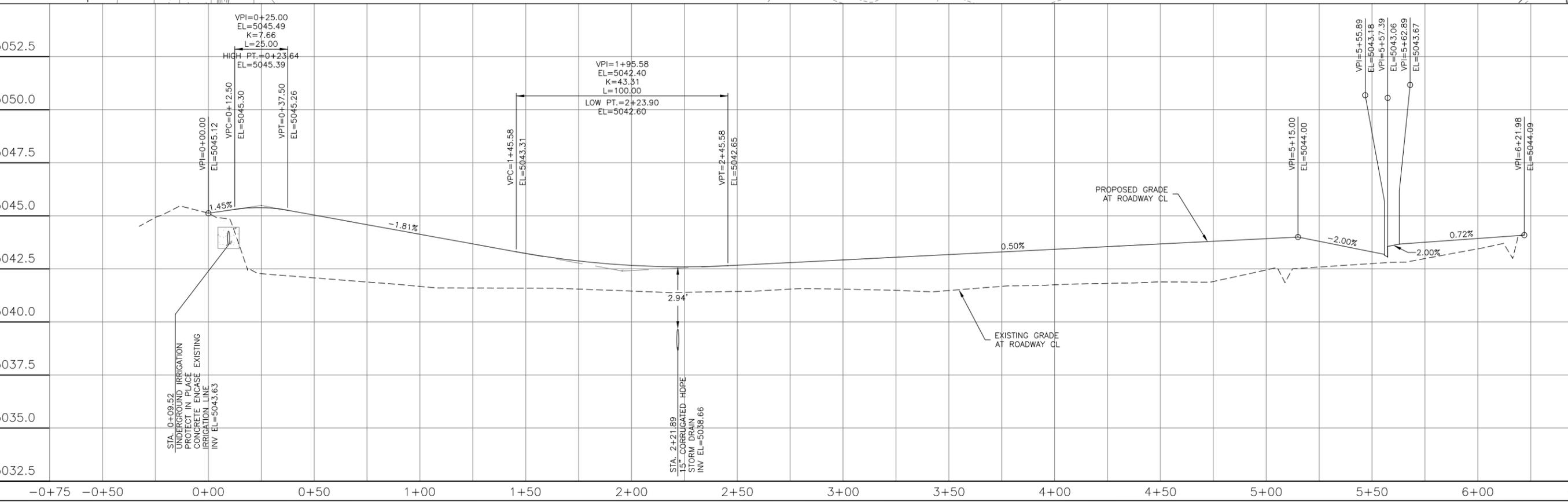
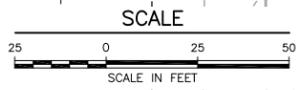
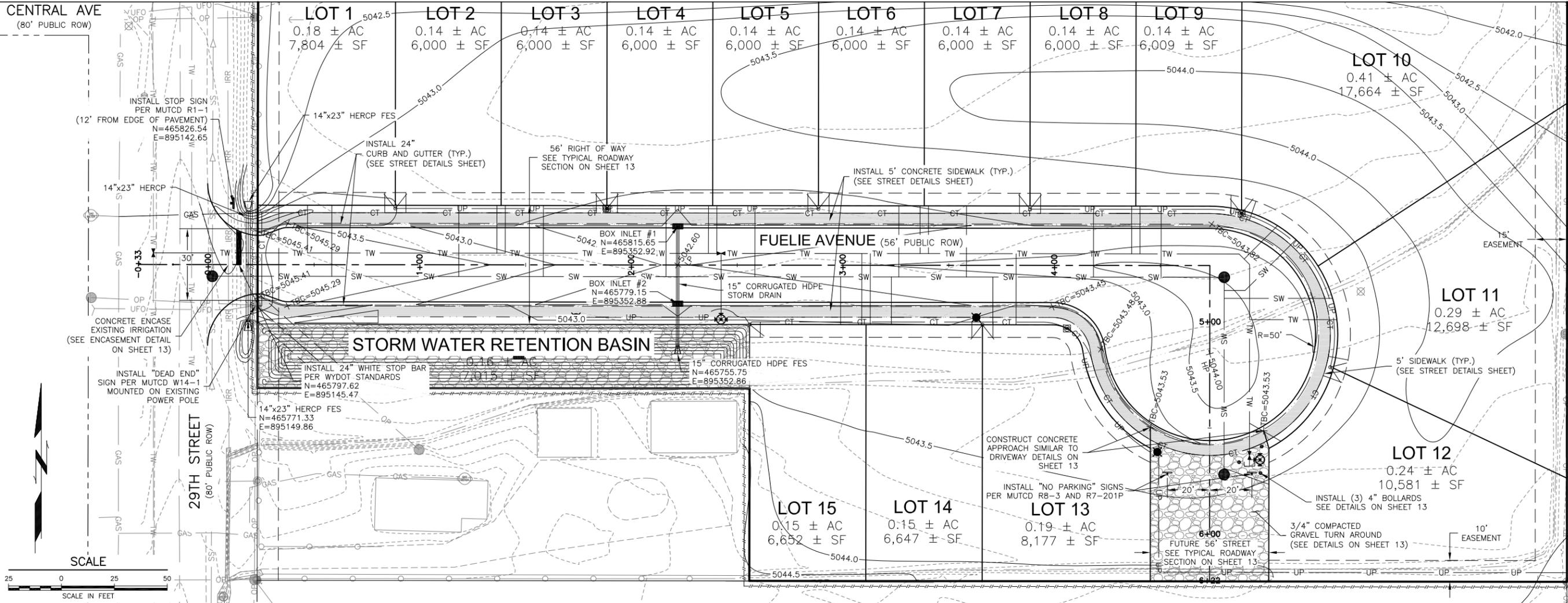
SECTION B-B
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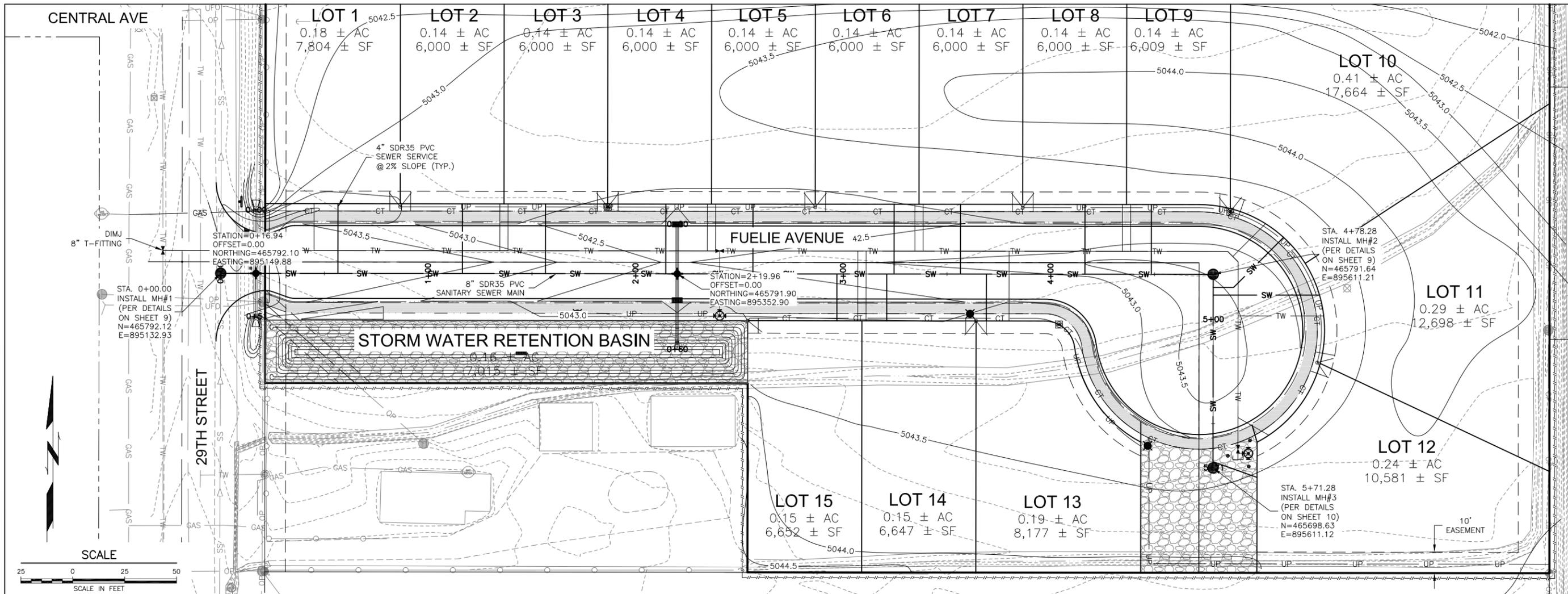
NOTES:

1. STREET LIGHT=LEXINGTON STANDARD 30' MODEL #2908-45808T4 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.

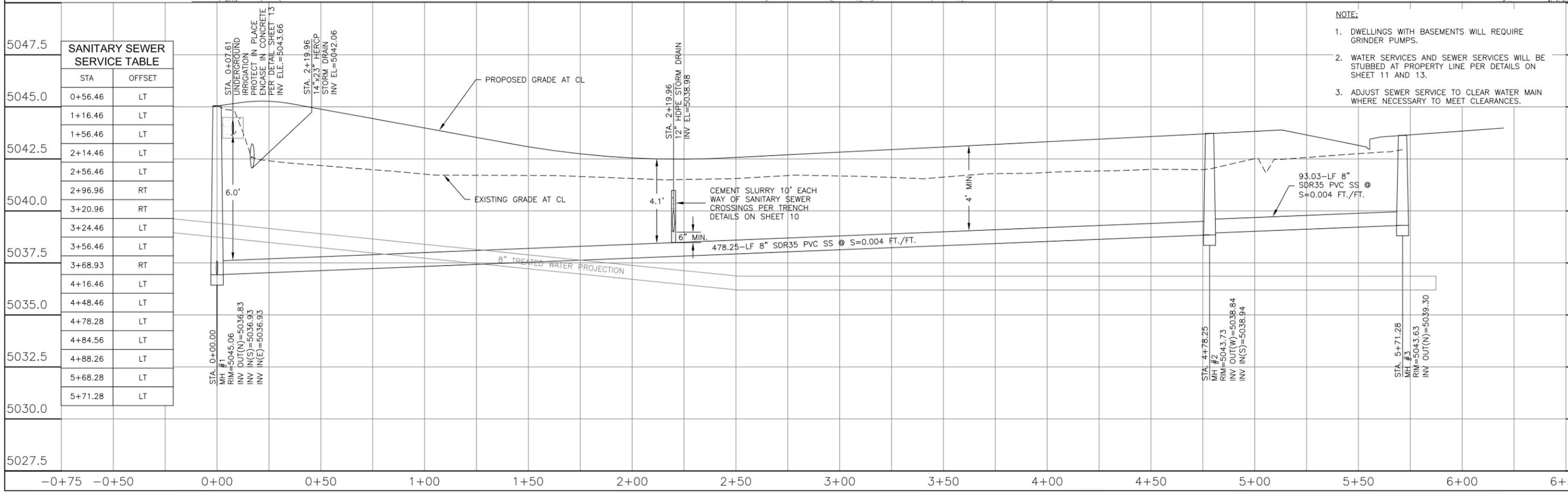


APPL. BY: DAB
 PROJ. NO.: 131109
 DRAWN BY: KES
 CHK'D BY: TJJ
 GDA ENGINEERS
 CODY, WYOMING
 DATE: _____
 REVISIONS:
 NO. _____
 PARK COUNTY
 CODY, WYOMING
 STREET PLAN AND PROFILE
 CONSTRUCTION DOCUMENTS FOR J & K SUBDIVISION
 SHEET NUMBER
6
 OF 13 SHEETS

