

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, JUNE 23, 2015
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

AGENDA

1. Call to Order by Chairman Justin Lundvall
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the June 9, 2015 Regular Meeting
6. NEW BUSINESS:
 - A. Subdivision (County): Sketch Plan, Preliminary & Final Plat, 2nd Amended Plat of Lot 3, Saddle String Subdivision.
 - B. Public Hearing: Review request for Special Exemption to reduce the front and rear setback requirements for Lauri Ferraro at 1001 Park Avenue.
 - C. Special Exemption: Review request by Lauri Ferraro to reduce the front and rear setback requirements at 1001 Park Avenue.
 - D. Review request by the Wild Sheep Foundation to rezone property at 720 Allen Avenue to Limited Business (D-1).
 - E. Minor Commercial Review: Storage shed by Ray Humphries at ALCO Corp, 324 Roberts Street.
6. Sign: Here Yoga at Beck Lake Plaza, #11
7. P&Z Board Matters (announcements, comments, etc.)
8. Council Update: Steve Miller
9. Staff Items
10. Adjourn

The public is invited to attend all Planning, Zoning and Adjustment Board meetings. If you need special accommodations to participate in the meeting, please call the City office at (307) 527-7511 at least 24 hours in advance of the meeting.

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, June 9, 2015

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, June 9, 2015 at 12:00 PM

Present: Justin Lundvall-Chairperson; Buzzy Hassrick; Brad Payne; Curt Dansie; Reese Graham Sandra Kitchen, Deputy City Attorney; Steve Miller, Council Liaison; Utana Dye, Certified Engineering Technician II; Tasa Brost, Management Analyst.

Absent: Mark Musser, Justin Ness

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

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

Buzzy Hassrick made a motion, seconded by Curt Dansie, to approve the minutes for the May 26, 2015 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

Utana Dye presented the staff report for the Canyon Real Estate freestanding sign at 1327 Rumsey Avenue.

Brad Payne made a motion, seconded by Curt Dansie, to approve the Canyon Real Estate freestanding sign at 1327 Rumsey Avenue as presented. Vote on the motion was unanimous, motion carried.

Utana Dye presented the staff report for Legend's Bookstore wall sign and suspended sign at 1350 Sheridan Avenue.

Curt Dansie made a motion, seconded by Buzzy Hassrick, to approve the Legend's Bookstore wall sign and suspended sign at 1350 Sheridan Avenue as presented with recommendation of WYDOT approval prior to projecting sign installation. Vote on the motion was unanimous, motion carried.

Utana Dye presented the staff report for the Site Plan Review for a 15-unit storage facility at 1913 Big Horn Avenue, by Rick Cook.

Brad Payne made a motion, seconded by Buzzy Hassrick, to approve the Site Plan Review for a 15-unit storage facility at 1913 Big Horn Avenue subject to the following conditions:

1. That the water line and hydrant is installed, the work is accepted by the city, and the utility easement is recorded prior to occupancy of the building. The applicant is responsible for providing a legal description for the utility easement.

2. That the cul-de-sac bulb and a gravel lane to the fire hydrant are surfaced with gravel in the same manner as the access road. The gravel surfaces must have sufficient base to support the trucks and other vehicles that will use them, during all weather conditions.
3. That once constructed, the applicant's engineer provide a certification that the storm water facilities have been constructed as designed prior to occupancy of the building.
4. That the project otherwise comply with the submitted site plan and applicable building, fire, and electrical codes.

In addition certificate of occupancy to be issued once used car lot has been removed or is in compliance with City Ordinance for parking lot.

Vote on the motion was unanimous, motion carried.

Utana Dye presented the staff report for the request for a zone change by the Wild Sheep Foundation to rezone property at 720 Allen Avenue to Limited Business (D-1).

A public hearing for the request by the Wild Sheep Foundation to rezone property at 720 Allen Avenue to Limited Business began at 12:25 p.m. Public hearing closed at 12:44 p.m.

1. Dale Schmoltdt spoke in regards to objection of rezoning and submitted letter of objection.
2. Letter received from James Klessens of Forward Cody in support of rezoning.
3. Wild Sheep Foundation Representative spoke in favor of rezoning
4. Ken Stockwell spoke in regards to objection of rezoning.
5. Harold Musser spoke in support of rezoning.

Buzzy Hassrick made a motion, seconded by Brad Payne, to table the item until the next meeting request by the Wild Sheep Foundation to rezone property at 720 Allen Avenue to Limited Business (D-1). Vote on the motion was unanimous, motion carried.

P&Z Board Matters: None

Council Update: None

Staff Items: None

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

There being no further business to come before the board, Chairperson Lundvall adjourned the meeting at 12:51 PM.

Tasa Brost
Management Analyst

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

MEETING DATE:	JUNE 23, 2015	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY AND FINAL PLAT OF 2 ND AMENDED PLAT OF LOT 3 SADDLE STRING SUBDIVISION. A 2-LOT COUNTY SUBDIVISION. SUB 2015-02	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

BACKGROUND:

James and Linda Davis, as owners of 16 Saddle String Drive, have submitted an application to divide their 6.2 acre lot into a 2.6 acre lot and a 3.6 acre lot. The property is outside of the city limits, but within the one-mile area of joint subdivision review. The subdivision requires approval by both the county and the city pursuant to state and city code. County review is in process. The sketch plan and preliminary plat were considered by the County Planning Commission on June 16, 2015, and were recommended for approval by the County Commission as presented. The final plat has not had any County review.

As shown on the sketch plan, the north lot (3A) contains buildings, which are an existing residence, shop and trading business. The south lot contains a warehouse/shop. Both lots are presently connected to Rocky Mountain Power, Energy West natural gas, have individual water taps from Northwest Rural Water, and have existing septic tank permits. The north lot has shares of Cody Canal irrigation and an operating system, while the south lot will not have any Cody Canal water. CenturyLink telecommunications has a service box on the property that both lots could connect to, although an easement is needed from the box to Lot 3B. No City utilities exist in the area of this subdivision.

Access to the north lot is via Saddle String Drive, a private gravel road that is well maintained, but only 16 feet wide. The responsibility for maintenance of Saddle String Drive is noted on that plat and in the covenants for the subdivision, although it does not appear that the homeowners association has ever formally incorporated. Access to the south lot is via Ginger Lane, a 20-foot wide private gravel road that is also well maintained. Responsibility for maintenance of Ginger Lane is noted on the plats, although no document establishing maintenance association has been recorded. Both Saddle String Drive and Ginger Lane have informal turn-around areas sufficient to accommodate emergency vehicles. It is noted that neither road has a stop sign where they meet Highway 120. As they are named roads serving multiple lots, stop signs

should probably be installed. The County Engineer and WYDOT are discussing the situation, but no determination has been made as of the time of this staff report.

Cody Master Plan:

The property is not within an identified "potential annexation area", as established by the Cody Master Plan. Effectively this means that the City does not intend to pursue annexation of this area. Therefore, County subdivision standards should be deemed sufficient for development of the property. If the Board and Council agree with this position, it is noted that several variances to the City subdivision standards will be needed, since by default the subdivision would be subject to full compliance with City standards.

SUBDIVISION REGULATIONS

No subdivision improvements are proposed by the applicant.

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

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

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

Staff Comment- No new public streets are proposed.

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

Staff Comment- No master planned streets cross this property.

Items C through O are standards that relate to construction of new public streets and are not applicable to this project as proposed or recommended.

P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys. ...

Staff Comment: The applicant requests a variance from the alley requirement. Alleys are typically for utility and garbage collection on small lots, which is not the case here.

Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the

developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

Staff Comment: The County permits private gravel roads. A variance to the city street standard is requested.

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

Staff Comment: A variance is requested to permit the existing gravel private roads to be used.

T. Drainage: ... Minor subdivisions shall be exempt from this requirement.

Staff Comment: The City would classify this as a minor subdivision, which is exempt from this requirement.

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

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

Staff Comment: Items 1, 3 and 4 are met. Item 2 is not met, as under the City standards an approved street would mean a publicly maintained paved road. A variance to the standard is requested.

OTHER:

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards. Applicable standards are listed below.

1. Fire Hydrants: Fire hydrants shall be installed at intervals not to exceed five hundred feet (500') between hydrants and provided with standard hose connections as specified by the fire department.

Staff Comment: The northwest rural water system does not include fire hydrants in the area of these lots. However, a buried fire storage tank exists just west of Lot 3B. The buried fire storage tank serves as fire protection for the adjacent subdivision and Lot 3B.

N. Public Use Areas: ...

Staff Comment: Minor subdivisions are exempt from this requirement.

OTHER:

1. The applicant indicates that the south lot will not have Cody Canal water, although the paperwork to accomplish this may still need to be completed.
2. The requirement in the subdivision code relating to an agreement to annex has been discussed in the last few County subdivisions. Council has waived the requirement in those situations and staff presumes they will do so again here, since the property is not contiguous to the city limits, and is not in an identified "potential annexation area".

RECOMMENDED ACTIONS:

A list of conditions has been prepared, based on several variances being granted. If any of the requested variances are not granted, additional conditions will be needed.

The following variances are requested and recommended.

Variances:

- A. From all City street improvement requirements—the existing access easements and gravel roads are determined adequate.
- B. From the alley requirement.
- C. From the agreement for future annexation (Section 11-2-3(B) of City Code).

Recommended Conditions of Approval:

1. Comply with applicable County requirements.
2. Note the variances granted on the final plat.
3. Prior to the Mayor signing the final plat:
 - A. Provide any additional utility easements as required by the utility providers (i.e. CenturyLink easement to Lot 3).
 - B. Install stop signs on each of the gravel roads to WYDOT standards, unless determined unnecessary by WYDOT and the County engineer.

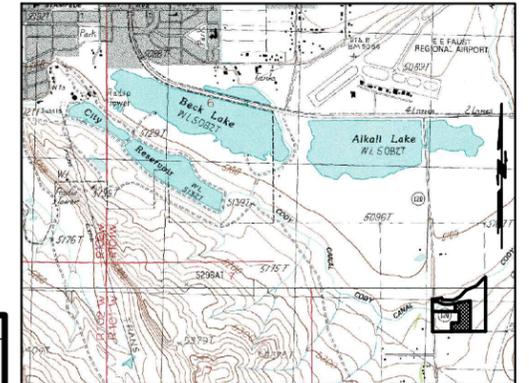
RECOMMENDED MOTION:

Recommend that the City Council approve the requested variances and approve the preliminary and final plats of the 2nd Amended Plat of Lot 3 of the Saddle String Subdivision subject to the conditions noted in the staff report.

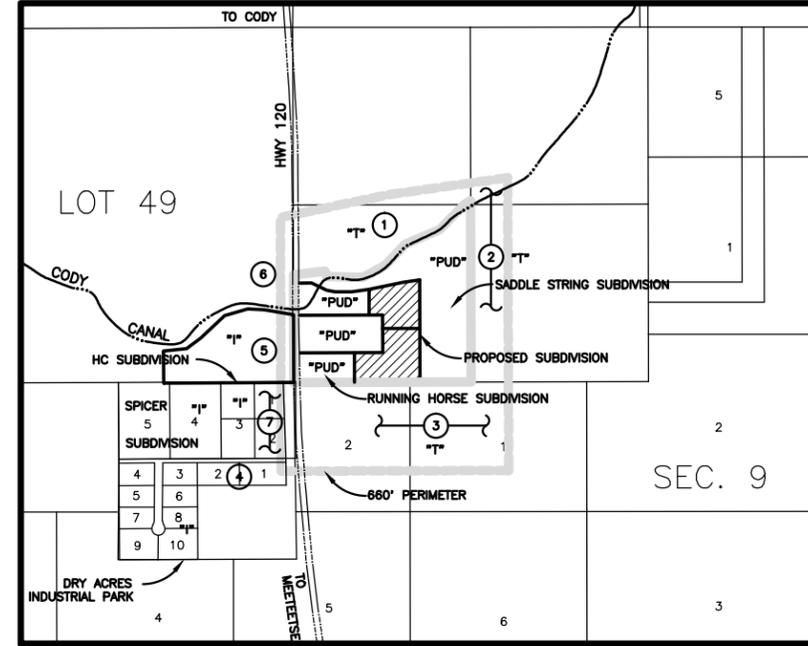
ATTACHMENTS:

Sketch Plan, Preliminary and Final Plats

H:\PLANNING DEPARTMENT\FILE REVIEWS\MAJOR-MINOR SUBDIVISION\2015\SUB 2015-02 LOT 3 SADDLE STRING SUB\STAFF RPT TO PC 2ND AMENDED PLAT SADDLE
STRING SUBDIVISION.DOCX



