

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, October 14, 2014

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

Present: Justin Lundvall-Chairperson; Robert Senitte; Buzzy Hassrick; Kim Borer; Mark Musser; Justin Ness; Sandra Kitchen, Deputy City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Lynn Stutzman, Engineering Administrative Assistant.

Absent: Brad Payne

Chairperson Justin Lundvall called the meeting to order at 12:38 PM, followed by the pledge of allegiance.

Mark Musser made a motion, seconded by Robert Senitte, to approve the agenda. Vote on the motion was unanimous, motion carried.

Kim Borer made a motion, seconded by Mark Musser, to approve the minutes for the September 23, 2014 meeting with the corrections noted. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

Irma Hotel Seasonal Enclosure located at 1192 Sheridan Avenue.

Robert Senitte made a motion to amend the motion from the September 9, 2014 meeting, seconded by Justin Ness, to extend the time frame for the Seasonal Closure installation from the present time to April 30, 2015 for this year only. Justin Lundvall, Justin Ness, Mark Musser, and Robert Senitte voted in favor. Buzzy Hassrick and Kim Borer opposed the motion. Motion carried.

Todd Stowell presented the staff report for a site plan review of a vehicle storage and shop for Rodney Hayes located at 314 Blackburn Avenue.

Kim Borer made a motion, seconded by Buzzy Hassrick, to approve the site plan of the vehicle storage and shop located at 314 Blackburn Avenue as presented with the following conditions:

1. The domestic water line to the building must be a minimum of 1 inch and fitted with a residential dual check valve.
2. If the sewer line is a 4" diameter line, sewer cleanouts are required every 75 feet and the cleanouts should be protected with concrete collars if they are in a vehicle maneuvering area.
3. Provide a gate in the fence and a walkable pedestrian pathway for pedestrian access from the building to the alley for access to the dumpster.
4. Prior to occupancy, the applicant's engineer must provide a certification letter that the storm water system was installed in substantial compliance with the storm water plan.
5. Add a sign for the ADA Van Accessible space to the building in front of the parking space.
6. The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes, including installation of the required fire separation wall.

7. Groundcover of cobble or gravel from the existing fence to the sidewalk to prevent weed growth.

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for a revised site plan review for the Park County Search and Rescue Building located at 721 15th Street. Rick Lambert answered questions from the Board. Mr. Sanders, the neighbor to the west, expressed concerns and a desire for landscaping west of the building.

Justin Ness made a motion seconded by Robert Senitte to approve the revised site plan review for the Park County Search and Rescue Building located at 721 15th Street as presented with the following conditions:

1. That unless adequate off-site parking is provided, use of the facility is limited to the storage, command center, and small search and rescue training sessions as described by the applicant. The facility cannot be used for large training events/meetings, or other uses that would exceed available parking on site and along the property frontage.
2. That prior to occupancy, the applicant must plant a minimum of two “medium” or “large” trees in the park strip to the south of the property or provide a financial guarantee. No tree is to be closer than 30 feet from the corner of the curb at the intersection and the tree species and location must be authorized by the city in accordance with City of Cody Code 7-4. The applicant may provide a bond (financial security) for the trees. In addition, the park strip is to be provided with a finished groundcover to prevent weeds, such as lawn or decorative rock.
3. Replace the red color with dark grey except for the signage.
4. Due to the emergency shower/eye wash station, a RPZ backflow device is required.
5. The project must otherwise comply with the submitted plans and applicable building, fire, and electrical codes.

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for minor site plan review for a 2-vehicle carport at St. Anthony’s Church parking lot located at 1333 Monument Street.

Justin Ness made a motion seconded by Robert Senitte to approve the minor site plan review for a 2-vehicle carport located at 1333 Monument Street. Kim Borer, Justin Lundvall, Justin Ness, Mark Musser and Robert Senitte voted in favor of the motion. Buzzy Hassrick opposed the motion. Motion passed.

Todd Stowell presented the staff report for a site plan review for a 10-unit RV/vehicle storage building for Jim Sommers located at 416 DY Road.

Kim Borer made a motion seconded by Buzzy Hassrick to approve the site plan review for a 10-unit RV/vehicle storage building at 416 DY Road with the following conditions:

1. Prior to occupancy of the building, the engineer is to certify that the storm water facilities have been constructed as designed.
2. Provide bollards around the fire hydrant—coordinate with Public Works.

3. As with the first building, a fire wall separation is needed within the building in order to avoid the requirement for a fire sprinkler system. Show the fire wall on the building plans.
4. The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes.
5. A waiver is granted to eliminate the residential buffer requirement.

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Libations illuminated sign and message board located at 1503 Sheridan Avenue.

Kim Borer made a motion seconded by Robert Senitte to approve the illuminated sign and message board located at 1503 Sheridan Avenue with a minimum dwell time of 7 ½ seconds and a maximum transition time of 1 second. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for a parking agreement between a daycare/preschool located at 2132 Cougar Avenue and the Cody Bible Church located at 2137 Cougar Avenue.

Buzzy Hassrick made a motion seconded by Kim Borer to table this item. Kim Borer, Buzzy Hassrick and Robert Senitte voted in favor of the motion. Justin Lundvall, Justin Ness and Mark Musser opposed the motion. Motion failed for lack of a majority vote.