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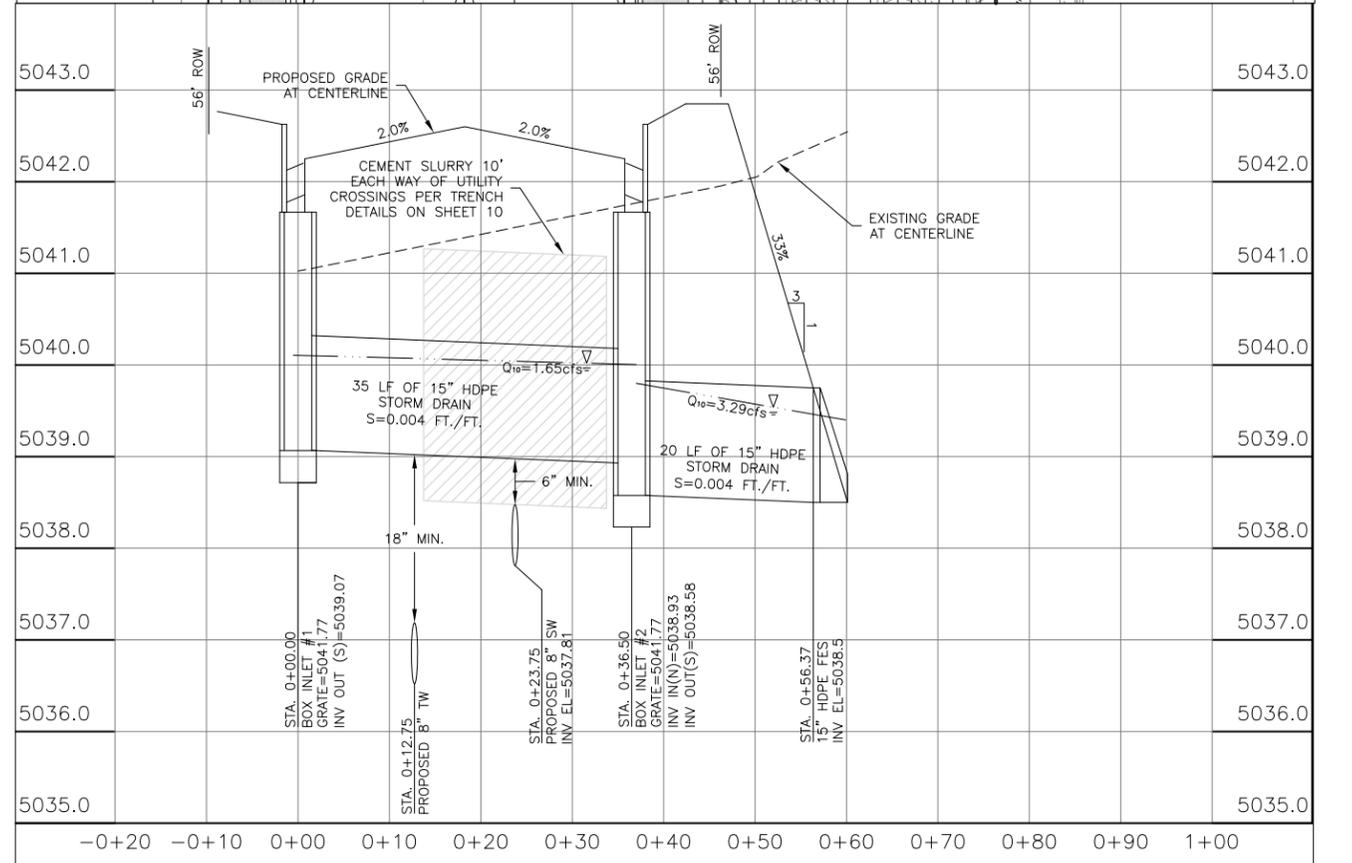
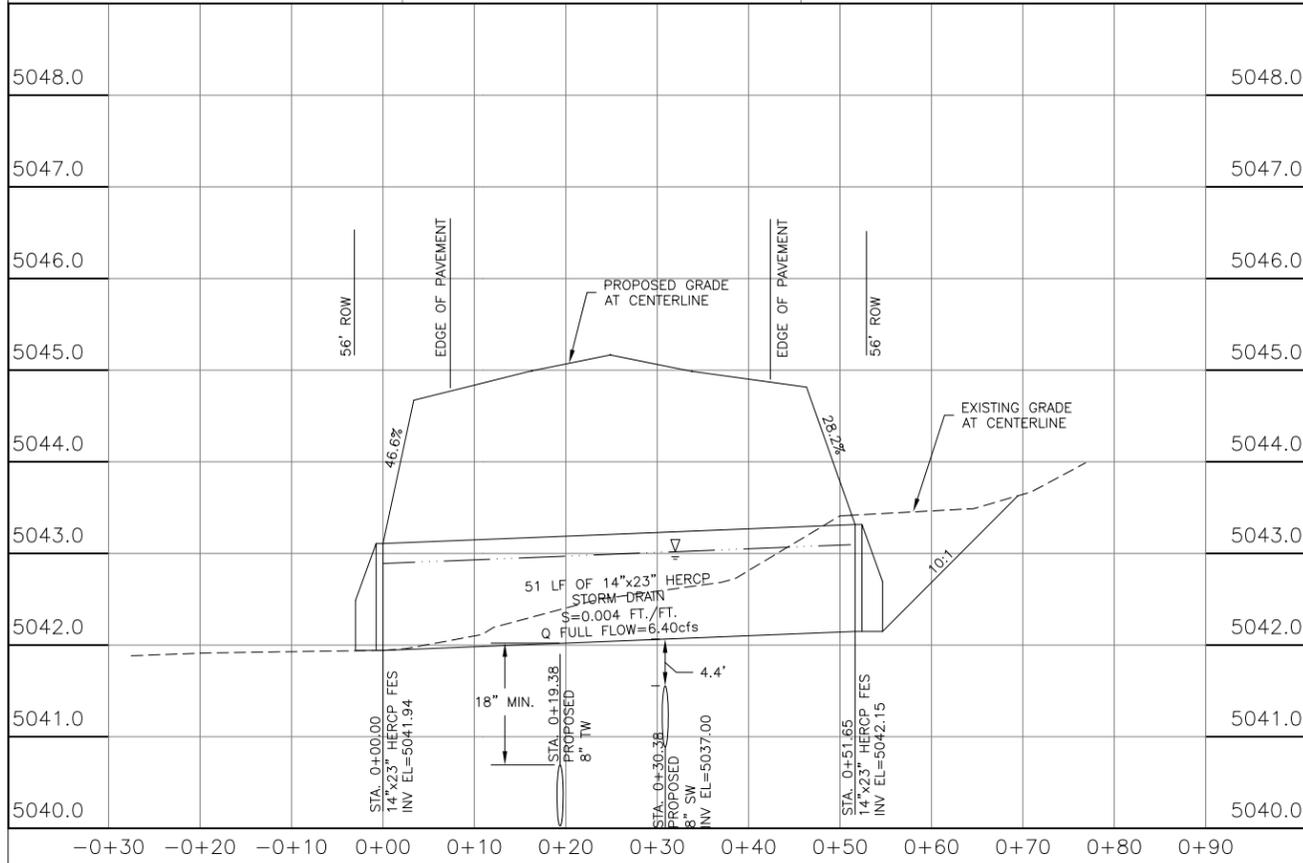
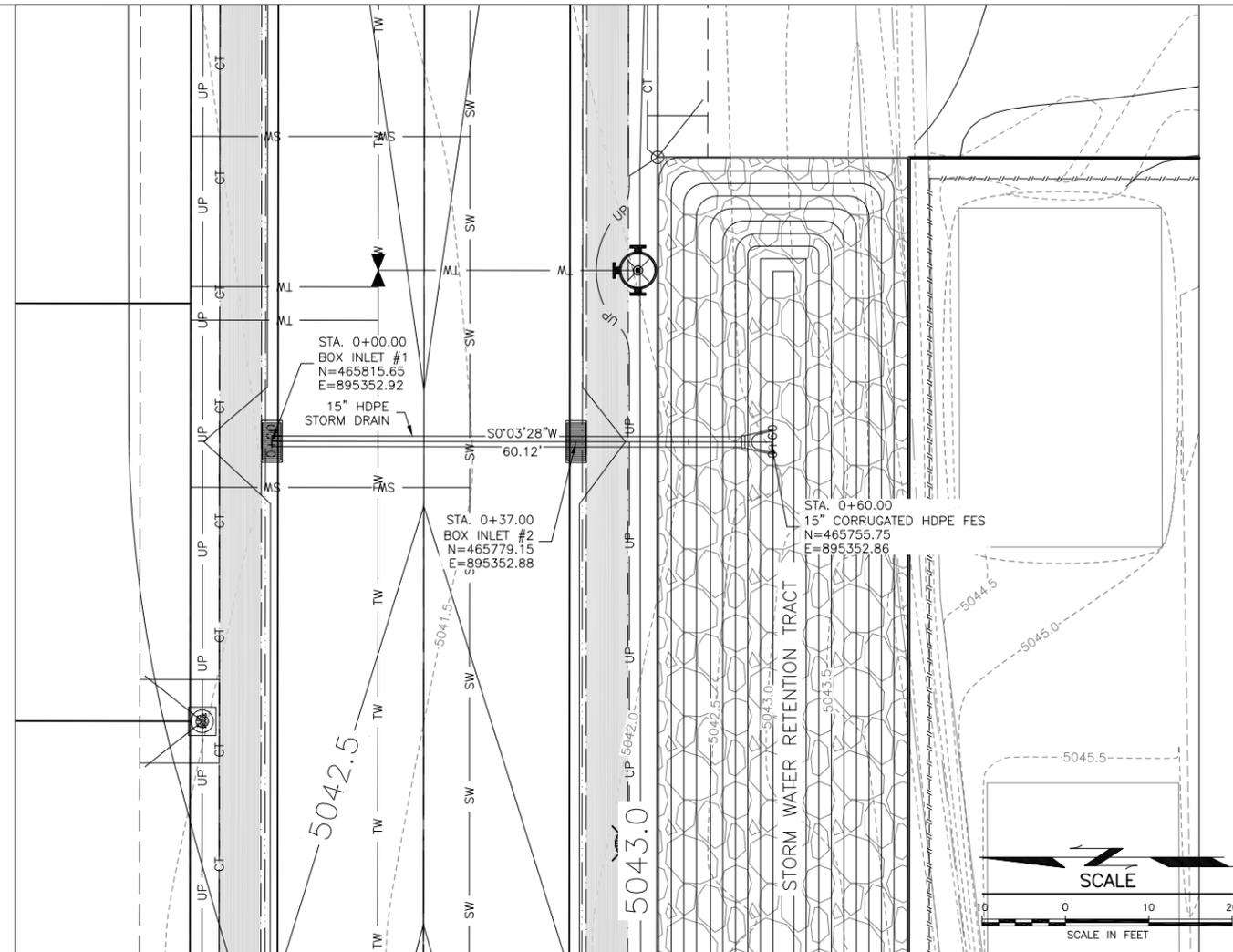
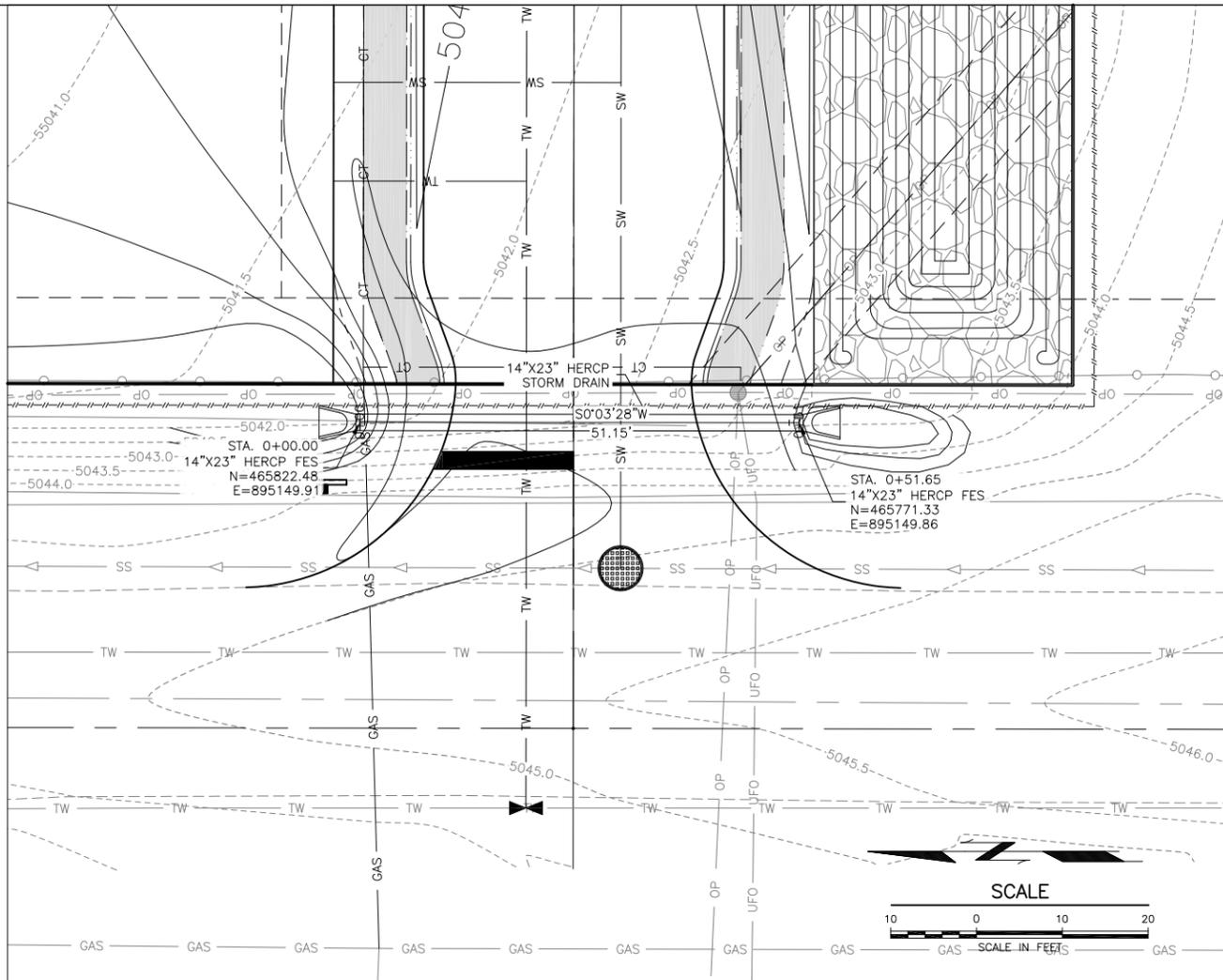