VICINITY MAP
SCALE (FT)
ORIGINAL SCALE: 1" = 2000'



ZONING: "T" - TRANSITIONAL; "I" - INDUSTRIAL; "PUD" - PLANNED UNIT DEVELOPMENT

LANDOWNER MAP
SCALE (FT)
ORIGINAL SCALE: 1" = 600'

LANDOWNER KEY

- ① ROBERTS, PAUL D., 2630 HIGHWAY 120, CODY, WY 82414
- ② FOUNDATION OF EPISCOPAL DIOCESE OF WYO, 123 S. DURBIN, CASPER, WY 82901
- ③ PARK COUNTY, 1002 SHERIDAN AVENUE, CODY, WY 82414
- ④ QUALITY SALES, INC., P.O. BOX 2134, CODY, WY 82414
- ⑤ MORGAN, LEROY REVOCABLE TRUST, 2635 BIG HORN AVE., CODY, WY 82414
- ⑥ SCHALLER, JOHN M., 604 DATE STREET, CODY, WY 82414
- ⑦ FITZSIMMONS PROPERTIES, LLC., 1614 CEDAR VIEW DRIVE, CODY, WY 82414

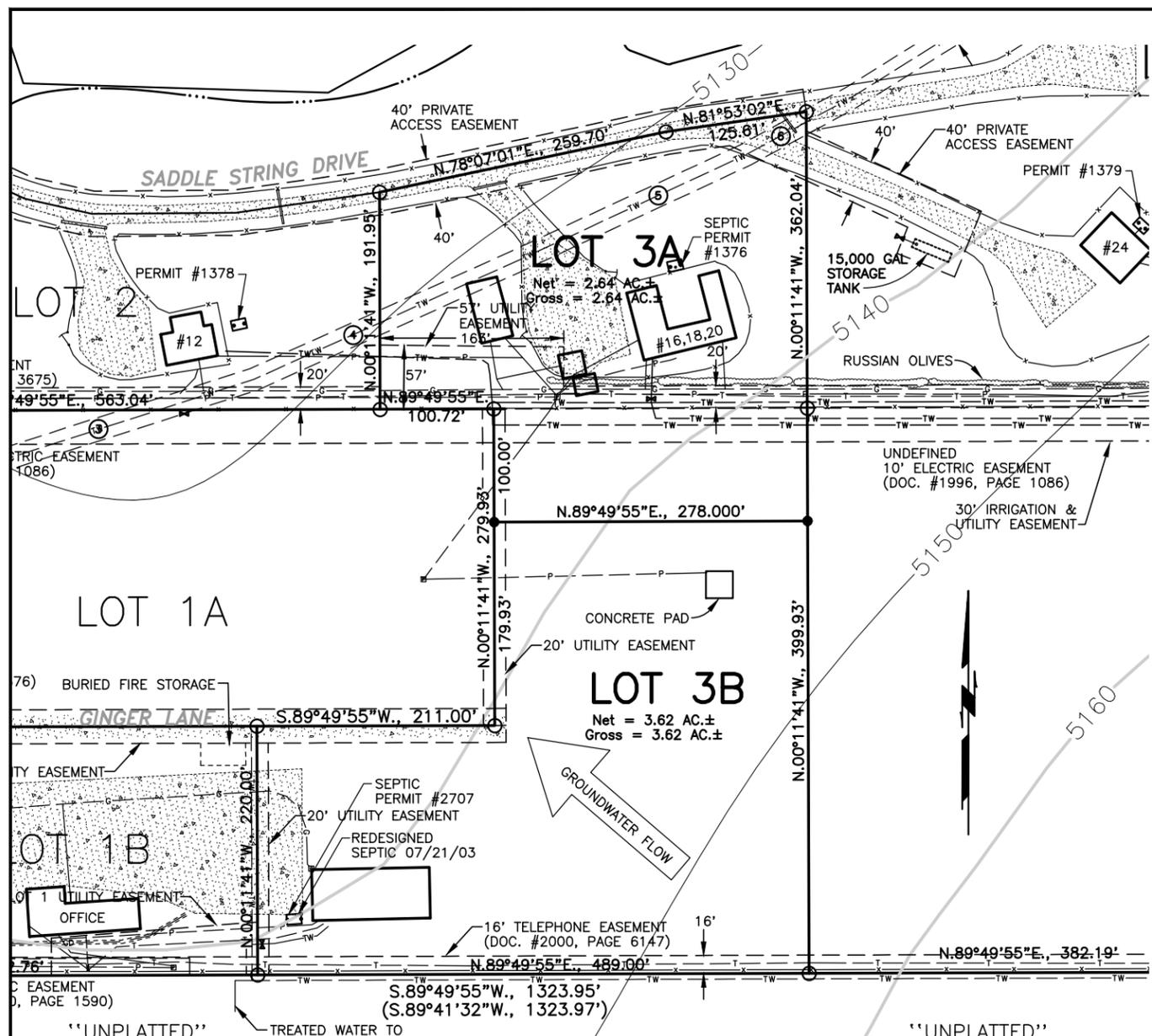
SKETCH PLAN FOR 2ND AMENDED PLAT OF LOT 3 SADDLE STRING SUBDIVISION (OLSON PUD #67)

- Located In -
Lot 50
RESURVEY T.52N., R.101W., 6TH P.M.,
PARK COUNTY, WYOMING
- Prepared By -

PREPARED BY: **ENGINEERING ASSOCIATES CONSULTING ENGINEERS & SURVEYORS**
P.O. BOX 1800
CODY, WYOMING 82414



JOB NO. 15093.00 F.B. NO. 553
MAY 9, 2015 ACAD\15093\boss.dwg
SHEET 1 OF 1



SCALE (FT)
ORIGINAL SCALE: 1" = 60'

LEGEND

- FOUND BRASS CAP.
- FOUND 2" DIA. ALUMINUM CAP ON 5/8" STEEL BAR UNLESS OTHERWISE NOTED.
- SET 2" DIA. ALUMINUM CAP ON 5/8" STEEL BAR.
- (S.89°51'W., 434.07') RECORD DIMENSIONS
- S.89°51'W., 434.07' MEASURED DIMENSIONS
- CODY CANAL
- BURIED POWER
- BURIED TELEPHONE
- ROBERTS WELL SUPPLY
- TREATED WATER NRIWD
- BURIED GAS
- CULVERT
- ← DRAINAGE ARROW
- HIGHWAY RIGHT OF WAY
- SEPTIC TANK
- FENCE
- RIGHT OF WAY FENCE
- RUSSIAN OLIVES
- GRAVEL SURFACE
- EDGE OF ASPHALT PAVEMENT
- GROUND DRAIN

AREA SUMMARY

LOT 3A	2.64 ACRES	114838 S.F.
LOT 3B	3.62 ACRES	157601 S.F.

NOTES
1.) AREAS ARE BASED ON GROSS SQUARE FOOTAGE.

ALTERATION OF THIS PLAT OTHER THAN BY THE ABOVE CERTIFYING PROFESSIONAL LAND SURVEYOR OR AS OTHERWISE ALLOWED BY LAW MAY AFFECT LIABILITY FOR THE ACCURACY OF SAID PLAT.

LOT 1 UTILITY EASEMENT

COURSE	MEASURED	NOTE
①	S.89°49'55"W., 183.00'	
②	N.00°11'41"W., 33.00'	
③	N.89°32'25"E., 183.51'	
④	S.00°11'41"E., 48.72'	

LOTS 3 & 4 EASEMENT

COURSE	MEASURED	NOTE
①	S.00°11'41"E., 16.92'	TIE NE COR. LOT 3 TO EDGE EASEMENT
②	S.65°23'07"E., 170.67'	ALONG EDGE
③	S.22°13'52"W., 62.63'	AROUND TANK
④	N.67°48'08"W., 55.00'	AROUND TANK
⑤	N.22°13'52"E., 24.89'	AROUND TANK
⑥	N.89°23'07"W., 98.80'	BACK TO LOT 3
⑦	N.65°23'07"W., 74.73'	BACK TO 40' DRIVE EASEMENT

NO PUBLIC OR CENTRAL SEWAGE DISPOSAL SYSTEM PROPOSED. DOMESTIC WATER TO BE PROVIDED BY THE NORTHWEST RURAL WATER DISTRICT SYSTEM. NO RIPARIAN RIGHTS. NO MAINTENANCE OF STREETS OR ROADS.

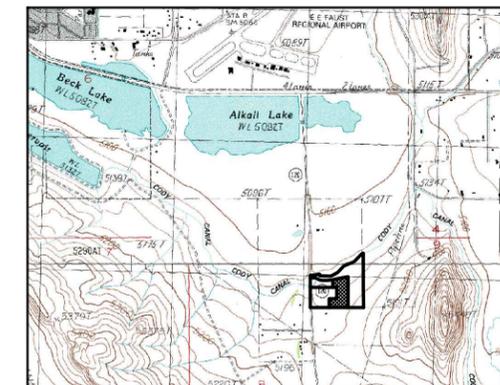
ROBERTS WELL SUPPLY EASEMENT

CENTERLINE COURSE	MEASURED	NOTE
①	N.00°11'41"W., 367.68'	TIE SW COR. LOT 50
②	N.67°29'50"E., 184.55'	
③	N.72°13'52"E., 294.25'	
④	N.65°50'14"E., 254.78'	
⑤	N.65°09'03"E., 224.47'	
⑥	N.61°34'47"E., 105.74'	
⑦	N.58°05'36"E., 403.79'	
⑧	N.00°08'55"W., 362.57'	TIE NE COR. LOT 4

LEGEND

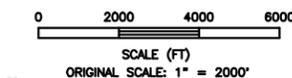
- SET 2" DIA. ALUMINUM CAP MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- ⊙ FOUND BRASS CAP MONUMENT
- FOUND HIGHWAY R.O.W MONUMENT
- SUBDIVISION BOUNDARY
- HIGHWAY BOUNDARY
- - - EASEMENT
- (N.00°24'15"E., 1327.30')
- RECORD DIMENSIONS SHOWN THUS

Township 52 North Range 101 West
Lot 45 & Lot 46



SUBJECT PARCEL OF LAND.

VICINITY MAP



NOTES

- BASIS OF BEARING is S.89°49'55"W along the south line of Lot 50.
- Total Recorded Area = 6.28± Acres; Total Measured Area = 6.28± Acres.
- Access to Lot 3A is named SADDLE STRING DRIVE for addressing purposes only. No public dedicated right-of-way is provided.
- Access to Lot 3B is named through 30.00 foot access and utility easement recorded on "Amended Plat of Lots 1 & 3, Saddle String Subdivision", Document No. 2004-7529, Cabinet G at page 191. This access is named Ginger Lane for addressing purposes only.

AGREEMENT AND APPROVAL

In consideration of the Park County Board of County Commissioners' determination of this division of land as a "subdivision" and "subdivided land" as noted herein:
We hereby waive all claims against Park County for damage or loss to our persons and/or property which may be caused by such determination, and we hereby agree to hold harmless, indemnify, and defend Park County in any action which may arise in connection with any and all errors, omissions or mistakes in this land survey plot and/or other information which we have submitted in connection with this request.
We hereby further acknowledge and state under oath that we are the legal owners of the property described herein.
We hereby further agree that this plat when recorded in the Office of the Park County Clerk and Recorder establishes vested property rights.
We hereby agree to abide by the conditions and stipulations contained herein.

In witness whereof, the said owners, James Timothy Davis and Linda Turner Davis have caused their names hereon to be subscribed this _____ day of _____, 20____.

James Timothy Davis Linda Turner Davis

STATE OF WYOMING }
COUNTY OF PARK } SS

The foregoing Owner's Certificate was acknowledged before me by James Timothy Davis and Linda Turner Davis this _____ day of _____, 20____.
Witness my hand and official seal.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CERTIFICATE OF SURVEYOR

STATE OF WYOMING }
COUNTY OF PARK } SS

I, Lyle J. Casciato, of Engineering Associates, a duly registered land surveyor in the State of Wyoming, do hereby certify as follows:

On April 29, 2015, the 2ND Amended Plat of Lot 3, Saddle String Subdivision shown hereon was surveyed by others under my direction. The land surveyed is correctly described in the Owner's Certificate of Dedication and the subdivision thereon is correctly shown on this plat which is drawn to the scale indicated. I am familiar with the Park County subdivision regulations and believe this subdivision complies with them in every respect.

LYLE J. CASCIATO, LS 12800

RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Park County Clerk and Recorder on this _____ Day of _____, 2015, and filed for record at _____ M. under document number _____ in plot cabinet _____ at page _____.