Justin Ness made a motion seconded by Mark Musser to approve the parking agreement between a daycare/preschool located at 2132 Cougar Avenue and the Cody Bible Church located at 2137 Cougar Avenue with the following conditions:

1. Annual renewing of lease.
2. Final approval of the parking agreement by the city attorney.
3. Verification of liability insurance for the shared spaces.
4. Execution of the parking agreement by both parties.

Kim Borer, Justin Lundvall, Justin Ness, Mark Musser and Robert Senitte voted in favor of the motion. Buzzy Hassrick opposed the motion. Motion carried.

Public hearing for the Special Exemption Request to operate an indoor gun range at 142 W. Yellowstone Avenue began at 2:00 p.m. Public hearing closed at 2:37 p.m.

Todd Stowell presented the staff report for the Special Exemption and Site Plan for Wyoming Firearms Experience located at 142 W. Yellowstone Avenue.

Justin Ness made a motion seconded by Buzzy Hassrick to approve the Special Exemption and Site Plan for Wyoming Firearms Experience located at 142 W. Yellowstone Avenue with the following conditions 1 through 7 and the City Council conditions 1 through 9 adding Item No. 10:

1. That the requested indoor gun range represents a use not listed in the zoning ordinance, and that the special exemption process is the most appropriate method to determine whether such use should be permitted.

2. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by certified mail to all property owners within 140 feet at least ten days before the hearing.
3. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
4. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the specific application.
5. That the Planning and Zoning Board has reviewed the standards of 10-14-2 City of Cody Code and finds that the proposal can be sufficiently conditioned to meet the requirements thereof, including finding that an indoor shooting range complying with the City Council restrictions imposed at their October 7, 2014 meeting, is similar to other land uses listed in the Open Business/Light Industrial (D-3) zoning district, when considering the criteria of 10-14-2(B)(2). Such similar uses are listed in the staff report discussion.
6. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(B)(2), including similarity of size, intensity, noise, traffic, burden on infrastructure, and purpose of the use, are met.
7. That the requirements of 10-14-2(C)(2) have been sufficiently addressed in the staff report and at the Board meeting to confirm that they will be met, subject to the conditioning authority noted in 10-14-2(C)(3).

And approve Special Exemption for the indoor shooting range subject to the following conditions, which include the five City Council conditions.

Conditions of Approval:

1. Noise Restrictions: From 7 a.m. to 10 p.m., sound levels from the discharge of firearms within the facility shall not result in firearm noise exceeding 50 dBA at the north property line and 60 dBA at all other property lines of the existing parcel, for any amount of time. Between the hours of 10 p.m. and 7 a.m. firearm noise shall not exceed 50 dBA at any property line of the subject property. Any brief exceedance of these sound level thresholds due to a person opening the building's exterior door to enter or exit shall not constitute a violation of these standards. Similarly, brief increased sound levels due to simultaneous gunshots shall not constitute a violation of these standards.
2. Prior to opening the facility to the public, the applicant must demonstrate compliance with the maximum sound level thresholds to the city. Verification must include the services of a qualified professional with calibrated certified equipment. Testing shall include the loudest firearm(s) to be shot at the facility. If ammunition sizes and/or loads need to be limited to comply with the required sound thresholds, signage indicated maximum ammunition sizes and/or loads shall be prominently posted within the facility.
3. The gun range shall be designed to contain all gunfire within the gun range. The gun range operator shall strictly control the use of ammunition within the facility so that the loads do not exceed design standards or result in sound level violations.
4. A HEPA filtration system must be used as contemplated, so that any air discharged from the shooting range is not discharged without HEPA filtration.

5. For safety purposes, instructor to student ratios shall be consistent with national safety standards.
6. The applicant's professional engineer must certify that the heating, cooling and ventilation system has been designed to operate in compliance with the requirements of Condition 4 prior to commencing operation of the facility.
7. It shall be a violation of this permit for any person operating the range to knowingly permit any intoxicated or chemically impaired person to handle a firearm within the premises.
8. If future modifications to the building, gun range structure, or sound attenuating systems occur after initial verification of required sound levels, the City may require the applicant to re-verify compliance with required sound level thresholds.
9. The parking plan shall be modified to include exterior lighting in accordance with the parking ordinance requirements. At least 18 of the parking spaces that are not currently illuminated need to be provided with illumination. In addition, any spaces that restrict required driveway widths shall be eliminated (at least the one on the west side, and if needed in the future, the westernmost paved space.) The parking lot shall be improved according to the plans prior to occupancy of the gun range facility.
10. No 0.50 caliber Browning Machine Gun ammunition allowed.

Vote on the motion was unanimous, motion carried.

The Board discussed the Architecture and Landscaping of Proposed FedEx Ground Facility located at 701 33rd Street with the Applicant's Representative. Comments were received from James Klessens of Forward Cody, Harold Musser, and Dustin Spomer of GDA Engineers.

Justin Ness made a motion, seconded by Buzzy Hassrick, to table Items 7. through 10. on the agenda until the next regularly scheduled Planning and Zoning Meeting and to adjourn this 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 3:45 PM.

Lynn Stutzman
Engineering Administrative Assistant