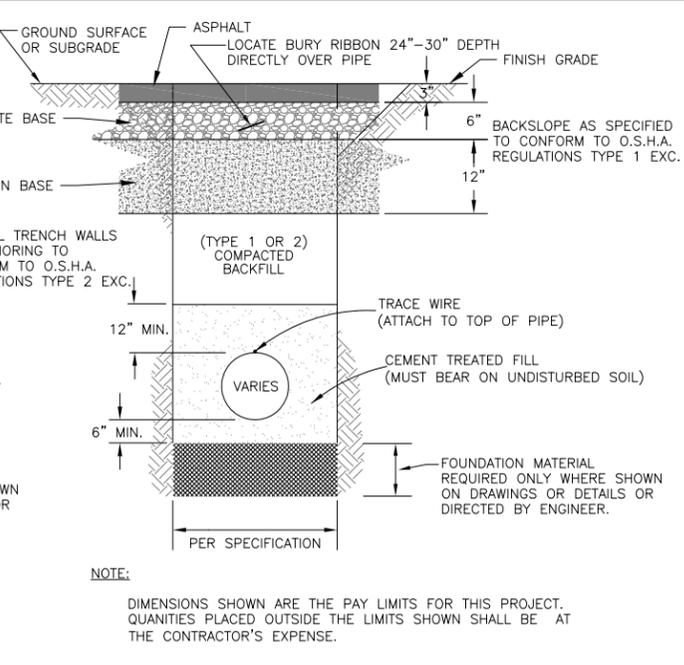
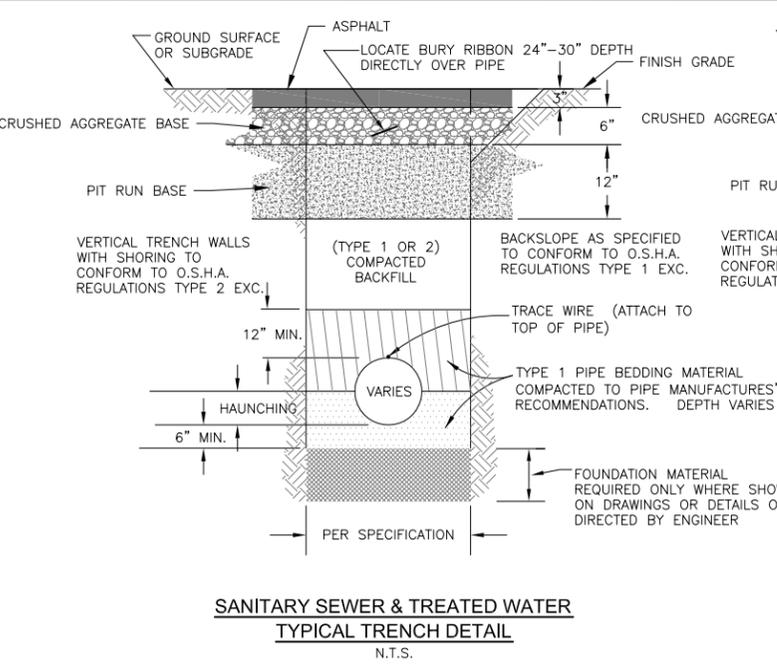
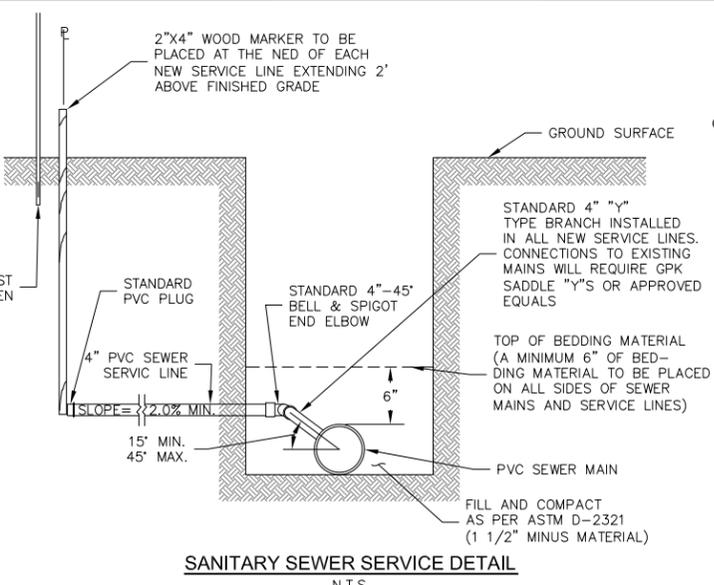
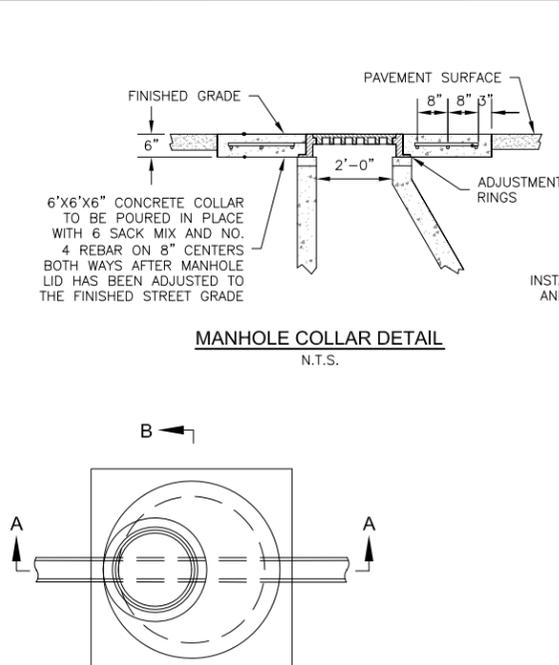
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 DRAWN BY: KES
 GDA ENGINEERS
 CODY, WYOMING
 PROJ. NO.: 131109
 CHK'D BY: TJJ