Park County Clerk and Recorder By: Deputy County Clerk

**PRELIMINARY & FINAL PLAT
- 2ND AMENDED PLAT -
OF LOT 3
SADDLE STRING SUBDIVISION
(OLSON PUD #67)**

- Located In -

Lot 50
RESURVEY T.52N., R.101W., 6TH P.M.,
PARK COUNTY, WYOMING

- Prepared By -

PREPARED BY: **ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS**
P.O. BOX 1800
CODY, WYOMING 82414



JOB NO. 15093.00 F.B. NO. 553
05/22/15 REV. 15093\15093base
SHEET 1 OF 1

SUBDIVISION PLATTING CONDITIONS

- RIGHT-OF-WAY.** The right-of-way for ingress and egress for service and emergency vehicles is granted over, across, on, and through any and all private roads and drives now or hereinafter established.
- EROSION CONTROL.** All soils exposed by excavation or construction shall be revegetated by the end of the first full growing season following such construction including the construction of roads, driveways, and buildings to prevent soil erosion. All side slopes and banks shall be constructed to maintain a slope not steeper than 1:1 (one and one-half units of horizontal length to one unit of vertical length).
- COUNTY, STATE AND OTHER REGULATIONS.** To the extent that applicable county or other governmental regulations, rules, or laws are more restrictive than the paragraphs herein contained, such applicable regulations shall supersede and govern at all times.
- ROADS AND SIGNAGE.** All signage, both construction and final, shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All roads shall be constructed in compliance with the Park County Subdivision Regulations and any design specifications included herein.
- RESTRICTIONS RUN WITH THE LAND.** The restrictions herein set forth are binding upon all owners and respective successors-in-interest and run with the land.
- REVISION AND/OR AMENDMENT.** The conditions, restrictions, stipulations, agreements, and covenants herein shall not be waived, abandoned, terminated, nor amended except by unanimous written consent of the property owners, and consent of the Board of County Commissioners.
- ENFORCEMENT.** In case of any violation of the provisions hereon, the Board of County Commissioners may, in addition to other remedies at law, including an action for damages, have such violations enjoined or, in the case of the erection or maintenance of any building, structure, or thing in violation of any of the provisions hereof, may have such building, structure, or thing removed by proper legal procedure. Inaction by the Board of County Commissioners to perfect and enforce their rights shall not be deemed a waiver of the right of enforcement of same, even though such inaction may be of long duration.
- SALE OF LOTS OR SUBDIVISION IMPROVEMENTS AGREEMENT.** No lots, parcels, or other units of land shall be conveyed until and unless: a) all roads, irrigation, and other required improvements have been completed and the Park County Board of Commissioners has authorized said conveyance by recorded letter of approval to convey land within the subdivision, or b) a performance bond, letter of credit, or other sufficient financial commitment to assure that all of the facilities proposed shall be in fact completed as proposed.
- VACATION.** This subdivision may be vacated or partially vacated pursuant to applicable State law or County rules and regulations.
- FEE-PAYING MEMBERSHIP IN A PROPERTY OWNERS ASSOCIATION.** Fee-paying membership in a property owners' or homeowners' association, district, or other common entity shall be required of all lot purchasers. Further, there shall be provisions in the documents setting up said association, district, other entity which shall assure payment of fees in an amount which is adequate to accomplish the maintenance of common roads and facilities in a safe manner. Such association, district or other common entity shall be empowered, authorized, and required to perform such maintenance.
- DRAINAGE.** Runoff from the area after construction shall not exceed the level of runoff which occurred prior to construction. Any runoff in excess of pre-construction levels shall be detained on-site and infiltrated or evaporated.
- DUST.** Dust shall be mitigated during and after construction. In all cases, best management practices established by the Department of Environmental Quality shall be used to reduce or eliminate any impact to adjacent properties from dust.
- SEVERABILITY.** Invalidation of any of these restrictions or agreements by judgement or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.
- UTILITIES.** Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the Public Utility Easements (PUE) identified on this plat map as may be necessary or desirable in providing electric service within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use of the PUE without the prior written approval of the utilities with facilities in the PUE.

CERTIFICATE OF DEDICATION

Know all persons by these presents: That James Timothy Davis and Linda Turner Davis, being the owners of the land described as follows:

Lot 3 of Amended Plat of Lots 1 & 3, Saddle String Subdivision, (Olson PUD #67)
do dedicate those portions shown hereon to the 2ND Amended Plat of Lot 3, Saddle String Subdivision, subject to all patents, easements, rights-of-ways, reservations, zoning restrictions, covenants and any other matter of public record or otherwise established; all assessments and subsequently assessed taxes, located in Park County, Wyoming, under the name and style of 2ND Amended Plat of Lot 3, Saddle String Subdivision and have laid out, platted and subdivided same as shown on this plat.

The above subdivision as appears on this plat, is with the free consent, and in accordance with the desire of the undersigned owner and proprietor.

Agreement and Approval:

In consideration of the Board of Park County Commissioners' determination of this division of land as a "subdivision" and "subdivided land" as noted herein:

we hereby waive all claims against Park County for damage or loss to our persons and/or property which may be caused by such determination, and we hereby agree to hold harmless, indemnify, and defend Park County in any action which may arise in connection with any and all errors, omissions or mistakes in this land survey plot and/or other information which we have submitted in connection with this request.

We hereby further acknowledge and state under oath that we are the legal owners of the property described herein.

We hereby further agree that this plat when recorded in the office of the Park County Clerk and Recorder establishes vested property rights.

In witness whereof, the said owners, James Timothy Davis and Linda Turner Davis, have caused their names hereon to be subscribed this _____ day of _____, 20____.

James Timothy Davis Linda Turner Davis

STATE OF WYOMING }
COUNTY OF PARK } SS

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME BY JAMES TIMOTHY DAVIS AND LINDA TURNER DAVIS.

THIS _____ DAY OF _____, 20____

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

**BOARD OF COUNTY COMMISSIONERS
APPROVAL & SUBDIVISION PERMIT**

This plat is hereby approved and the subdivision permit granted by the Board of County Commissioners of Park County, Wyoming this _____ day of _____, 20____.
In witness whereof, I have hereunto set my hand this _____ day of _____, 20____.

Chairman-Park County Commissioners ATTEST: Park County Clerk DATE: _____

**CITY OF CODY PLANNING & ZONING
COMMISSION RECOMMENDATION**

This plat was recommended for approval by the City Planning and Zoning Commission of Cody, Wyoming on the _____ Day of _____, 2015.

By: _____
Chairman

**CITY OF CODY
CITY COUNCIL APPROVAL**

This plat was approved by the City Council of Cody, Wyoming on the _____ Day of _____, 2015.

By: Mayor Nancy Ha Brown ATTEST: Administrative Services Office



ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS

A Wyoming Corporation

May 26, 2015

Mr. Todd Stowell
Cody City Planner
P.O. Drawer 2200
Cody, WY 82414

RE: Combined Sketch Plan & Plat (minor subdivision) Variances for 2nd Amended Plat of Lot 3 Saddle String Subdivision in Park County, Wyoming

Dear Todd,

This is a proposed minor subdivision (lot split) prepared under the Park County Subdivision Rules and Regulations. As such, many of the City subdivision standards conflict or do not apply to this proposed development. Following our review of Chapter 4 of the City Municipal Code, the following variances are requested:

1. S.11-4-2.A – No alleys will be required.
2. S.11-4-2.G – Ginger Lane exists as a dead-end access easement with no cul-de-sac. There is adequate area for large vehicles to turn around at the end of this access.
3. S.11-4-2.G & H – Saddle String Drive exists as a dead-end private access drive with no cul-de-sac and is longer than 500 feet. There is adequate area for large vehicles to turn around at the end of this access.
4. S.11-4-2.K – Ginger Lane exists as a 30-foot access easement with 20-foot gravel surfacing. Saddle String Drive exists as a 40-foot private access easement with 16-foot gravel surfacing. These drives do not meet the minimum r.o.w. width requirement.
5. S.11-4-2.Q – Curb, gutter, walk, and pavement are not provided or proposed for Ginger Lane or Saddle String Drive.
6. S.11-4-2.R – Ginger Lane and Saddle String Drive do not meet the minimum typical cross-section for marginal streets.
7. S.11-4-2.U.2 – Proposed lots 3A and 3B do not abut streets meeting City standards.
8. S.11-4-2.V – No blocks are included in this minor subdivision.

These variance requests are provided for consideration as they relate to the proposed minor subdivision planned on Lot 3. Please let us know of any submittal deficiencies.

If you have any questions or concerns please feel free to contact me at 587-4911 or email me at robertov@eaengineers.com.

Sincerely,
ENGINEERING ASSOCIATES


Robert A. Overfield, PE
Project Manager

cc: 15093-sketchpln

P:\2015\15093 saddle string\city var1.doc

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

MEETING DATE:	JUNE 23, 2015	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SPECIAL EXEMPTION PUBLIC HEARING: REDUCE THE FRONT AND REAR SETBACK REQUIREMENTS AT 1001 PARK AVENUE FOR AN ADDITION. SUP 2015-03	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION & BACKGROUND:

Lauri Ferraro, as property owner, has submitted a Special Exemption application requesting a reduction in the front and rear building setback requirements in order to construct an addition to her home at 1001 Park Avenue. Please refer to her attached letter for additional background as to why the exemption is requested.

The property is one of the triangular shaped lots on Park Avenue, and is 12,392 square feet in size.



The property is within the Residential "A" zoning district, which requires a 25-foot front building setback and a 15-foot rear building setback for the main building. Setbacks are measured from the property lines to the wall of the building. The proposed addition would provide a 17.5-foot front setback and a five-foot rear setback. It is noted that the zoning ordinance is not sufficiently clear as to whether the north property line is a side property line or a rear property line. The setback standard from a side property line is only five feet, which the proposal meets if the north line is considered a side property line. Due to the side vs. rear ambiguity, staff had the applicant include the setback from the north property line in the Exemption request.

Existing Conditions:



The public hearing for the exemption request was advertised as required by certified mail to neighboring properties within 140 feet, and by publication in the newspaper.

REVIEW CRITERIA:

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

No special exemption shall be approved unless the planning and zoning board finds:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*

Staff Comment: Seventeen neighboring property owners were notified of the proposal. Eight letters of support were received—represented by green highlighting on map below. One neighboring property owner (pink highlight) wanted more information as to what the addition would look like (architectural concerns), and based on that information he may support it as well. Staff directed him to the applicant. His main concern is setting a precedent for future exemptions on other lots on the street.



The favorable responses include all but one of the immediately neighboring lot owners. We have not received a response from that one neighbor. The overwhelming favorable responses are interpreted as evidence that there is no undesirable change or detriment to neighboring properties from this proposal. The one neighbor's concern about setting precedent cannot be fully answered at this time, other than to note that each special exemption request has to be reviewed on its own merits.

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

Staff Comment: Granting the special exemption request is not expected to create any significant compatibility issues. The addition constitutes an expansion of a permitted use, so compatibility of use is not a concern.

The addition is only one story in height, so no significant view or shade impacts are anticipated.

As the exemption involves a garage, an important point is whether the reduced front setback will result in vehicles parking in front of the garage and blocking a sidewalk or street. In this case, due to the extra wide right-of-way width for Park Avenue, there is sufficient space for a vehicle to park in front of the garage and not block a sidewalk or street. Currently there is no sidewalk along Park Avenue. If a five-foot sidewalk were built along Park Avenue, there would still be about 23 feet between the garage door and the sidewalk, measured at the angle of the vehicle. (Measurement based on the City GIS map and the site plan drawing.)

In the case of the "rear" setback, it is adjacent to a 20-foot wide alley, so the alley and setback together provide a 25-foot buffer from the nearest residential lot. The buffer, and the fact that the addition is single-story, helps maintain the open character of the neighborhood.

- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;*

Staff Comment: The size of the proposed garage is "typical" in that it is 24 feet deep, and sized for a two cars. The elevation difference between the garage and living area necessitates steps, which also influences the width proposed. Whether the width of the garage could be cut back a foot or two could be discussed, but it would only increase the setback by a few inches. Generally, it appears that the garage is not any larger than it needs to be to meet the intended purpose and the addition cannot otherwise be redesigned or shifted in any direction to meet applicable setbacks.

d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;

Staff Comment: No other feasible options have been identified that would achieve the requested result.

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

Staff Comment: No additional services are proposed or needed that do not already exist at the house.

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

Staff Comment: The future land use map designation for this area is "low-density residential", which is consistent with the continued single-family residential use of the property. There are no identified master plan goals specific to the setback situation, other than general statements such as "protect the existing character in stable residential areas" which fits into items 'a' and 'b' above. It is also noted that the street width is not planned to be widened and the addition will be approximately 27 feet behind the curb line. In other words, it will have the appearance of having a greater front setback than it technically has.