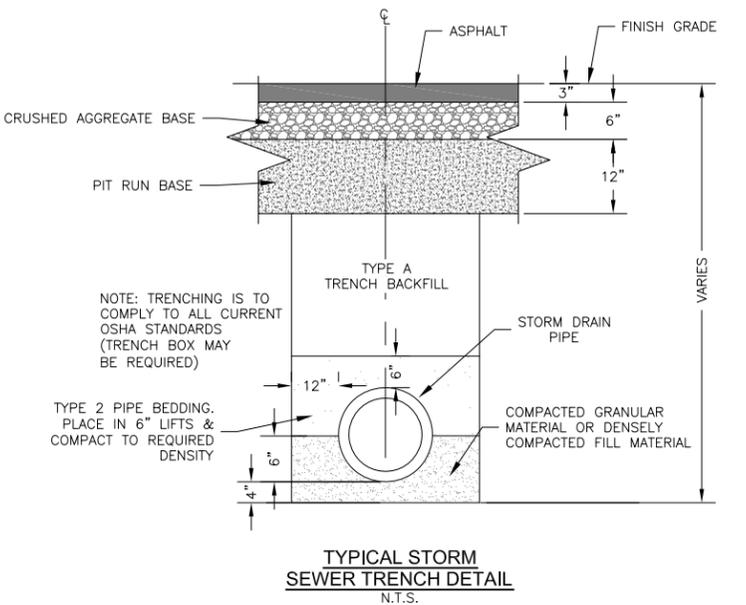
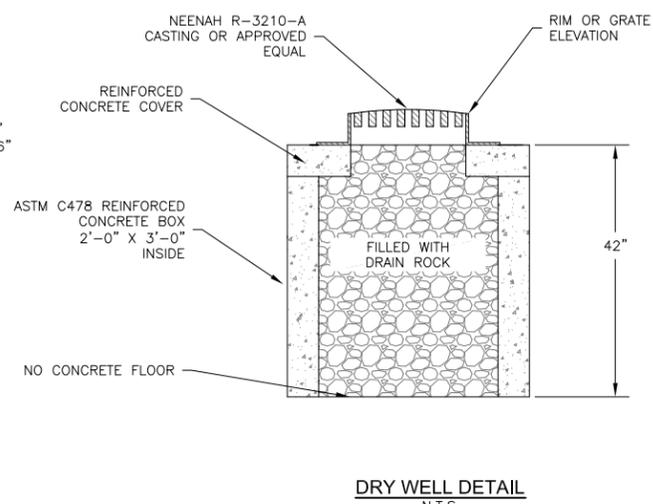
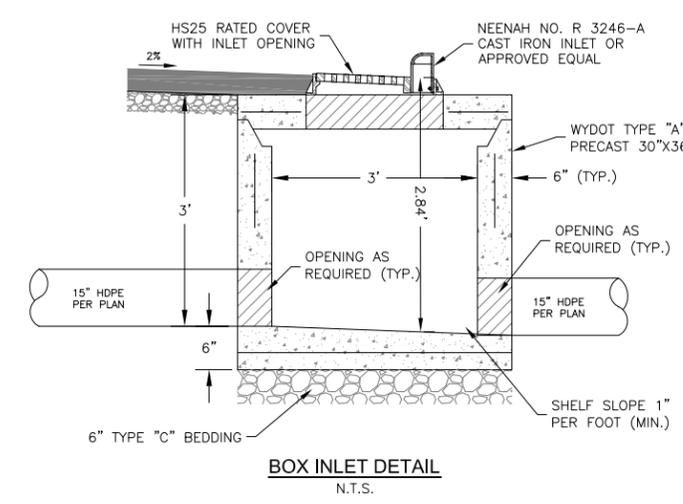
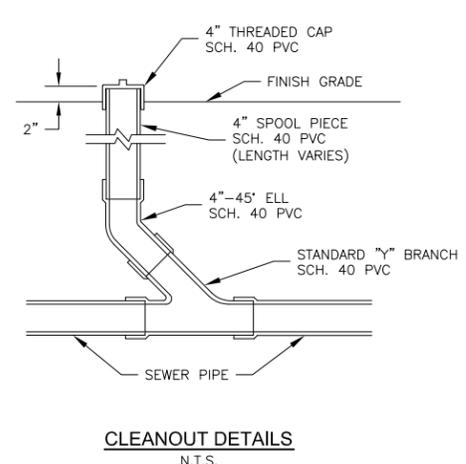
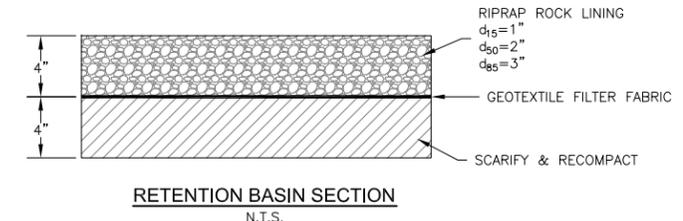
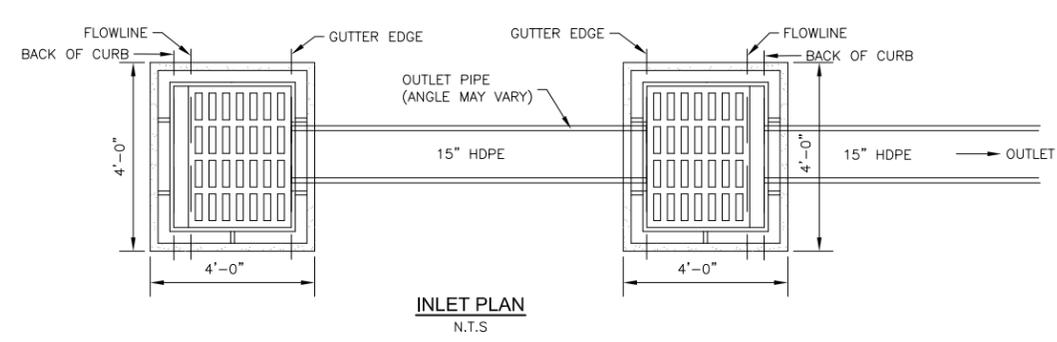
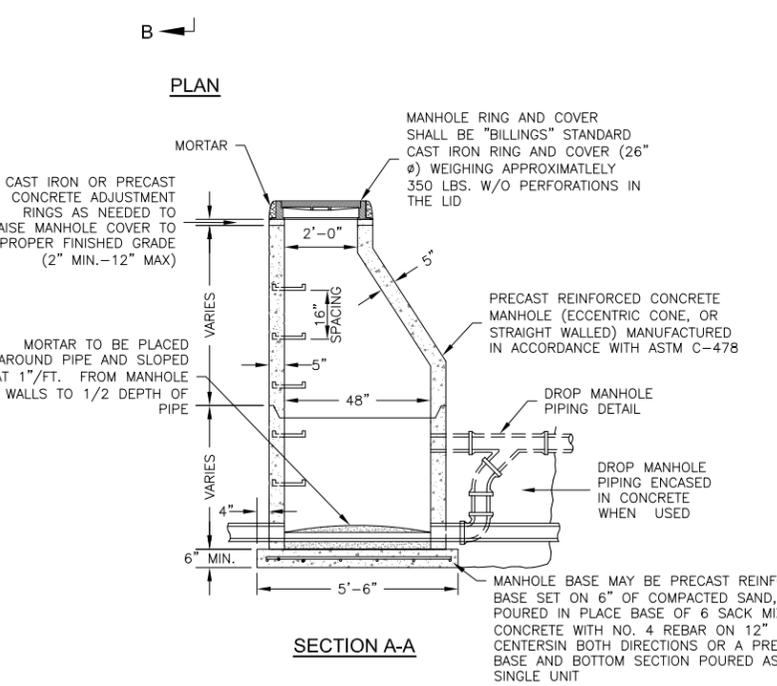
PARK COUNTY
 CODY, WYOMING
 SANITARY SEWER PLAN AND PROFILE
 CONSTRUCTION DOCUMENTS FOR J & K SUBDIVISION
 SHEET NUMBER
8
 OF 13 SHEETS

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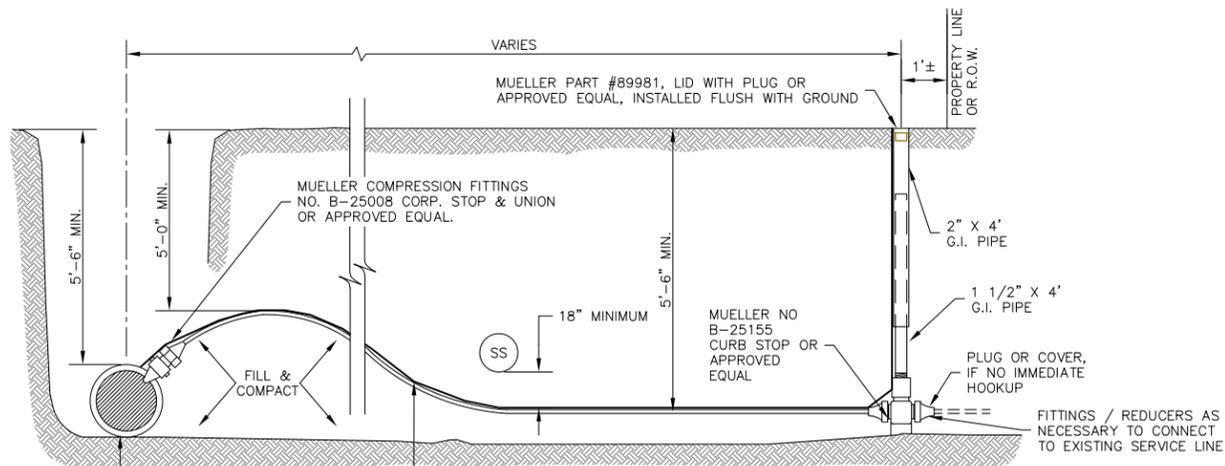


NOTE:
 DIMENSIONS SHOWN ARE THE PAY LIMITS FOR THIS PROJECT. QUANTITIES PLACED OUTSIDE THE LIMITS SHOWN SHALL BE AT THE CONTRACTOR'S EXPENSE.



NOTE: TRENCHING IS TO COMPLY TO ALL CURRENT OSHA STANDARDS (TRENCH BOX MAY BE REQUIRED)
 TYPE 2 PIPE BEDDING. PLACE IN 6" LIFTS & COMPACT TO REQUIRED DENSITY

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

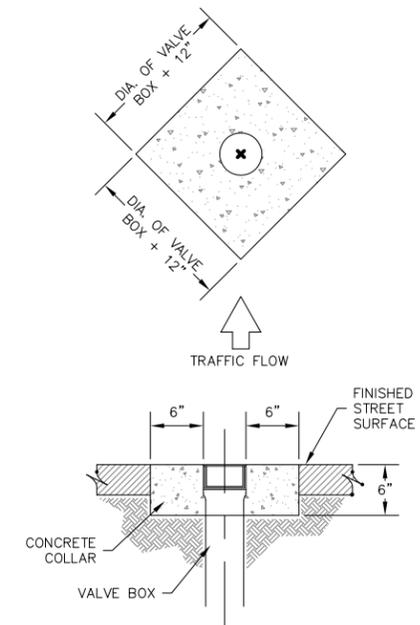


3/4" OR 1" SDR 9 PVC OR TYPE "K" SOFT COPPER PIPING CONFORMING TO ASA H23.1-1947 OR DRISCO PIPE 5100, 200 PSI, COPPER TUBE SIZE. ALL CONNECTIONS TO COPPER PIPING AND DRISCO PIPE SHALL BE MADE WITH CITY OF CODY APPROVED COMPRESSION FITTINGS. ALL DRISCO PIPE SERVICE LINES ARE TO BE ONE CONTINUOUS PIECE OF PIPE FROM THE MAIN TO THE CURB STOP. INSTALL 10 GAUGE TRACE WIRE DO NOT CUT MAIN TRACE WIRE ON MAIN PIPE. WRAP TRACE AROUND AND SOLDER AND APPLY VINYL ELECTRIC TAPE WHILE SOLDER IS STILL HOT

NOTE:

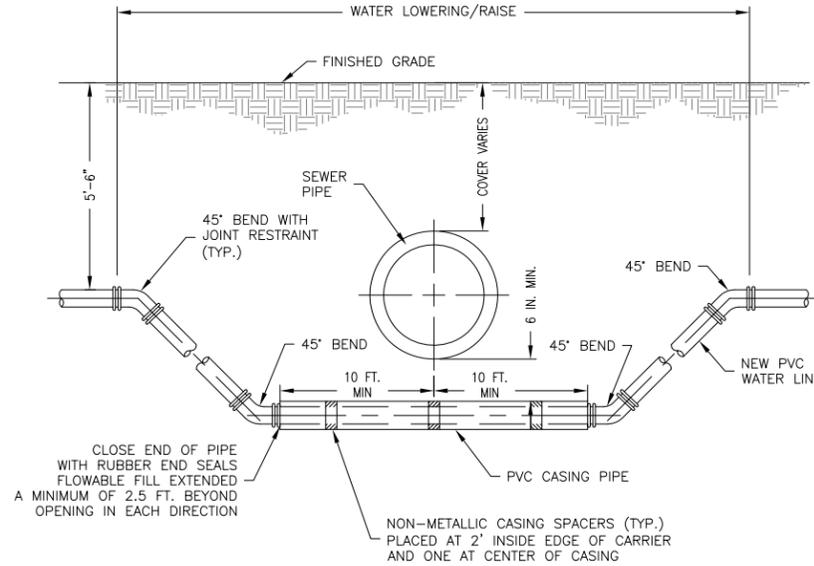
- SERVICE LINE TO BE INSTALLED WITH NO LESS THAN 5'-6" COVER, PROPERLY BEDDED WITH 3/8" MINUS PEA GRAVEL 6" BELOW AND 6" ABOVE SERVICE LINE.
- SERVICE LINE SHALL BE CONSTRUCTED TO MAINTAIN 18" VERTICAL SEPARATION BETWEEN ANY SANITARY SERVICE. IF CLEARANCE CANNOT BE MET, CEMENT SLURRY 10' EACH WAY OF 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.

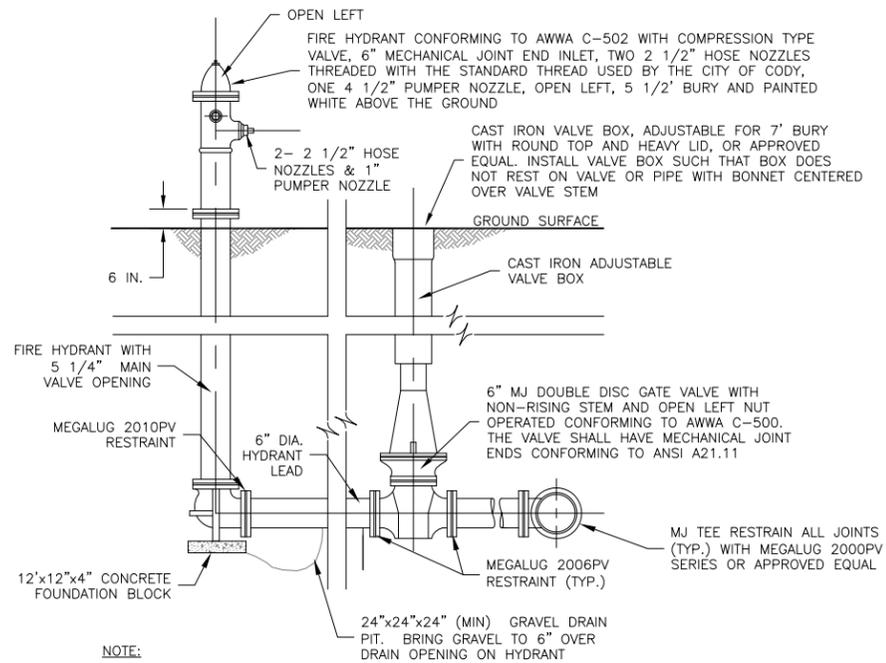


FINAL ADJUSTMENT OF THE VALVE BOX AND THE PLACEMENT OF THE CONCRETE COLLAR WILL BE MADE AFTER THE PAVING OF THE STREET HAS BEEN COMPLETED.

GATE VALVE SURFACE PAD
N.T.S.

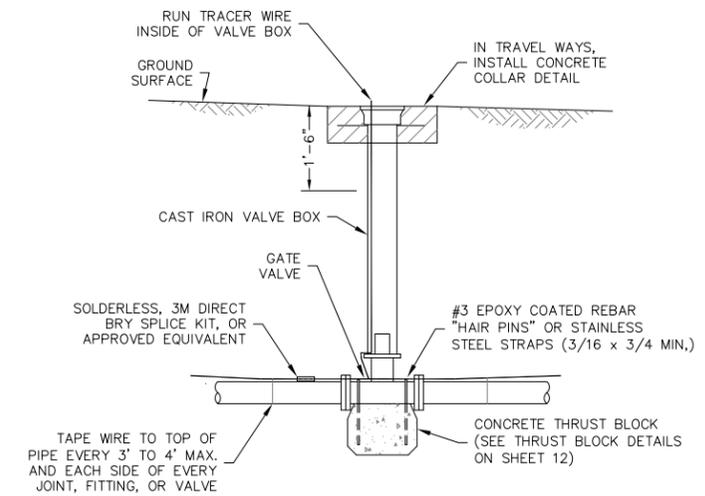


WATER MAIN LOWERING UNDER SANITARY SEWER WITH CASING DETAIL
N.T.S.



- NOTE:**
- CONTRACTOR SHALL USE M.J. RESTRAINTS AT ALL TIMES.
 - FIRE HYDRANT MAY NEED RISER TO MEET GRADE.

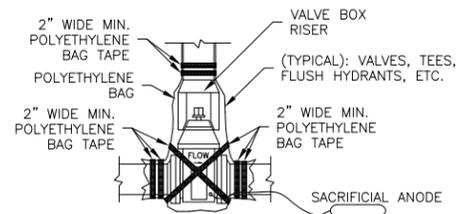
FIRE HYDRANT VALVE ASSEMBLY DETAIL
N.T.S.



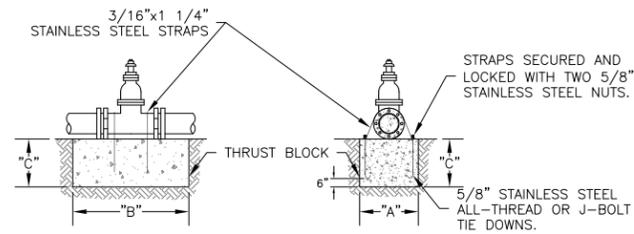
NOTE:

- 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.



POLYETHYLENE ENCASMENT DETAIL
N.T.S.

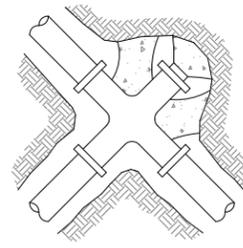


VALVE THRUST BLOCK DETAIL
N.T.S.