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Applicant's letter, Site Plan, Floor Plan, and Draft Permit.

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:
(Draft, subject to information received at public hearing.)

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by certified mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(B)(2) are met.

AND,

Approve the Special Exemption request for the reduced front setback of approximately 17.5 feet and rear setback of 5.0 feet, to allow construction of the addition at 1001 Park Avenue as proposed.

NOTE: If approved, the applicant will need to complete and record the special exemption permit at the County Clerk's office within 10 days. The draft permit is attached.

June 1, 2015

Dear Planning and Zoning Board:

Thank you for considering my application for special exemption, requesting adjustment in the setback requirement.

I recently retired and moved to Cody, with my husband, as our "forever destination". We purchased an older home (1001 Park Avenue) with the dream of renovating it, so we can have main floor living and an enclosed 2-car garage to provide us for the rest of our lives.

The house is in decent shape, but in need of some TLC and updating, which we are excited to give it. We hired Rick Lambert, of Precision Design, to design a renovation for us that will retain the character of the home and the neighborhood, provide us with an open, flowing interior space, eliminate the stairs on the main floor, bring it up to today's code standards both structurally and cosmetically, and give us a 2-car garage. He came up with a beautiful plan for us, but as the construction start date approached, our contractor became concerned with the setback from the street when measuring out the site plan.

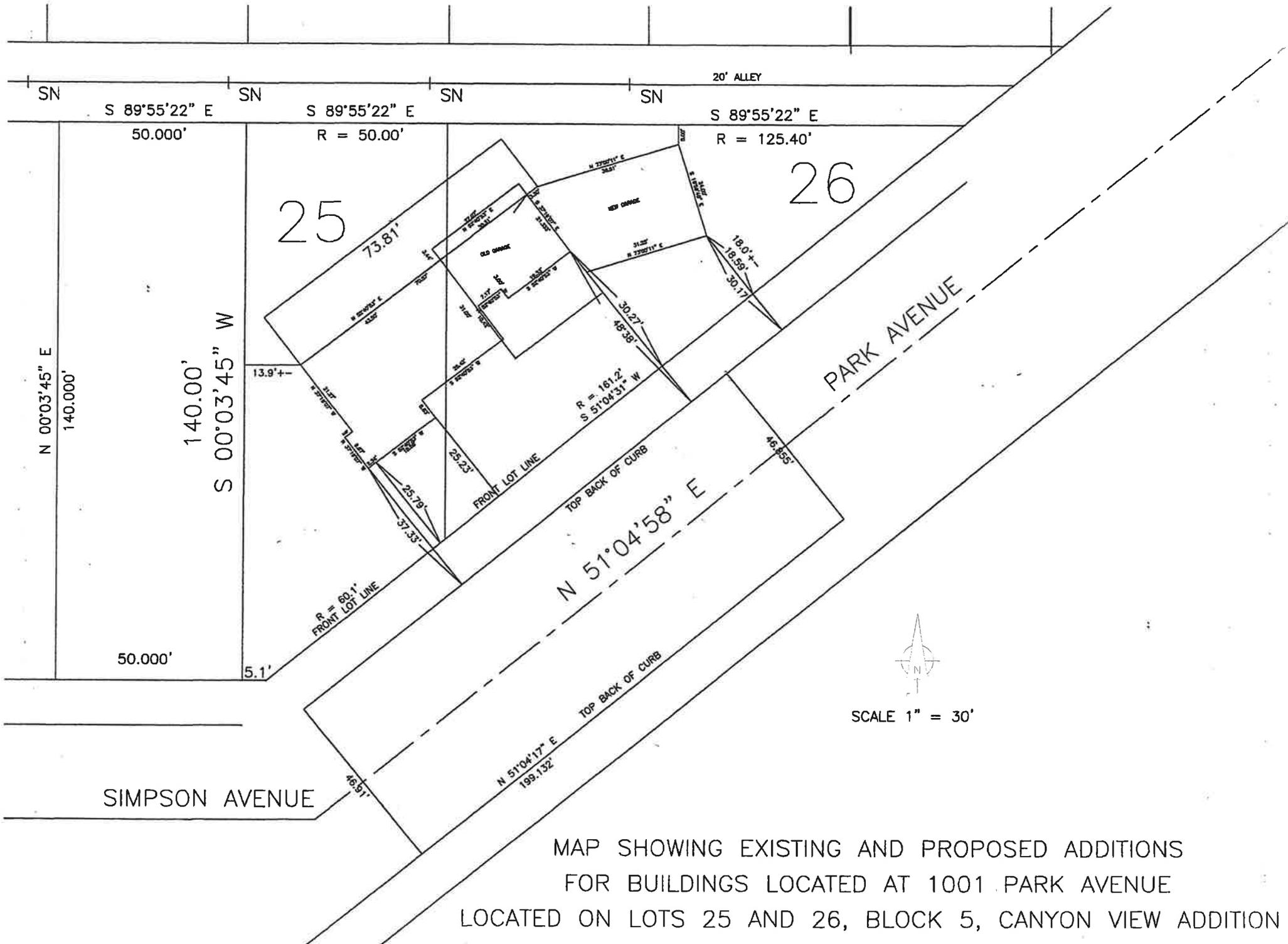
We hired a surveyor to ensure we are within the code setbacks and sadly found out that our property line starts approximately 10 feet in from the curb---far more than was expected when we purchased the house and when Rick Lambert did the drawings. Therefore, the southeast corner of the proposed garage, despite being angled to fit the odd-shaped lot, encroaches on the 25' setback by quite a few feet.

The surveyor did an adaptation of our original design plan and angled the garage back a bit, which would bring the corner 17' from the front property line. However, this still isn't enough for the 25' front yard setback and will reduce the backyard setback to 5'—significantly less than the 15' required for an attached garage. It's possible we might be able to build a detached garage with an acceptable 5' backyard setback, but most of the surrounding homes have attached garages, our existing home has an attached garage and we would like to stay with that character for our remodeled home. A detached garage would still encroach on the front yard setback due to the triangular shaped lot and would have to be much smaller than today's standard 2-car garage to fit all setback requirements.

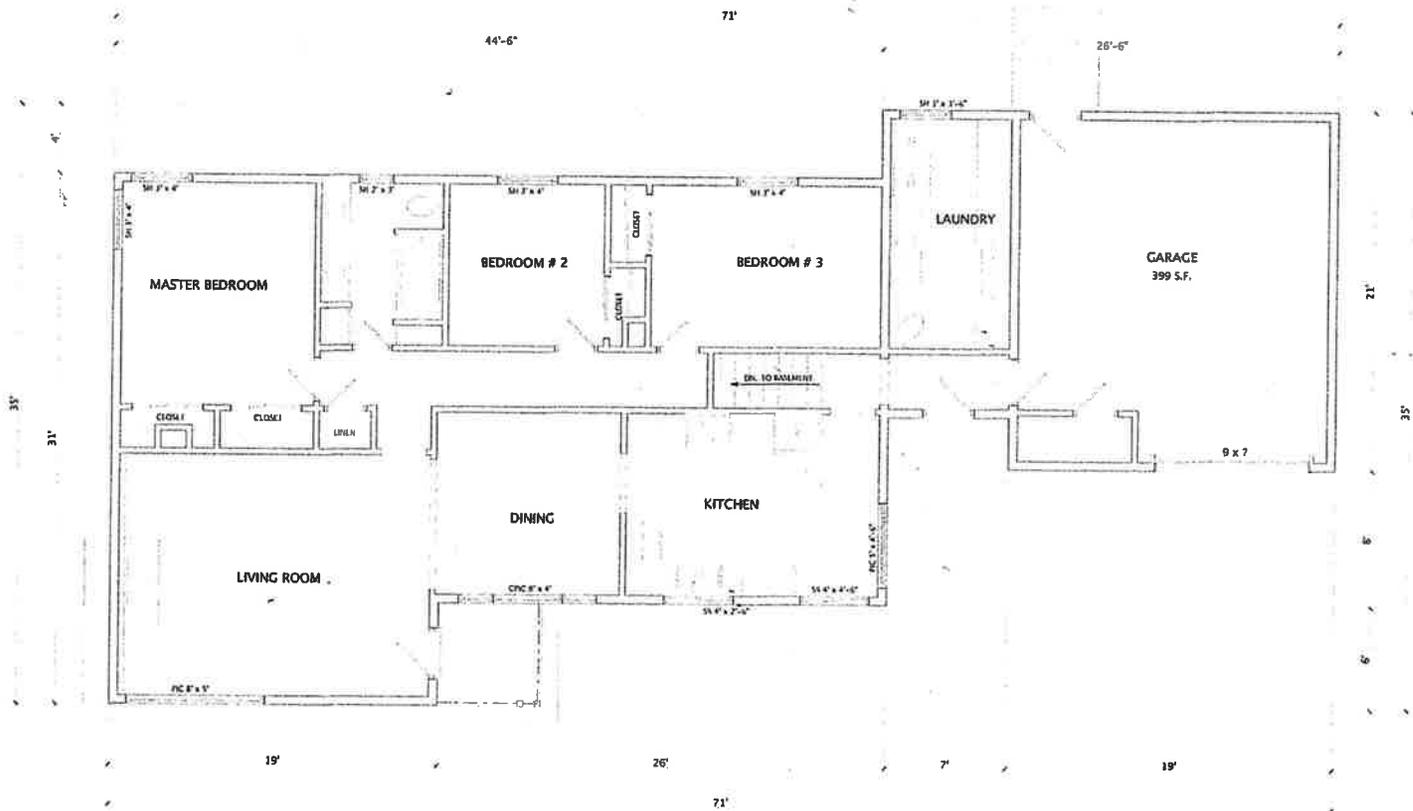
We so want to see this wonderful project take place and we know it will add beauty and tastefulness to our neighborhood. We are asking you to please grant us the special exemption to allow a 17' setback in the front and a 5' setback in the back.

Thank you,


Lauri Ferraro



MAP SHOWING EXISTING AND PROPOSED ADDITIONS
 FOR BUILDINGS LOCATED AT 1001 PARK AVENUE
 LOCATED ON LOTS 25 AND 26, BLOCK 5, CANYON VIEW ADDITION



EXISTING
MAIN FLOOR PLAN = 1,376 SF.

SCALE 1/4" = 1'-0"



CITY OF CODY
WYOMING

Nancy Tia Brown
MAYOR

Donny Anderson
Karen Ballinger
Jerry Fritz
Landon Greer
Steve Miller
Stan Wolz
COUNCIL MEMBERS

C. Edward Webster II
MUNICIPAL JUDGE

Barry A. Cook
CITY ADMINISTRATOR

1338 Rumsey Avenue
P.O. Box 2200
Cody, Wyoming 82414

(307) 527-7511
FAX (307) 527-6532

Park County Court House
County Clerk
1002 Sheridan Avenue
Cody, WY 82414

Special Exemption Permit

On June 23, 2015 the City Planning, Zoning and Adjustment Board granted a Special Exemption Permit pursuant to City of Cody Code 10-14-2 for the following property:

Applicant/Owner Name: Lauri L. Baptie Trust
Project Address: 1001 Park Avenue, Cody, WY
Legal Description: Lots 25 and 26, Block 5, of the Canyon View
Subdivision, Records of Park County, WY.

Description of Special Exemption Permit:
A Special Exemption to reduce the front yard setback requirement from 25 feet to approximately 17.5 feet and the rear (north) yard setback requirement to 5.0 feet, to allow construction of an addition.

Duration of Special Exemption Permit:
Authorization for the Special Exemption will run with the property, provided construction of the addition commences within one year.

Lauri L. Ferraro, Trustee of the Lauri L. Baptie Trust

State of Wyoming

SS

County of Park

The foregoing instrument was acknowledged before me by _____

this _____ day of June, 2015

Witness my hand and official seal.

Notary Public

My commission expires _____

(Planning & Zoning Chairperson)
State of Wyoming

SS

County of Park

The foregoing instrument was acknowledged before me by _____

this _____ day of June, 2015

Witness my hand and official seal.

Notary Public

My commission expires _____

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

MEETING DATE:	JUNE 23, 2015	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	REQUEST TO REZONE 720 ALLEN AVENUE FROM RESIDENTIAL "A" TO LIMITED BUSINESS (D-1). FILE: ZON 2015-01	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

Please refer to the June 9, 2015 Staff Report.
The following is intended as supplemental information to that report.

STAFF COMMENTS

Parking Concerns:

At the public hearing, two neighboring property owners were specifically concerned that the rezone to D-1 would result in impacts to the neighborhood, in the form of on-street parking and traffic. Effectively they are comparing the proposal to what they have experienced with the development of the Dr. Gee property on Platinum Avenue. Much of the neighborhood is not happy with that project, for various reasons. One of those reasons is that there was apparently a problem at the Dr. Gee property, not with a lack of available parking, but with customers parking on Platinum Avenue in front of neighboring properties, instead of in the office parking lot. This activity, while not illegal, represented commercial encroachment into residential areas. Once it came to staff's knowledge, I spoke with Mrs. Gee and she indicated that they would let their customers and employees know of the concern and otherwise do what they could to have their regular customers park in the parking lot. That discussion was only the week before the public hearing on this rezone. Hopefully, the situation has since improved. Regarding the current rezone request, there is no reason to believe that a rezone of this property will result in vehicles parking in front of neighbor's properties. The Wild Sheep Foundation property currently has about 16 parking spaces, and only five employees. If the use were expanded, or the property redeveloped, the provisions of the off-street parking ordinance would apply, which requires adequate off-street parking for the use.

Traffic Concerns:

Some neighbors believe that the rezone should not be approved due to the potential for an increase in traffic. From a purely technical analysis, the argument that an increase in traffic could occur as a result of the rezone is effectively cancelled out by the fact that the current zoning of the property (Residential A) permits some uses that would

result in significant traffic increases (e.g. hospitals, schools, churches). Significant traffic increases could occur even if the property is not rezoned. It is also noted that unlike the Dr. Gee situation, traffic to and from this property will not need to go by any residential property to access the main road system—8th Street.

Unknown Future Use:

Staff agrees with the public comments from Harold Musser that the structure on the property, being originally built in 1938 and expanded a few times since, likely has a limited lifespan. Effectively the property is underutilized and will likely experience pressure to be redeveloped in the near future. The real underlying question with the rezone request is how the property should be redeveloped when that time occurs. The guidance from the master plan is that this property should be redeveloped for commercial purposes, either at a full commercial or neighborhood mixed use level. (The description of neighborhood mixed use is on Page 35 of the Master Plan. Effectively, the neighborhood mixed use concept is low-intensity, daytime, weekday-only office and service uses, with options of a conditional use permit for small scale retail and manufacturing. Housing may be included in the mix of uses.)

For comparison, if redevelopment were to occur under the current Residential A zoning, the property could be divided into five residential lots, each containing a duplex. The duplexes could be five feet from the side property lines, and fifteen feet from the rear property line, and cover up to 50% of each lot. The Residential A redevelopment option is pointed out so that it is understood that the rezone is not so much of a comparison of what exists now to what could exist under the proposed zone, but really a comparison of what is permitted under the current zone to what could be permitted under the new zone. (As a side note, the property is large enough to be eligible for a PUD application, which could have a higher density than the five duplexes. The PUD option, as well as multi-family development, could occur with the D-1 zone as well.)

Many neighbors appear to be concerned with the unknown future use of the property. Staff shares that concern to some degree, as noted in the original staff report. However, staff believes that so long as some parameters for future development are set, there can be adequate protections for the neighborhood without knowing exactly what the future holds. Those parameters can be set forth in a development agreement between the City and the property owner. A draft development agreement has been prepared for Board consideration. Planning staff is generally agreeable with the draft development agreement, although the lack of a specified setback on the south side of the lot is of concern. A setback of ten feet would be adequate to satisfy staff.

Grandfathered Situation:

The original staff report noted that due to the historical use of the property for office use, there are likely some grandfather (nonconforming) rights established to continue and potentially expand the office use. To formally establish those rights, a request to the Board would be needed. The authority of the Board to grant legal status to an

established use is found in City of Cody Code 10-4-3(c)(4). If that status is granted, the use is subject to the provisions of City of Cody Code Chapter 10-13, relating to continuation, loss, and expansion of non-conforming rights.

The primary difference between the rezone and a grandfather status is that the rezone creates more certainty for the current owner as to how the property can be marketed, and for a potential purchaser to know if his or her intended use is permitted before financial commitments are made. The grandfather situation only establishes that the existing use may continue at the level it now exists. Any expansion of that use or voluntary redevelopment of the site may or may not be allowed, which would only be known after a public hearing and review by the Planning and Zoning Board under City of Code 10-13-6. As the applicant has applied for the rezone, it is the rezone request that is under review.

Map of Responses:

The map to the right shows the type of written and verbal responses that have been received. Green represents neighboring property owners that support the rezone and pink represents objections. For the most part, the written responses simply state "for" or "against", and lack statements of reasoning why.



ATTACHMENTS:

Draft Development Agreement

ALTERNATIVES:

Recommend approval or denial of the requested rezone to the City Council. If approval is recommended, the Board may condition that recommendation on the execution of a development agreement outlining additional development standards or use restrictions for the property. The Board may discuss the provisions of the agreement with the applicant, but technically the agreement must be voluntarily made.

POTENTIAL MOTION

Recommend that the City Council approve the application to rezone 720 Allen Avenue to Limited Business (D-1), subject to the applicant and City Council entering into the development agreement that has been provided.

DEVELOPMENT AGREEMENT WITH THE CITY OF CODY

The City of Cody, acting through its duly elected governing body, the City of Cody City Council, DOES HEREBY AGREE AND COVENANT that the property described below, by City of Cody legislative action, shall be designated Limited Business (D-1) Zoning.

The Wild Sheep Foundation, LLC, as owner of the following described property:

A tract of land within the City of Cody, Park County, Wyoming in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T. 53 N. R. 101 W. of the 6th P.M., according to the Original Government Survey, now included within Tract 82 of T. 53 N., R. 101 W., according to the Government Resurvey, which tract is more particularly described as follows:

Beginning at a point on the north line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ located 564.8 feet east of the northwest corner thereof; thence N. 88 $^{\circ}$ 31' E. along the north line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ for 255.32 feet more or less to a point located 450.00 feet westerly of the northeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence S. 01 $^{\circ}$ 04' W. on a line parallel to the east line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ for 181.5 feet; thence S. 88 $^{\circ}$ 31' W. parallel to the north boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ for 251.56 feet to a point located 574.8 feet easterly of the west line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N. 0 $^{\circ}$ 07' W. for 181.32 feet more or less to the point of beginning.

(Known as 720 Allen Avenue, Cody, Wyoming 82414 or "the property");

DOES HEREBY AGREE AND COVENANT that as a condition of the rezoning of the above described property to Limited Business (D-1), they set forth the following land use restrictions to run with the land:

- 1) *Any use of the above-described property that would be regulated by the City of Cody zoning ordinance shall be limited to:*
 - a. *Professional office use, as defined herein;*
 - b. *Any use permitted in the Residential A, B, or C zoning districts (or equivalent residential zoning districts);*
 - c. *Art galleries, including art dealers and art supplies; photography studios; private schools; preschool or childcare facilities; health and fitness studios, spas and clubs; dancing schools; taxi stands and offices; counseling services; and medical and clinical laboratories, but excluding laboratories manufacturing chemicals, medicines, or the like;*
 - d. *Other similar uses may be permitted, but expressly excluding those otherwise listed in the Limited Business (D-1), General Commercial (D-2), and Open Business/Light Industrial (D-3) Districts; and,*
 - e. *Accessory activities and uses customarily incidental to the primary land use.*

"Professional office" means an establishment for professional, executive and administrative offices, including those of accountants, lawyers, physicians, dentists, architects, engineers,

On this day personally appeared before me Gray N. Thornton, to me known as the individual(s) described herein and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 2015.

Notary Public and for the State of Wyoming.

My Commission Expires _____

Accepted by the City of Cody, this _____ day of _____, 2015.

Nancy Tia Brown, Mayor

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

On this day personally appeared before me Nancy Tia Brown, to me known as the individual(s) described herein and who executed the within and foregoing instrument for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 2015.

City Clerk and Notary Public and for the State of Wyoming.

My Commission Expires _____

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

MEETING DATE:	JUNE 9, 2015	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	REQUEST TO REZONE 720 ALLEN AVENUE FROM RESIDENTIAL "A" TO LIMITED BUSINESS (D-1). FILE: ZON 2015-01	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

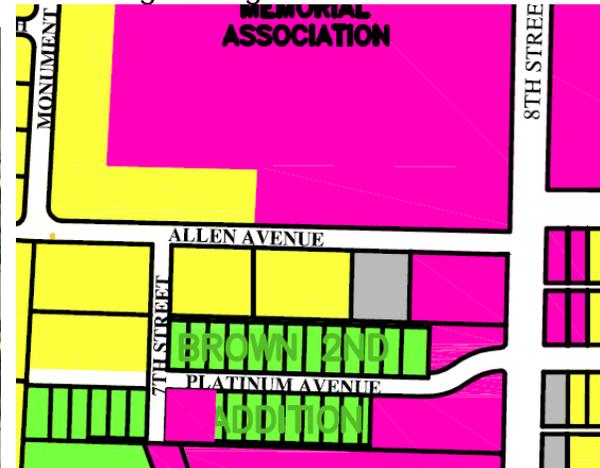
PROJECT DESCRIPTION:

The Wild Sheep Foundation, as owner, has submitted an application to rezone the property at 720 Allen Avenue from Residential "A" to Limited Business (D-1). The property is located on the south side of Allen Avenue, across the street from the Buffalo Bill Center of the West. The subject property contains the Wild Sheep Foundation office building and is 1.0 acre in size.

Existing Conditions:



Existing Zoning:



Neighboring Properties:

<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONING</i>
North	Buffalo Bill Center of the West (35 ac.)	General Business (D-2) –Pink
East	Cody Dental Excellence. (.63 ac.)	Local Business (D-1) –Gray
South	Single-family residences. (.30 ac. lots)	Residential B –Green
West	Single-family residence. (.91 ac.)	Residential A –Yellow

Existing Uses and Zoning:

The existing zoning of the property is Residential "A", which allows single-family residences, duplexes, home businesses, daycare facilities, short term rentals when

"owner occupied", and a few civic related uses. It is noted that the existing professional office use of the property is not listed as a permitted use in the Residential "A" zone, although the Wild Sheep Foundation has been operating their office on the property for about 30 years. (Recent newspaper article indicates 33 years. Property was purchased in 1989, which would be at least 26 years). The building appears to have been originally constructed in 1938 as a residence, with additions in 1950, 1983, and 1988 (per Assessor records). Complete building permit records are not available for 1950 and 1983. However, a building permit for an office remodel of the building was issued by the City in 1987, and a building permit for an office addition was issued in 1988. The professional office use of the subject property is well established.

As noted in a recent newspaper article, the Wild Sheep Foundation headquarters will be moving to Bozeman, MT in 2016. The property owner may have additional information, but at this point it appears that at a minimum there will eventually be a new tenant. Beyond that, what will happen with the property is little more than speculation, and is somewhat dependent on whether the rezone request is granted. It is noted that due to historical use of the property for professional offices; the office use is effectively grandfathered, which establishes rights under the nonconforming use provisions of the zoning ordinance. However, the request is not presented under those provisions, but as a request to rezone the property to the zone that most closely matches the current use of the property—Local Business (D-1).

PROCEDURE:

The following section is found in the City of Cody code.

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.

The public hearing has been advertised to occur with the Planning and Zoning Board, based on the thought that the Board needs public input in order to make a fully informed recommendation. Notice of the public hearing was published in the *Cody Enterprise* on May 21, 2015 and sent by certified mail to neighbors within 140 feet (plus R/W) on May *, 2015.

REVIEW CRITERIA:

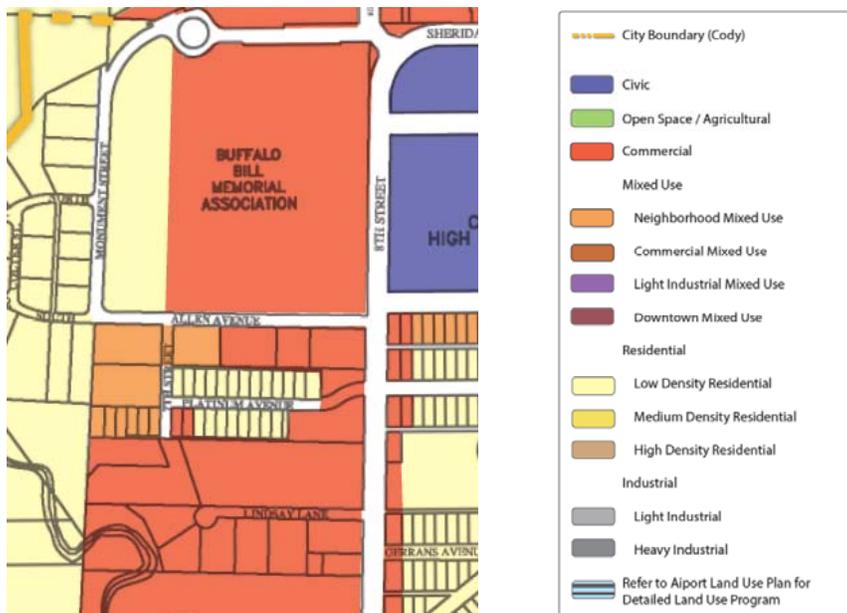
Rezoning is a legislative action, subject to the full discretion of the governing body. The Cody zoning ordinance does not have specific criteria outlined for granting or denying rezoning requests. For the purpose of providing guidance, staff will refer to the following general standards for zoning that are found in Wyoming state law, Section 15-1-601(d). Please note that the standards are in the context of initially adopting an

overall zoning plan for a community, yet they can provide guidance for reviewing site specific proposals as well.