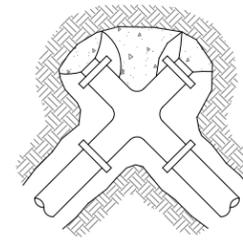
MINIMUM DIMENSIONS FOR THRUST BLOCKING								
ANCHOR ROD SIZE		3/4"	3/4"	3/4"	1"	1 1/8"	1 1/4"	1 3/8"
VALVE SIZE		2", 4", 6" & 8"	10"	12"	14"	16"	18"	24"
100 PSI	"A"	2'-0"	2'-0"	2'-3"	2'-3"	3'-0"	3'-8"	4'-4"
	"B"	2'-0"	2'-0"	2'-0"	2'-0"	3'-0"	3'-0"	4'-0"
	"C"	2'-0"	2'-0"	2'-9"	2'-4"	2'-11"	3'-0"	4'-0"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

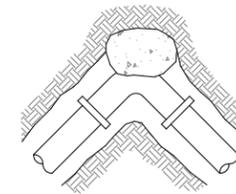
- PRESSURES SHOWN ABOVE ARE MAXIMUM WORKING PRESSURE IN THE SYSTEM.
- TO BE INSTALLED AT ALL FITTINGS AND VALVES AS SHOWN ON THE PLANS IN LIEU OF RESTRAINED JOINTS, OR AS CALLED FOR BY THE ENGINEER.
- COAT EXPOSED PORTIONS OF ANCHOR RODS WITH "KOPPERS" BITUMASTIC NO. 50 COATING OR APPROVED EQUAL.



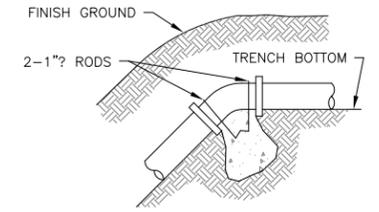
PLUGGED CROSS



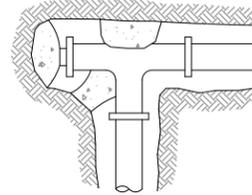
PLUGGED CROSS



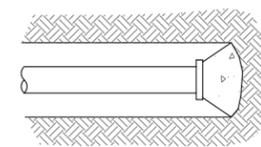
HORIZONTAL BEND



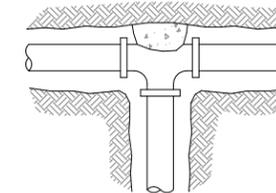
VERTICAL BEND
ENGINEER TO SPECIFY CONSTRUCTION



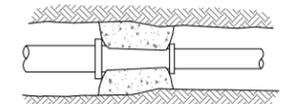
PLUGGED TEE



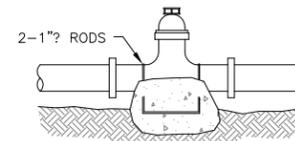
DEAD END



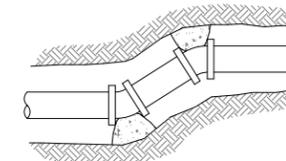
TEE



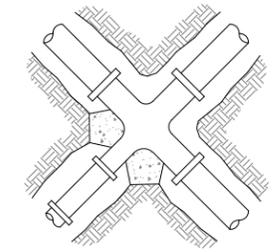
REDUCER



VALVE



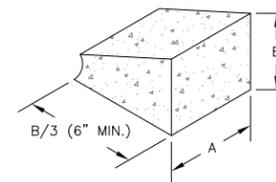
OFFSET



UNBALANCED CROSS

THRUST BLOCKING DETAILS
N.T.S.

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"



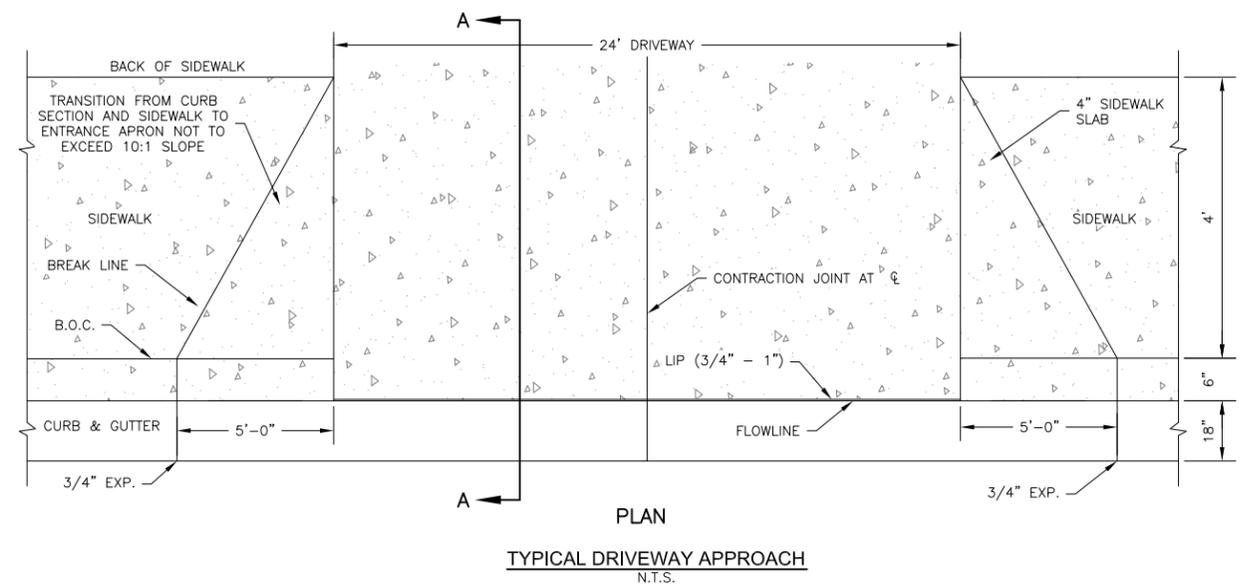
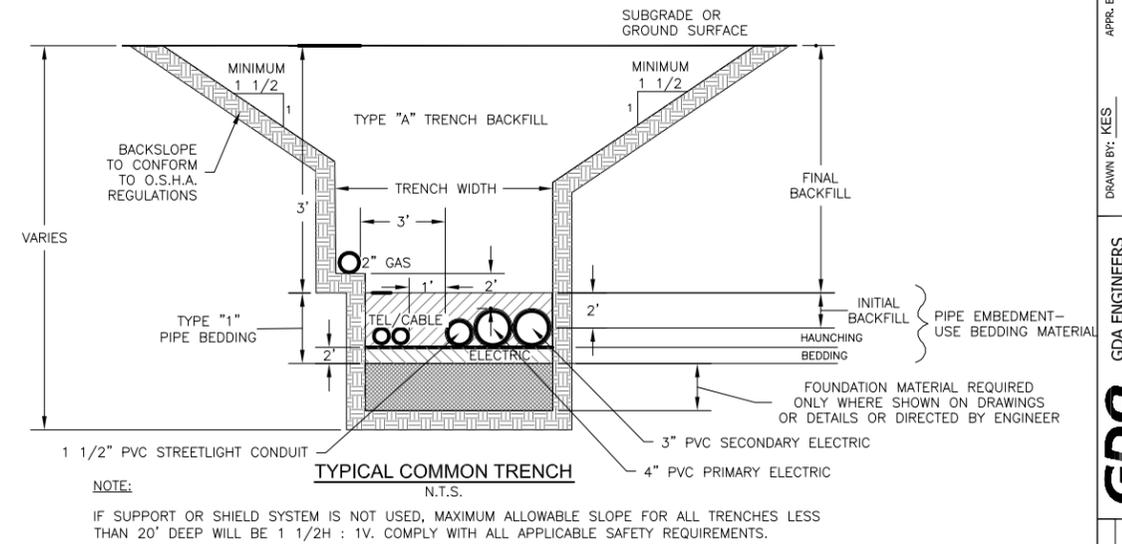
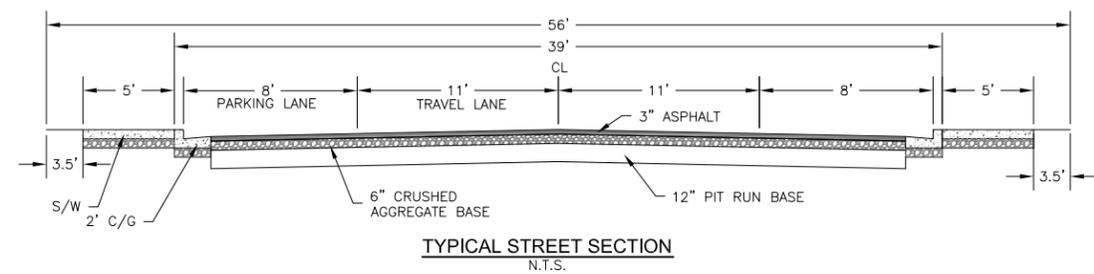
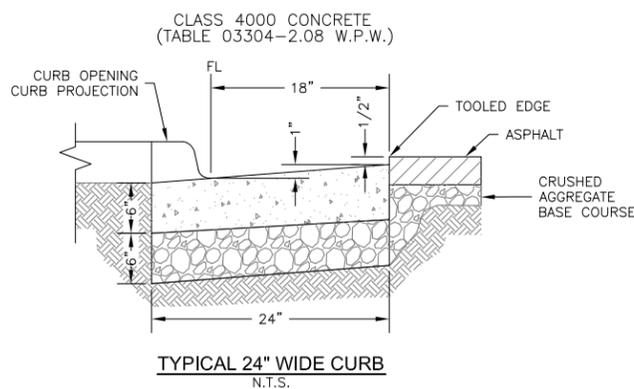
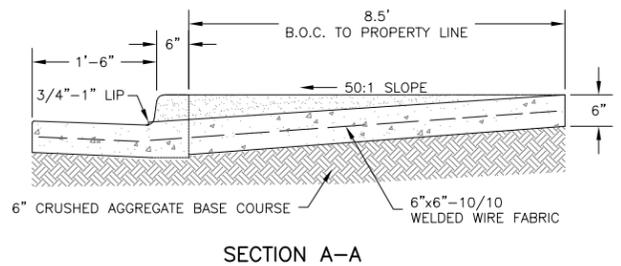
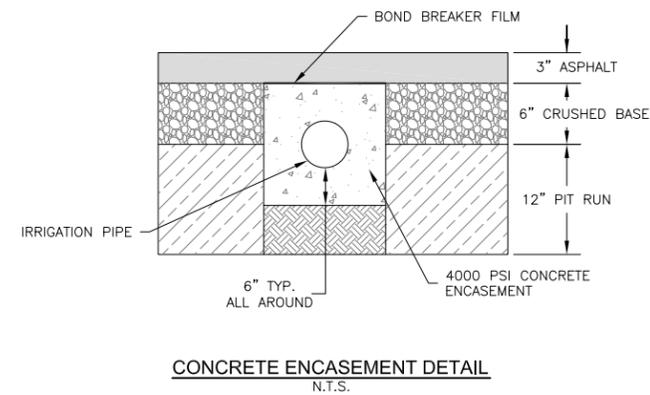
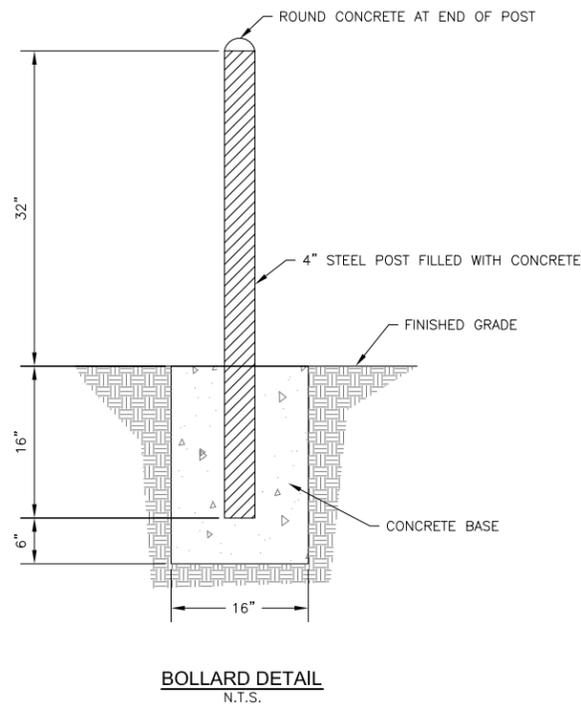
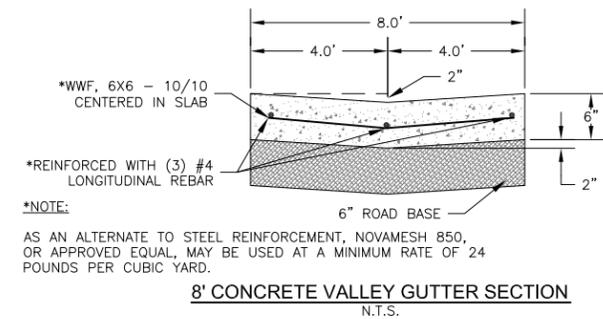
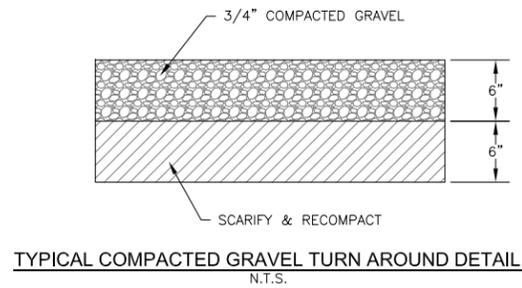
NOTES:

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

W:\Municipal Projects\131109 - J, and K, PUD\CAD Drawings\THRUST BLOCK DETAILS.dwg, 1/22/2014 5:38:56 PM

NOTES:

1. SUBGRADE COMPACTION SHALL CONFORM TO THE WYOMING PUBLIC WORKS STANDARD SPECIFICATION.
2. 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.
3. NO CURB AND GUTTER SHALL BE PLACED WITHOUT A FINAL FORM OF INSPECTION FROM THE ENGINEER.
4. CLASS 4000 (TABLE 03304-2.08 W.P.W.) CONCRETE SHALL BE USED.
5. COMPACTION SHALL BE 95% ON ALL AGGREGATES UNLESS OTHERWISE NOTED.



APPR. BY: DAB
PROJ. NO.: 131109

DRAWN BY: KES
CHK'D BY: TJJ

GDA ENGINEERS
CODY, WYOMING

GDA ENGINEERS

REV.	DATE	DESCRIPTION	BY

PARK COUNTY
CODY, WYOMING

STREET DETAILS
CONSTRUCTION DOCUMENTS FOR J & K SUBDIVISION

SHEET NUMBER
13
OF 13 SHEETS

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

MEETING DATE:	JANUARY 28, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	EXCEPTION FOR 808 ASPEN DRIVE, FRONT SETBACK. VAR 2014-01	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Please refer to the attached letter from Sue Morgensen and Raymond Lee. The residence at 808 Aspen Drive does not meet the 25-foot front setback by less than six inches. While the minimum setback requirement has been 25 feet since well before the house was constructed in 1979, the setback violation was apparently not discovered until 1992 when a survey of the property was done. No record of any permission for the reduced setback has been found.

The Cody zoning ordinance, quoting almost exactly from state law, grants the Planning and Zoning Board the following authority:

10-4-3(c)(4) To grant exceptions and variances upon request after showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of this title and the city has not taken steps toward enforcement.

Existing Condition:



STAFF COMMENTS:

In effect, the property owner and the lender need assurance that the existing situation will not be subject to enforcement action by the City, and that it may continue as is. There is no guidance in the city code or state law as to what the Board should consider, but provided there is no overwhelming life or safety issue, staff believes the exception and variance may be granted. In this case, it is the matter of less than 6 inches in a 25-foot setback, which is not of concern.

It is noted that the terms "exceptions" and "variances" used here are not defined in state law or city code, in that the typical variance process most people are familiar with is listed separately in both codes, and "exceptions" is not found elsewhere. The city attorney was consulted and he agrees that the formal variance criteria found in 10-4-3(C)(3) are not applicable to this "exception" process. In the long-term the Board may want to adopt some basic criteria for use of this process.

ATTACHMENTS:

Applicant's letter and survey drawing.

RECOMMENDATION:

It is recommended that the Board grant the "exception and variance" to permit the existing house to remain where it is.

January 17, 2014

City of Cody
1338 Rumsey Avenue
Cody, WY 82414
Attn: Todd Stowell

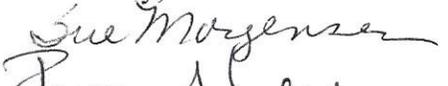
RE: Zoning Variance Request Letter (Lot 5 and Lot 6, Block 3, Skyline Subdivision)

Dear Mr. Stowell:

We are attempting to sell our house at 808 Aspen Drive. In reviewing the survey documents (see attached) it appears that there may be an issue with this property not being in compliance of zoning ordinances. The northeast corner of the house is set back only 24.7 inches from the street. The house was constructed in 1979, and we have owned the house since 2000. In this time, we have had no complaints from either the neighbors or the City of Cody. Therefore, we request a zoning variance be granted for this property.

Thank you for your consideration.

Sincerely,



Sue Mørgensen (307-272-3482)
Raymond Lee (602-315-0604)

Attachments (2)

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

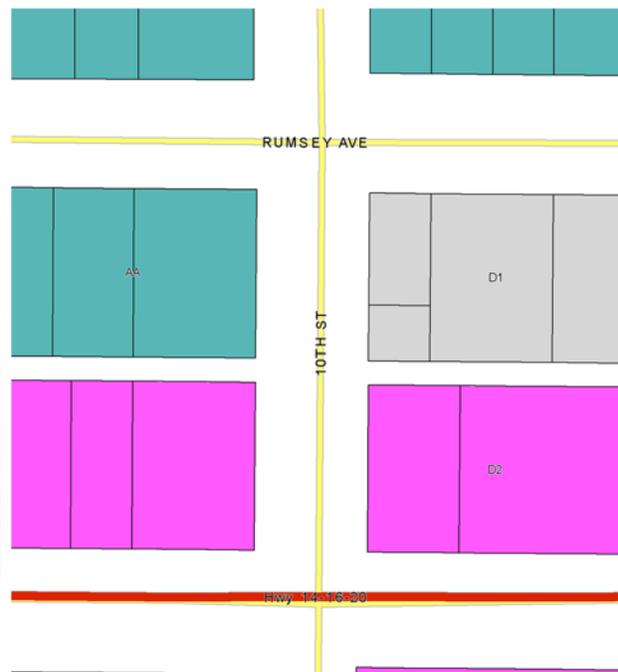
MEETING DATE:	JANUARY 28, 2014	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	EXCEPTION FOR 1014 10 TH STREET, MOOSE CREEK LODGE ANNEX IN D-1. VAR 2014-02	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Please refer to the attached letter from Ira Fellows regarding the Moose Creek Lodge annex located at 1014 10th Street.

The annex building is operated as part of the Moose Creek Lodge & Suites business, which has its main buildings at 1015 Sheridan Avenue. The annex faces 10th Street and is located on a 46' by 50' lot on the north side of the alley behind Mojoe's. While the main part of the Moose Creek Lodge is in the D-2 zoning district, the annex is in the D-1 zoning district which does not permit hotels and motels. Therefore, it is violation of the zoning ordinance.

Existing condition:



ANALYSIS:

An analysis of prior uses of the building indicates that the former uses were all considered "permitted" in the D-1 zoning district. Those uses include a bed and breakfast, real estate office, apartments, and power company office.

The applicant claims that modifications to the structure were made in 2003 with proper building permits. If that is the case, the city apparently issued the permits in violation of the zoning ordinance. However, the city has no record of such permits. The fire marshal has been in the building in the past and directed a few corrections, but it is not known if those have been made.

What is apparent is that the annex building has been operated at least five years as a hotel. The Cody zoning ordinance, quoting almost exactly from state law, grants the Planning and Zoning Board the following authority:

10-4-3(c)(4) To grant exceptions and variances upon request after showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of this title and the city has not taken steps toward enforcement.

It is noted that only the use of the building is being analyzed as part of this request. Building and fire code standards are outside of the planning and zoning board's jurisdiction.

It is also noted that based on the City's GIS mapping, the roof line of the building projects over seven (7) feet onto the adjacent property owned by Park County Title. That encroachment situation is primarily outside of the Planning and Zoning jurisdiction, with the exception of setback issues. The building was built in 1945 but it is not clear when the encroachment occurred, as the encroachment may have been an addition.

STAFF COMMENTS:

In effect, the property owner and the lender need assurance that the use of the building as a hotel may continue. While the encroachment and building/fire code issues may affect the ability to do so, the issue with the zoning designation of the property can be resolved by the Planning and Zoning Board.