(d) All regulations shall be made:

(i) In accordance with a comprehensive plan and designed to:

Staff Comment: The City adopted a new comprehensive plan (a.k.a. master plan) in March of last year. Per the master plan "*The Future Land Use Map...will be the guide for future zoning and development within the City.*" The portion of the Future Land Use Map for this area is below. However, remember that the boundaries of the land use designations are intended to be flexible. In this instance staff interprets the map as an indication that either a commercial zone (red color) or neighborhood mixed use zone (orange color) has the potential of being applied to the property.



The Commercial designation on the future land use map effectively corresponds with the General Commercial (D-2) zoning district. The neighborhood mixed use designation does not correspond directly with any existing zoning district. The closest zoning district to the neighborhood mixed use category would be Local Business (D-1), which is the zone the applicant is requesting.

Comparing the Limited Business (D-1) zoning district with the Neighboring Mixed Use description in the master plan, it is evident that the D-1 zone could potentially permit a number of retail uses that are more intense than contemplated by the Neighborhood mixed use description. However, there is no less-intensive commercial zone available at this time.

On the other hand, the D-1 zone is less intensive than the Commercial/D-2 equivalent designation. For example, D-1 does not permit the more intense retail uses like drive-

thrus, restaurants, hotels, auto repair, banks, public entertainment venues, and vehicle sales lots.

(A) Lessen congestion in the streets;

Staff Comment: There is no significant problem with traffic congestion on Allen Avenue and a rezone of the one-acre lot to Local Business (D-1) is not expected to create significant congestion. It is noted that any "commercial" traffic to or from the site would be through other commercial areas, and not through any residential areas.

(B) Secure safety from fire, panic and other dangers;

Staff Comment: As any new construction or use would need to comply with applicable development codes, adequate protections should occur so as to secure safety from fire, panic, or other physical dangers.

(C) Promote health and general welfare;

Staff Comment: During the "opportunity" phase of the master plan update, this area was identified as a potential office or medical area, in response to anticipated demand. The zone change would open the opportunity for more jobs, services, and commerce to help meet community needs; thereby contributing to personal and community health and welfare. It is believed that this can be done without significant impacts to the health or general welfare of persons in the area. However, assuring this at the rezone stage is problematic. This is a rezone request only—there is no redevelopment plan at this time, so any specific future changes are unknown. However, the types of uses permitted in the D-1 zone are generally of a type that can be compatible with residential and other commercial uses, when located at the perimeter of residential neighborhoods and operated in a manner that respects those neighbors.

(D) Provide adequate light and air;

Staff Comment: This standard is typically related to providing sufficient open space and setbacks. See (E) below for comments.

(E) Prevent the overcrowding of land;

Staff Comment: What constitutes "overcrowding" is subject to personal interpretation. What is somewhat concerning is that the D-1 zone lacks nearly all of the traditional zoning protections against overcrowding, such as height limits, floor area ratio standards, landscaping standards, minimum lot size requirements, building setbacks, and lot coverage limits. Effectively, the only influence for ensuring adequate light and air, or prevention of overcrowding, is economics and site plan review by the Planning and Zoning Board.

Economics will likely dictate that surface parking will continue to be provided, thereby meaning some of the property will be used for access and parking—and not buildings. Likewise, avoiding requirements for fire-resistive construction will likely mean five foot setbacks from any property lines.

At least historically, the Planning and Zoning Board has attempted to protect the interests of neighboring property owners when conducting site plan review, and typically they are able to ensure appropriate considerations, but the lack of standards leaves a significant amount of uncertainty. Fortunately, the developers have generally been considerate when it comes to such matters, but not always. Therefore, it is anticipated that there will be some neighbor concern regarding the lack of protections outlined by ordinance for the D-1 zone.

(F) Avoid undue concentration of population;

Staff Comment: The property could be utilized for multi-family housing if rezoned to D-1, although that is not understood to be the applicant's intent. While such re-development could increase population, it would not necessarily be considered an "undue concentration" as adequate infrastructure and services would be available. It is noted that the adjacent residential neighborhood to the south is zoned for multi-family housing.

(G) Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.

Staff Comment: Transportation access to the property is through a commercially zoned area, directly from a state highway, so the transportation situation is very suitable for accommodating high traffic volumes. Water and sewer main lines are to the property in Allen Avenue. Single-phase electrical service is immediately available; although if 3-phase power was ever needed it would need to be extended from the line along 8th Street. The existing building is connected to all typical utilities.

(ii) With reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses;

Staff Comment: It is interpreted that this language primarily refers to the creation of zoning districts and the particular uses that should be permitted within each zone. In addition, it could refer to how well the proposed zone reflects what is already in the area. The existing professional office use of the property would be considered a "permitted use" under the D-1 zone. Also, directly east of the proposal is a D-1 zone with the Cody Dental Excellence offices. D-2 zoning exists directly across Allen Avenue. Driving down this portion of Allen Avenue, the appearance is already such that one would expect the property to be in an office or commercial zone.

(iii) With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town; and

Staff Comment: Continued use of the existing building for professional office use would likely not impact building or property values. If the property is ever redeveloped in the future or if a change of use occurs, the value of any neighboring buildings is not expected to change significantly, so long as no nuisance type activities are created. Planning and Zoning Board review is the "safety net" to ensure that that does not happen.

To answer the question of what is the “most appropriate” use for this property, staff would point to the future land use map in the master plan. Utilizing the property for single-family or duplex use, as the Residential “A” zoning would suggest seems to be an underutilization of the property due to the availability of infrastructure, centralized location, and adjacent commercial zoning.

(iv) With consideration given to the historic integrity of certain neighborhoods or districts and a view to preserving, rehabilitating and maintaining historic properties and encouraging compatible uses within the neighborhoods or districts, but no regulation made to carry out the purposes of this paragraph is valid to the extent it constitutes an unconstitutional taking without compensation.

Staff Comment: The property and immediately surrounding areas are not classified as historic properties.

OTHER:

Significant Changes:

When reviewing rezones it is beneficial to consider whether there has been a change in circumstances since the property was designated with its current zone.

The property appears to have been located in a residential zone since the neighborhood was developed in the mid 1900's. Since then the city population, as well as the demand for services and commercial activity, has more than doubled. Also, the neighboring properties to the north and east have been developed with commercial uses. The fact that the property has been used for professional offices, and that the building was expanded and remodeled with city-issued building permits, are also changes and may be factored into the decision.

Proximity to Like Zoning:

The subject property is directly next to other D-1 zoning. Therefore, the request constitutes an extension of the D-1 zone, as opposed to an isolated “spot zone”.

Public Hearing:

Please note that this staff report was prepared without the benefit of the information that will be provided at the public hearing. All public comments need to be considered. Thus far, of the 16 lots in the notice area, the city has received (1) responses of “no objection” and (4) indicating “objection”. Copies are attached.

If the owners of more than 20% of the area of the lots within 140 feet of the rezone area object, it cannot be made effective without the vote of $\frac{3}{4}$ of the City Council (6 of the 7 council members). Calculations will be provided to the City Council when they consider the Board recommendation. However, only if the Buffalo Bill Memorial Association objects can the 20% threshold be reached.

Prior Application:

In 2009, the Wild Sheep Foundation, the Buffalo Bill Historical Center, and Cody Institute for Western American Studies (now the Cody Dental Excellence property) applied to rezone their properties to D-2. That application was withdrawn. The other two properties reapplied with modified requests and were rezoned in 2011. As the 2009 application was for a different type of zone, and a much larger area, planning staff did not determine it particularly relevant to the current proposal.

ATTACHMENTS:

Application materials, public comments.

ALTERNATIVES:

Recommend approval or denial of the requested rezone to the City Council.

If the Planning and Zoning Board is concerned that the neighboring residences do not have adequate protection in the event the subject property is rezoned and redeveloped, there may be an option to address that concern. That option would be to have the City enter into a development agreement with the property owner to voluntarily place development restrictions on the property to address those compatibility concerns. Restrictions could be related to use (e.g. prohibit or restrict use that would otherwise be allowed in D-1 zone) or development standards (setbacks, buffers, lot coverage limits, height limits, hours of operation, etc.).

As an example of what could be done, in the rezone of the property on Platinum Avenue for Dr. Gee, he voluntarily agreed to limit the use of the property to professional offices, and lot coverage and height requirements were specified. If the Board determines such a need, and the applicant is agreeable, that may be a good option—at least temporarily until the City creates a zone that better fits the intended situation.

RECOMMENDATION:

The Planning and Zoning Board will need to provide a recommendation to the City Council. The public hearing is scheduled for June 9, 2015. The Board recommendation can occur at the June 9th meeting, or at a later meeting.



May 11, 2015

City of Cody
Planning, Zoning and Adjustment Board
Attention: Community Development Department
P.O. Box 2200
Cody, WY 82414

Dear City of Cody (via Todd Stowell, Planner):

On behalf of the Wild Sheep Foundation (formerly the Foundation for North American Wild Sheep), please accept this letter requesting a zoning change for our headquarters property located at 720 Allen Avenue, here in Cody. Specifically, WSF requests a change from the current Residential "A" zoning, to Limited Business "D-1" zoning.

If approved, this zoning change would recognize and match up with the anticipated zoning status reflected in the Cody Master Plan, 2014 (page 38). Per the Cody Master Plan, Limited Business "D-1" zoning includes "C" uses, retail shops, and general offices with a maximum gross area of 10,000 ft², with limited business hours between 6:00 AM – 10:00 PM. The Wild Sheep Foundation believes that "D-1" zoning status would most closely match up with our operations, hours, history, mission, and purpose.

Per the MapServer Program on the Park County website, we have identified neighbors with property that lies within 140' of the perimeter of our WSF headquarters property. Once we have received direction from the Community Development Department, we will send (via certified mail) a notification letter (draft attached) to neighboring property owners.

We respectfully request consideration of this request at the June 9, 2015 P&Z Board Meeting, and we will provide a legal notice to the Cody Enterprise prior to May 18, 2015, with an anticipated publication date of May 21, 2015.

Please advise at your earliest convenience that we have submitted the proper paperwork. Thank you for your assistance and consideration. If you have further questions, please contact Kevin Hurley, WSF Conservation Director at our office # (provided below), or his cell # 307-899-9375.

Sincerely,

Gray N. Thornton, WSF President & CEO

720 Allen Avenue, 140' mailing list. Generated 5/5/2015, 12:00pm.				
BUFFALO BILL MEMORIAL ASSN	720 SHERIDAN AVENUE	CODY	WY	82414
DECKER, RONALD L.	899 SOUTHFORK ROAD	CODY	WY	82414
WOODRUFF, ELIZABETH B.	BOX 790	CODY	WY	82414
BROD, RICKY	719 PLATINUM DRIVE	CODY	WY	82414
SCHMOLDT, DALE R. & LUCILLE L. FAMILY TRUST	702 ALLEN AVENUE	CODY	WY	82414
HUMPHREYS, DANIEL J. & DEANNA L. M.	25511 S.E. GREEN VALLEY RD	BLACK DIAMOND	WA	98010
SHELTON, JAMES D. & REBECCA M.	767 PLATINUM DR	CODY	WY	82414
ROSS, GORDON L.	713 PLATINUM DRIVE	CODY	WY	82414
DEHN, MARK A. & CHENOWETH, JOANNE	731 PLATINUM AVENUE	CODY	WY	82414
STOCKWELL, KEN & LESA TRUST	1620 N. PARK DRIVE	CODY	WY	82414
WILDMAN, CYNTHIA A.	714 PLATINUM DRIVE	CODY	WY	82414
STROW FAMILY REVOCABLE LIVING TRUST	720 PLATINUM DR	CODY	WY	82414
HOLDER, WILLIAM TRENT	732 PLATINUM DR	CODY	WY	82414
BLAYLOCK, DONALD R., M. KATHLEEN, JEREMY & NICHELLE	P.O. Box 428	CODY	WY	82414
SELL, RUSSELL C. & GAYLE M. TRUST	756 PLATINUM DR	CODY	WY	82414
GLACIER BANK	202 MAIN ST	KALISPELL	MT	59901



May 11, 2015

[NAME]
[ADDRESS]

Dear Neighbors (within 140' of WSF Headquarters):

On behalf of the Wild Sheep Foundation (formerly the Foundation for North American Wild Sheep), please accept this notification letter advising you of a requested zoning change for our headquarters property located at 720 Allen Avenue, here in Cody. Specifically, WSF has requested the City of Cody Planning, Zoning, and Adjustment Board to grant a change from the current Residential "A" zoning, to Limited Business "D-1" zoning.

If approved, this zoning change would recognize and match up with the anticipated zoning status reflected in the Cody Master Plan, 2014 (page 38). Per the Cody Master Plan, Limited Business "D-1" zoning includes "C" uses, retail shops, and general offices with a maximum gross area of 10,000 ft², with limited business hours between 6:00 AM – 10:00 PM. The Wild Sheep Foundation believes that "D-1" zoning status most closely matches up with our operations, hours, mission, and purpose.

Per the MapServer Program on the Park County website, we have identified neighbors with property that lies within 140' of the perimeter of our WSF headquarters property.

We respectfully notify our neighbors of this requested change, and advise that we have requested consideration at the June 9, 2015 P&Z Board Meeting. Thank you for your consideration of our request.

If you have further questions, please contact Kevin Hurley, WSF Conservation Director at our office # (provided below), or his cell # of 307-899-9375.

Sincerely,

Gray N. Thornton, WSF President & CEO

Letter to Neighboring Properties within 140 Feet

Please return this letter by: June 3, 2015

(Date must be 1 week prior to the City Council Public Hearing)

Date: May 20, 2015

RE: **ZONE CHANGE REQUEST**

Applicant Name(s): Wild Sheep Foundation (Gray N. Thornton) Phone #: 307-527-6261

Address/Location & Legal Description: 720 Allen Avenue (Deed Book & Page: 0137 CONV 00485) See attached map.

A PARCEL IN THE SE/4SE/4 OF SEC. 31 AKA LOT 82 R.S. T53 R101 BEG 450' W. OF THE NE COR, THENCE S. 181.5', W. 241.5' N. 181.5', E. 245' TO POB (MF53-100) DESC. FOR ASSESSMENT PURPOSES ONLY B A

Description of Request: *(Please describe why you are requesting a Zone Change.)* Rezone the property from Residential "A" to Limited Business "D-1", to better reflect operations, mission, and purpose of the WSF headquarters office building.

Cody Master Plan Limited Business "D-1" includes "C" uses, retail shops and general offices with maximum gross area of 10,000 square feet, compatible to residential, limited business hours 6:00 a.m. to 10:00 p.m.

Rezoning of this parcel is/was anticipated in the Cody Master Plan, 2014 (see Page 38).

A Public Hearing will be held before the Planning & Zoning Board at their regularly scheduled meeting on Tuesday, June 16, 2015, at 12:00 p.m. at the City Hall Council Chambers, 1338 Rumsey Avenue. *(Date of Hearing)*

Letter from Neighboring Properties within 140 Feet

Dear Board Members:

I am familiar with the proposal by the Wild Sheep Foundation
(Applicant Name)

who is requesting a Zone Change to Limited Business "D-1" for the above referenced property. It is my understanding that the zone change will allow _____

I am the legal owner of _____ Owner's Name: _____
(Lot & block # or Address of Neighboring Property) (Neighboring Property)

I have **NO OBJECTION** to the Zone Change Request.

Name: _____

Address: _____

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I **OBJECT** to the Zone Change Request:

Name: _____

Address: _____

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

Please return to: City of Cody
 Planning, Zoning and Adjustment Board
 Attention: Community Development Department
 PO Box 2200
 Cody, WY 82414

CODY ZONING DISTRICTS

DISTRICT	GENERALIZED ALLOWABLE USES
"AA" Residential	Single Family Residential, Municipal Recreation, home business, Day Care
"A" Residential	Includes "AA" used, duplexes, townhouses, condominiums, PUD's, home businesses, hospitals, churches, libraries, museums
"B" Residential	Includes "A" uses, apartment, townhouse and Condominiums, and mortuaries
"C" Residential	Includes "B" uses, smaller lot size with multi-dwellings
"D-1" Limited Business	Includes "C" uses, retail shops and general offices with maximum gross area of 10,000 square feet, compatible to residential, limited business hours 6:00 a.m. to 10:00 p.m.
"D-2" General Business	Includes "D-1" uses, car washes, car lots, motels, hotel, restaurants, bars, Laundromats, nurseries, stadiums, rodeo grounds
"D-3" Open Business/Light Industrial	Includes "D-2" uses, smaller manufacturing, meat processing, animal boarding/Kennels, Heavy equipment sales
"D-4" High Tech/Data Processing/Light Manufacturing	Manufacturing, assembling, or processing electronic or computer components, doctors, engineers, and other professional offices, manufacturing used compatible with residential
"E" Industrial	Includes "D-3" uses, airport, feed manufacturing, pressure treating wood products, heavy industrial uses, no residential use
"F-1" Mobile Home	Only licensed mobile home parks
"F-2" Mobile Home	Includes "AA" and "A" zoning, mobile homes on permanent foundations, manufactured housing on individual lots
"T" Transitional	Includes "A" zoning, ranches, and farms
"RR" Rural Residential	Includes "AA" zoning, low density residential
Airport Overlay Zone	Within the airport overlay zone a conditional use permit may be granted by the City Council for specific land uses as designated in affected zoning districts
For complete description of permitted uses within each zoning district, refer to the City of Cody Code Zoning Regulations available online.	

NOTICE OF PUBLIC HEARING

The Cody Planning and Zoning Board will hold a public hearing to consider if it is in the public interest to rezone approximately 1 acre located on the south side of Allen Avenue and west of 8th Street, from Residential "A" to Limited Business "D-1". The property contains one lot, with an address of 720 Allen Avenue. The public hearing will be Tuesday, June 9, 2015, at 12:00 p.m. (noon), or as soon thereafter as practical, in the Cody City Council Chambers located in City Hall at 1338 Rumsey Avenue, Cody. Written comments shall be directed to the Community Development Department, PO Box 2200, Cody, WY 82414, and shall be received prior to the date and time of the public hearing. For questions, please contact the Cody city planner at (307) 527-7511 or todds@cityofcody.com. The Planning and Zoning Board will forward their recommendation to the City Council for consideration.

Publish May 21, 2015

BOOK 137 PAGE 485

WARRANTY DEED

M.M. COUNTY CLERK'S OFFICE

THIS INDENTURE, made the 31st day of December, 1986, by and between the FIRST WYOMING BANK-CODY, a banking corporation organized and existing under and by virtue of the laws of the State of Wyoming, and having its principal place of business in the County of Park, the GRANTOR, and FOUNDATION FOR NORTH AMERICAN WILD SHEEP, an Iowa non-profit corporation, whose address is 720 Allen Street, Cody, Wyoming 82414, the GRANTEE, WITNESSETH:

That the grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations (\$10.00) in hand paid, the receipt whereof is hereby acknowledged, does, by these presents, grant, bargain, sell, CONVEY AND WARRANT unto the said grantee, all that certain tract, lot, piece, and parcel of land situated in the County of Park, State of Wyoming, and described as follows, to-wit:

A tract of land within the City of Cody, Park County, Wyoming in the SE1/4 of Section 31, T. 53 N., R. 101 W. of the 6th P.M., according to the Original Government Survey, now included within Tract 82 of T. 53 N., R. 101 W., according to the Government Resurvey, which tract is more particularly described as follows:

Beginning at a point on the north line of said SE1/4 located 564.8 feet east of the northwest corner thereof; thence N. 88°31' E. along the north line of said SE1/4 for 255.32 feet more or less to a point located 450.00 feet westerly of the northeast corner of said SE1/4; thence S. 01°04' W. on a line parallel to the east line of said SE1/4 for 181.5 feet; thence S. 88°31' W. parallel to the north boundary of said SE1/4 for 251.56 feet to a point located 574.8 feet easterly of the west line of said SE1/4; thence N. 0°07' W. for 181.32 feet more or less to the point of beginning.

SUBJECT to all easements, rights of way and reservations, zoning restrictions and covenants of record or otherwise established; all assessments and subsequently assessed taxes.

IN WITNESS WHEREOF, the Grantor has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer, the day and year first above written.

(SEAL)

Attest:

Shirley Anderson Cashier

FIRST WYOMING BANK-CODY

By M.D. Ellis

M. D. Ellis, President

THE STATE OF WYOMING,

County of Park

On this 31st day of December, 1986, before me personally appeared

M. D. Ellis

to me personally known, who, being by me duly sworn, did say that he is the President of FIRST WYOMING BANK-CODY

and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and said Shirley Anderson acknowledged said instrument to be the free act and deed of said corporation.

My Commission expires on the 24 day of June, A. D. 1988

Given under my hand and notarial seal this 31 day of December, A. D. 1986

Richard H. Keller Notary Public State of Wyoming My Commission Expires June 24, 1988

Richard Keller Notary Public

Letter to Neighboring Properties within 140 Feet

Please return this letter by: June 3, 2015
(Date must be 1 week prior to the City Council Public Hearing)

Date: May 20, 2015
RE: **ZONE CHANGE REQUEST**

Applicant Name(s): Wild Sheep Foundation (Gray N. Thornton) Phone #: 307-527-6261

Address/Location & Legal Description: 720 Allen Avenue (Deed Book & Page: 0137 CONV 00485) See attached map.
A PARCEL IN THE SE/4SE/4 OF SEC. 31 AKA LOT 82 R.S. T53 R101 BEG 450' W. OF THE NE COR, THENCE S. 181.5', W. 241.5' N. 181.5', E. 245' TO POB (MF53-100) DESC. FOR ASSESSMENT PURPOSES ONLY B A

Description of Request: (Please describe why you are requesting a Zone Change.) Rezone the property from Residential "A" to Limited Business "D-1", to better reflect operations, mission, and purpose of the WSF headquarters office building.

Cody Master Plan Limited Business "D-1" includes "C" uses, retail shops and general offices with maximum gross area of 10,000 square feet, compatible to residential, limited business hours 6:00 a.m. to 10:00 p.m.

Rezoning of this parcel is/was anticipated in the Cody Master Plan, 2014 (see Page 38).

A Public Hearing will be held before the Planning & Zoning Board at their regularly scheduled meeting on Tuesday, June 9, 2015, at 12:00 p.m. at the City Hall Council Chambers, 1338 Rumsey Avenue. (Date of Hearing)

Letter from Neighboring Properties within 140 Feet

Dear Board Members:

I am familiar with the proposal by the Wild Sheep Foundation
(Applicant Name)

who is requesting a Zone Change to Limited Business "D-1" for the above referenced property. It is my understanding that the zone change will allow _____

I am the legal owner of 1507 8th Street, Cody Owner's Name: Glacier Bank
(Lot & block # or Address of Neighboring Property) (Neighboring Property)

I have NO OBJECTION to the Zone Change Request.

Name: First Bank of Wyoming Division of Glacier Bank

Address: 1507 8th Street, Cody, WY 82414

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I OBJECT to the Zone Change Request:

Name: _____

Address: _____

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

Dear Board Members:

I am familiar with the proposal by the Wild Sheep Foundation
(Applicant Name)

who is requesting a Zone Change to Limited Business "D-1" for the above referenced property. It is my understanding that the zone change will allow WSP TO SELL THE PROPERTY FOR BETTER PRICE AT THE EXPENSE OF A QUIET NEIGHBORHOOD

I am the legal owner of 720 PLATINUM DR Owner's Name: FRED N. STROW
(Lot & block # or Address of Neighboring Property) (Neighboring Property)

I have **NO OBJECTION** to the Zone Change Request.

Name: _____

Address: _____

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I **OBJECT** to the Zone Change Request:

Name: FRED N. STROW

Address: 720 PLATINUM DR.

Comments: ANOTHER ATTEMPT AT DESTROYING OUR NEIGHBORHOOD

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I am the legal owner of 756 PLATINUM AVE Owner's Name: Russell Sell, Gayle Sell
(Lot & block # or Address of Neighboring Property) (Neighboring Property)

I have **NO OBJECTION** to the Zone Change Request.