Admittedly, there is no guidance in the city code or state law as to what the Board should consider, but provided there is no overwhelming life or safety issue that cannot otherwise be addressed by the building official or fire marshal, staff believes the exception and variance may be granted. The encroachment issue is troublesome, depending how it is interpreted. The Board and City cannot give permission to utilize the Park County Title property. The city attorney or deputy attorney should be able to provide further guidance.

It is noted that the terms "exceptions" and "variances" used here are not defined in state law or city code, in that the typical variance process most people are familiar with is listed separately in both codes, and "exceptions" is not found elsewhere. The city attorney was consulted and he agrees that the formal variance criteria found in 10-4-3(C)(3) are not applicable to this "exception" process. In the long-term the Board may want to adopt some basic criteria for use of this process.

ATTACHMENTS:

Applicant's letter and GIS map showing encroachment.

RECOMMENDATION:

If the Board grants the "exception and variance", it should be noted that such determination relates to the zoning of the structure and is not a determination as to building/fire code compliance or the encroachment issue.

January 23, 2014

Moose Creek Lodge & Suites
1015 Sheridan Ave.

Cody, WY 82414

City of Cody
Planning & Zoning
Cody, WY 82414

Dear Planning & Zoning,

I am requesting to be on the next scheduled Planning & Zoning meeting. I would like to have a variance for the property located at 1014 10th St. Cody, WY. It is presently zoned D1 and has been used as D2 for over 15 years.

A brief history of the property is as follows, the property was used as a bed & breakfast/real estate office prior to our purchase of the property. We have operated the property as a motel since the purchase.

As near as we can tell, from City records, we pulled a permit from 2003 when we renovated the interior of the motel with new plumbing, wiring, etc. We have the property offered for sale and the bank has requested this matter of zoning be cleared up before we proceed with that process.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ira Fellows", written in a cursive style.

Ira Fellows

Moose Creek Lodge & Suites

Cody, WY 82414

(307) 250-3454 cell phone

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, December 10, 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, December 10, 2013 at 12:00 PM

Present: Rick Brasher, Chairperson; Kim Borer; Justin Ness; Bud McDonald; Mark Musser; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Jolene Osborne, Engineering Administrative Assistant;

Tardy: Justin Lundvall, Vice Chairperson, joined the meeting at 1:00PM;

Absent: None;

Chairperson Rick Brasher called the meeting to order at 12:03PM, followed by the pledge of allegiance.

Kim Borer made a motion seconded by Justin Ness to approve the agenda. Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Bob Senitte to approve the minutes of the November 26, 2013 regular meeting with the addition of the word "Highway" to the Meeteetse Area description. Vote on the motion was unanimous, motion carried.

PRESENTATION OF COMMUNICATIONS:

Justin Ness recused himself from the following application.

Bud McDonald made a motion seconded by Mark Musser to remove the J and K Major Subdivision from the table. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the changes proposed by Jerry Thiel & Sons Construction for the proposed Preliminary Plat of the J and K Major Subdivision. Changes include additional sidewalk, a reconfiguration of lots 10 through 12, "no parking" and "dead end" signs, retention basin maintenance agreement, and a dust complaint contact number.

David Bergh of GDA Engineers answered questions from the board regarding the street lighting, the variances requested, and the increase in traffic.

Kim Borer made a motion seconded by Bud McDonald to recommend approval of the Preliminary Plat of the J and K Major Subdivision and the following variances, subject to the listed conditions:

Variances:

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)). (Finding that there is no place to route storm

drainage and that it is in the public interest as currently there is no agreement for participation in future improvement districts.)

2. Variance from 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 (Finding that the city public works determined there is sufficient room for future improvements in the existing 80-foot right of way, and the proposal meets with future master plan.)
3. Variance from providing alleys (11-4-2(P)) (Finding that there are no alleys currently in the area and an isolated alley would not be to the public benefit.)
4. Variance to permit the proposed street-cross section (based on draft master plan, with additional reduction for entrance.) (Finding that the future master plan requirements more readily reflect the public interest.)
5. Variance to permit manhole spacing of 480 feet (Finding that the city public works has approved the spacing for this development.)
6. Variance to permit 46 feet of frontage on Lot 10. (Finding that it is in the public interest in order to avoid impacts on the future street alignment and the lot provides sufficient space for a single family dwelling as is the intent of the title.)

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 dead and dying 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.

Kim Borer, Bud McDonald, and Rick Brasher were in favor of the motion. Mark Musser and Bob Senitte were opposed. Justin Ness recused himself. Motion failed.

Discussion ensued regarding the requested variance for the reduced frontage of Lot 10.

Bud McDonald made a motion seconded by Mark Musser to table the application until the end of the meeting. Vote on the motion was unanimous, with Justin Ness recused, motion carried.

Kim Borer made a motion seconded by Bud McDonald to table item D Zoning Ordinance Amendment until the next meeting. Vote on the motion was unanimous, motion carried.

Justin Ness rejoined the meeting. Justin Lundvall joined the meeting as well.

Todd Stowell presented the letter provided to the board by Buffalo Jump Wines.

Scott Wagner and Beckie Tilden of Buffalo Jump Wines discussed their proposal with the board.

Justin Ness made a motion seconded by Kim Borer to allow Buffalo Jump wines to proceed with their proposed distillery limited to their current 60 gallon sized still. Vote on the motion was unanimous, motion carried.

Justin Ness recused himself from the following application.

Todd Stowell presented the staff report for the preliminary plat of the CLDC Subdivision for a 10-lot subdivision on Road 2AB.

Justin Ness, GDA Engineers, discussed the project with the board. He also distributed a revised plat to the board that reflects a larger frontage for Lot 6, with minimal frontage for Lot 5. He answered questions regarding the sewer proposal for Lot 10 and the 50 foot frontage for Lot 5. Discussion ensued regarding a possible building buffer on Lot 3 and 5.

Kim Borer made a motion seconded by Justin Lundvall to recommend to council approval of the preliminary plat application for the CLDC Subdivision on Road 2AB 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)). (Finding that none currently exist in the area and an agreement to participate in a future improvement district is in the benefit of the public.)
2. Variance from providing alleys (11-4-2(P)). (Finding that there are no alleys currently in the area to provide connection.)
3. Variance to the block length requirement (11-4-2(v)). (Finding that the area currently has no blocks.)
4. Variance for no sewer service line to Lot 10. (Finding that the size of the property and future development intent does not lend itself to sewer service requirements.)
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. (The board findings that the industrial use of the lots means the electrical service requirements are undefined until time of development.)

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.

Vote on the motion was unanimous, with Justin Ness recused, motion carried.

Justin Ness rejoined the meeting.

Todd Stowell presented the staff report regarding the proposed railroad loading facility to be located along Road 2AB and BNSF Railroad submitted by Legacy Reserves.

Travis Conlkin of Engineering Associates spoke with the board.

Justin Ness made a motion seconded by Kim Borer to approve the site plan application submitted by Legacy Reserves for the construction of the crude oil rail loading facility to be located along Road 2AB with the following conditions:

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.

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report regarding the proposed amendment for a boundary between new heavy industrial zone and current properties. He asked if the

board agreed there needed to be a buffer there. If so, is it okay to do a plat restriction instead of a transitional zone?

Kim Borer made a motion seconded by Bud McDonald to table item E regarding the proposed amendment to the proposed transitional zone boundary. Vote on the motion was unanimous, motion carried.

Justin Ness recused himself from the following application.

Kim Borer made a motion seconded by Bob Senitte to remove from the table the proposed Preliminary Plat of the J and K Major Subdivision. Vote on the motion was unanimous, motion carried.

At the request of Justin Lundvall, Todd Stowell reiterated the changes proposed from the previous application of the preliminary plat of the J and K Major Subdivision.

Kim Borer made a motion seconded by B to recommend to council approval of the Preliminary Plat of the J and K Major Subdivision on 29th Street and the following variances, subject to the listed conditions:

Variances:

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)). (Finding that there is no place to route storm drainage and it is in the public interest as currently there is no agreement for participation in future improvement districts.)
2. Variance from 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. (Finding the city public works department has determined there is sufficient room for utility service access and the proposal meets compliance with future master plan.)
3. Variance from providing alleys (11-4-2(P)). (Finding there are no alleys currently in the area, an isolated alley would not be to the public benefit.)
4. Variance to permit the proposed street-cross section (based on draft master plan, with additional reduction for entrance). (Finding that the future master plan requirements more readily reflect the public interest.)
5. Variance to permit manhole spacing of 480 feet. (Finding that the city public works has approved the spacing for this development.)
6. Variance to permit 46 feet of frontage on Lot 10. (Finding it is in the public interest to avoid impacts on the future street alignment, and as the lot provides sufficient space for a single family dwelling as is the intent of the title.)

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 dead and dying 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.
6. A note be added to the plat restricting Lot 10 to single family, Lots 11 and 12 limited to no greater than duplex. State on the final plat that lots 11 & 12 duplexes only and lot 10 limited to single family.

Vote on the motion was unanimous, with Justin Ness recused, motion carried.

Justin Ness rejoined the meeting.

Kim Borer thanked Rick Brasher and Bud McDonald for their service on the board for the last three years. Rick Brasher stated it was a pleasure working on the board and learning how the system works. He appreciates the work of City Staff and other Board members.

Steve Miller, on behalf of the Council, also thanked board members Rick Brasher and Bud McDonald for their service and staff member Jolene Osborne for her work.

Todd Stowell thanked Rick Brasher and Bud McDonald for their service on the board.

Rick Brasher made a motion seconded by Bud McDonald to cancel the December 24th meeting. Vote on the motion was unanimous, motion carried.

Mark Musser made a motion seconded by Bud McDonald to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Rick Brasher adjourned the meeting at 2:41PM.

Jolene Y. Osborne
Engineering Administrative Assistant

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

MEETING DATE:	JANUARY 14, 2012	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	AMEND ZONING ORDINANCE: REPLACE LANGUAGE OF CHAPTER 13, NONCONFORMING USES WITH A NEW CODE.	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

BACKGROUND:

The City simply needs a better code for dealing with nonconforming lots, nonconforming buildings and nonconforming uses. The one sentence in the current code is not adequate.

A new code for nonconforming lots has been drafted and reviewed by a subcommittee of Planning and Zoning Board members, as well as the city attorney. It is now presented to the full Board for consideration.

PROCEDURE:

10-5-1, City Council Authority

The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing.

Once the Board is satisfied with the code, they can forward it to the City Council with a recommendation for adoption. City Council would hold the formal public hearing and three readings.

ATTACHMENTS:

Draft Nonconforming Code.

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.