Name: _____

Address: _____

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I **OBJECT** to the Zone Change Request:

Name: Russell & Gayle Sell

Address: 756 PLATINUM AVE

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

Letter from Neighboring Properties within 140 Feet

Dear Board Members:

I am familiar with the proposal by the Wild Sheep Foundation
(Applicant Name)

who is requesting a Zone Change to Limited Business "D-1" for the above referenced property. It is my understanding that the zone change will allow _____

I am the legal owner of _____ Owner's Name: _____
(Lot & block # or Address of Neighboring Property) (Neighboring Property)

I have **NO OBJECTION** to the Zone Change Request.

Name: _____
Address: _____
Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I **OBJECT** to the Zone Change Request:

Name: CINDY Wildma
Address: 714 Platinum Pl Cody
Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

(LOT & BLOCK # OR ADDRESS OF NEIGHBORING PROPERTY)

I have **NO OBJECTION** to the Zone Change Request.

Name: KEN
Address: _____
Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I **OBJECT** to the Zone Change Request:

Name: KEN Stockwell
Address: 1622 N. Park Drive
Comments: -our neighborhood has already been overcommercialized!

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: 587-6784

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

Letter to Neighboring Properties within 140 Feet

Please return this letter by: June 3, 2015
(Date must be 1 week prior to the City Council Public Hearing)

Date: May 20, 2015
RE: **ZONE CHANGE REQUEST**

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Rezoning of this parcel is/was anticipated in the Cody Master Plan, 2014 (see Page 38).

A Public Hearing will be held before the Planning & Zoning Board at their regularly scheduled meeting on Tuesday, June 9, 2015, at 12:00 p.m. at the City Hall Council Chambers, 1338 Rumsey Avenue. (Date of Hearing)

Letter from Neighboring Properties within 140 Feet

Dear Board Members:

I am familiar with the proposal by the Wild Sheep Foundation
(Applicant Name)

who is requesting a Zone Change to Limited Business "D-1" for the above referenced property. It is my understanding that the zone change will allow RETAIL SHOPS AND GENERAL OFFICES

I am the legal owner of 719 PLATINUM Owner's Name: RICK BRÖD
(Lot & block # or Address of Neighboring Property) (Neighboring Property)

I have **NO OBJECTION** to the Zone Change Request.

Name: _____

Address: _____

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I **OBJECT** to the Zone Change Request:

Name: RICK BRÖD

Address: 719 PLATINUM

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: 587-9744

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

James Klessens

From: James Klessens
Sent: Tuesday, June 09, 2015 11:49 AM
To: 'utanadye@cityofcody.com'
Cc: 'Justin Ness'
Subject: Zoning Change on Allen Avenue

Utana,

I understand that you are taking Todd's place today at Planning & Zoning. I read your agenda in the proposed zone change request from the Wild Sheep Foundation with interest. Unfortunately, I cannot attend today. I believe that this proposed change is an opportunity to more appropriately zone a piece of property in a transitional zone. In an earlier zone change request, I stated that this area with its proximity to the Museum and to West Park Hospital is perfectly suited to become more commercially oriented. The change from residential A to D-1 is perfectly in order as the D-1 requirements are consistent with its current use.

Forward Cody takes the position that the Master Planning process recognized this area as having potential for commercial growth. As a result, the plan designated this area in the D zoning category. I reviewed each of your criteria responses for the zone change and agree that this action by Planning & Zoning would have minimal impact on the neighborhood directly south. It is highly unlikely that any development allowed by a D-1 zone-Limited Business would affect the traffic, noise or the feel of the adjacent neighborhood.

As we discussed in the Master Planning process, it makes good sense to facilitate development of properties for use is compatible with adjacent properties. As this property is bounded by the significant presence of other D zone parcels, the proponents have every right to request and receive this change.

Please concur with their request.

James

James Klessens, CEO/President
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Cody, WY 82414

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307-250-7748 *mobile*

www.forwardcody.com

Letter to Neighboring Properties within 140 Feet

Please return this letter by: June 3, 2015

(Date must be 1 week prior to the City Council Public Hearing)

Date: May 20, 2015

RE: **ZONE CHANGE REQUEST**

Applicant Name(s): Wild Sheep Foundation (Gray N. Thornton) Phone #: 307-527-6261

Address/Location & Legal Description: 720 Allen Avenue (Deed Book & Page: 0137 CONV 00485) See attached map.

A PARCEL IN THE SE/4SE/4 OF SEC. 31 AKA LOT 82 R.S. T53 R101 BEG 450' W. OF THE NE COR, THENCE S. 181.5', W. 241.5' N. 181.5', E. 245' TO POB (MF53-100) DESC. FOR ASSESSMENT PURPOSES ONLY B A

Description of Request: *(Please describe why you are requesting a Zone Change.)* Rezone the property from Residential "A" to Limited Business "D-1", to better reflect operations, mission, and purpose of the WSF headquarters office building.

Cody Master Plan Limited Business "D-1" includes "C" uses, retail shops and general offices with maximum gross area of 10,000 square feet, compatible to residential, limited business hours 6:00 a.m. to 10:00 p.m.

Rezoning of this parcel is/was anticipated in the Cody Master Plan, 2014 (see Page 38).

A Public Hearing will be held before the Planning & Zoning Board at their regularly scheduled meeting on Tuesday, June 9, 2015, at 12:00 p.m. at the City Hall Council Chambers, 1338 Rumsey Avenue. *(Date of Hearing)*

Letter from Neighboring Properties within 140 Feet

Dear Board Members:

I am familiar with the proposal by the Wild Sheep Foundation
(Applicant Name)

who is requesting a Zone Change to Limited Business "D-1" for the above referenced property. It is my understanding that the zone change will allow _____

I am the legal owner of 702 ~~ALLEY~~ ALLEN AVE Owner's Name: DALE SCHMOLDT
(Lot & block # or Address of Neighboring Property) (Neighboring Property)

I have NO OBJECTION to the Zone Change Request.

Name: _____

Address: _____

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: _____ or Phone: _____

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

I OBJECT to the Zone Change Request:

Name: DALE SCHMOLDT

Address: 702 ALLEN AVE. CODY, WY 82414

Comments: _____

Yes, I would like to be contacted when this topic comes before City Council or the P&Z Board.

E-mail address: drschmoldt@201.com or Phone: 587-2683

No, I would not like to be contacted when this topic comes before City Council or the P&Z Board.

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

MEETING DATE:	JUNE 23, 2015	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	MINOR SITE PLAN REVIEW: STORAGE ADDITION TO SHOP AT 324 ROBERT STREET SPR 2015-20	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Alco Corporation, Inc., as owner of the one-acre lot at 324 Robert Street, proposes to construct a 12' by 40' addition to an existing pole building on the property. The addition is for the purpose of storage and will architecturally match the existing building—grey/blue metal siding and pitched roof. See the attached site plan, floor plan, and photo below.

Existing:



REVIEW CRITERIA:

The property is located within the Open Business/Light Industrial (D-3) zoning district. Section 10-10E-3 of the zoning regulations states:

All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the planning and zoning commission for

approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

Section 9-2-3 is as follows:

Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.

STAFF COMMENTS:

Architecture:

The addition will architecturally match the existing pole building, which is the best way to blend the addition with the existing building. The building is directly north of and across the street from other metal buildings. The overall size of the pole building is still only 40 feet by 42 feet. Because the building is not excessively large, the addition is relatively minor, the property is not directly on an entry corridor, and it is in an area with other metal buildings, staff is not recommending any architectural enhancements.

The P&Z Board will need to determine if the proposed materials, colors, and architecture are suitable.

Landscaping:

No landscaping exists in the immediate area of the addition, although landscaping does exist around the office building on the north side of the lot. No additional landscaping is proposed.

Parking:

No additional parking is required for the use of the addition as storage.

Lighting

No new exterior lighting is proposed.

Neighborhood Compatibility, Setbacks and Buffers, and Height Requirements

There are no specified zoning setbacks or height limits for the D-3 zone. Technically a 15-foot buffer is required along the north property line. As that is the area of the office building and is landscaped, the buffer requirement is interpreted to be met.

Storm Water Plan:

A storm water retention plan is included in the application. It involves collecting the runoff from the north side of the roof in a gutter system and piping it to a 10' by 11' by 2-foot deep percolation pit. This will meet the requirements of the City.

Utility Services

No new utility services are proposed. Also, the property already has garbage service.

Signage

No signs are proposed.

ATTACHMENTS:

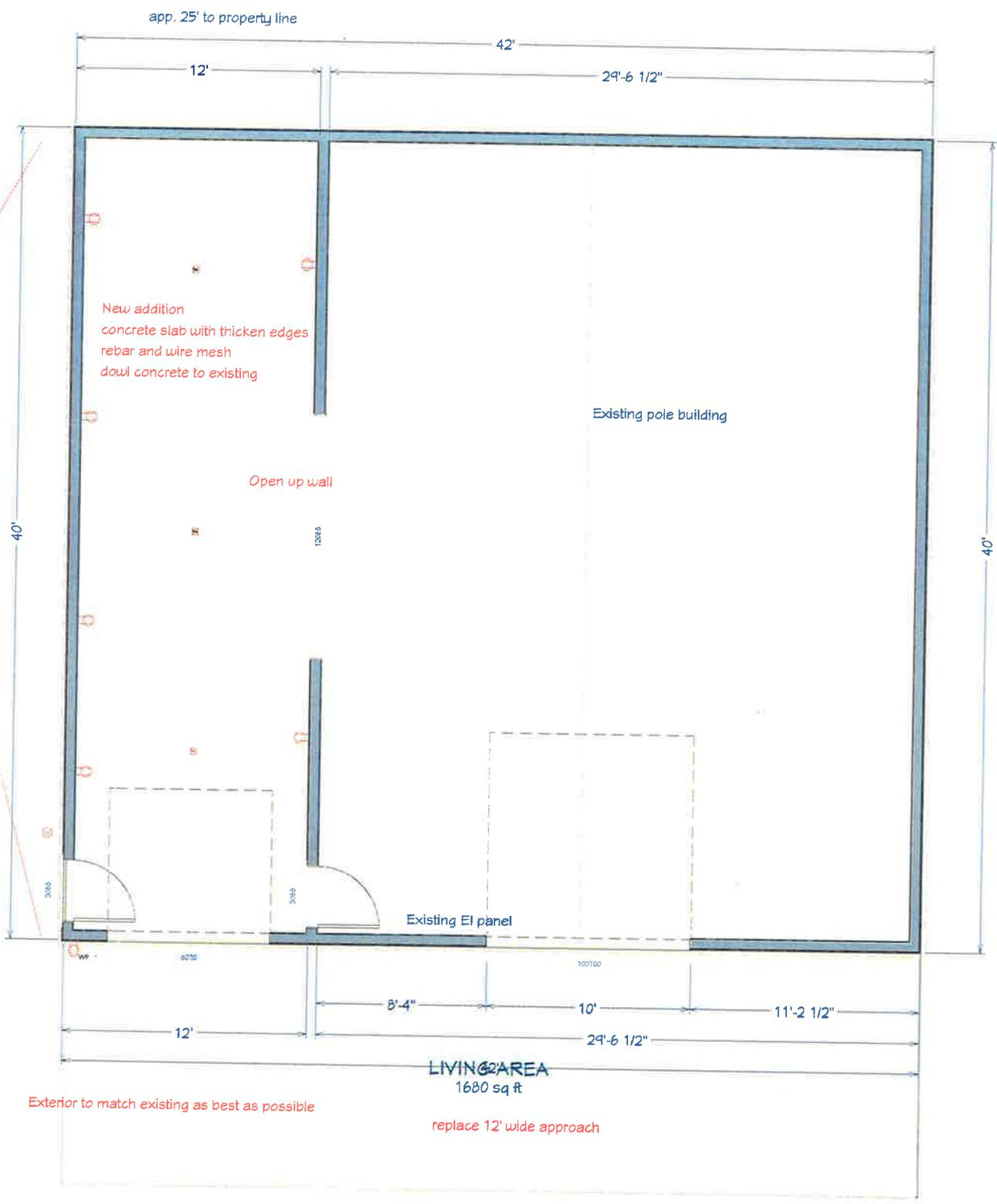
Application materials.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION:

Approve the application for the 12-foot by 40-foot addition at 324 Robert Street as submitted.



app. 25' to property line

12'

42'

29'-6 1/2"

New addition
concrete slab with thickened edges
rebar and wire mesh
dowl concrete to existing

Existing pole building

Open up wall

40'

40'

10' x 11' x 2' Percolation pit with leach rock
drain roof gutters into pit

Existing EI panel

12'

8'-4"

10'

11'-2 1/2"

29'-6 1/2"

LIVING AREA
1680 sq ft

Exterior to match existing as best as possible

replace 12' wide approach

