

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, OCTOBER 13, 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 September 22, 2015 Regular Meeting
6. TABLED ITEM:
  - A. Downtown Sign Review: Buckin Burger wall signs at 1385 Sheridan Avenue.
7. NEW BUSINESS:
  - A. Site Plan Review: Buffalo Bill Center of the West Dining Facility, 720 Sheridan Avenue.
  - B. Public Hearing and Review of a Special Exemption Request: Yellowstone Gift Shop signs at 1237 Sheridan Avenue.
  - C. Plat Review: Shaw Minor Subdivision to create 3 lots south of the Cougar Avenue and 22<sup>nd</sup> Street intersection.
  - D. Downtown Architectural Review: Enlarge windows, rooftop patio with railing, rooftop pergola, exterior spiral staircase at 1132 12<sup>th</sup> Street.
8. P&Z Board Matters (announcements, comments, etc.)
9. Council Update: Steve Miller
10. Staff Items:
11. Adjourn

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

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, September 22, 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, September 22, 2015 at 12:00 PM

Present: Justin Lundvall-Chairperson; Reese Graham; Buzzy Hassrick; Curt Dansie; Sandee Kitchen, Assistant City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Lynn Stutzman, Engineering Administrative Asst.

Absent: Brad Payne; 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 Curt Dansie, to approve the agenda. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, seconded by Reese Graham, to approve the minutes for the September 8, 2015 meeting. Vote on the motion was unanimous, motion carried.

**NEW BUSINESS:**

Todd Stowell presented the staff report for the downtown sign review for the Buckin Burger located at 1385 Sheridan Avenue. Todd noted that he had not received the color rendering of the proposed sign.

Buzzy Hassrick made a motion, seconded by Reese Graham, to table the downtown sign review for the Buckin Burger located at 1385 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Downtown Architectural Review for an awning on the north side of the Sheridan Building located at 1291 Sheridan Avenue.

Reese Graham made a motion, seconded by Curt Dansie, to approve the Downtown Architectural Review for an awning on the north side of the Sheridan Building located at 1291 Sheridan Avenue as presented. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Architecture, Sign and Landscaping review for the Rolling Rawhide Coffee Kiosk located in the parking lot of 1526 Rumsey Avenue.

Buzzy Hassrick made a motion, seconded by Reese Graham, to approve the Architecture, Sign and Landscaping review for the Rolling Rawhide Coffee Kiosk located in the parking lot of 1526 Rumsey Avenue with the following conditions:

1. Coordinate electrical service installation with the City electrical department. The applicant is responsible for payment of the electrical estimate before the work can be done.

2. Any exterior lighting is to either be cut-off style, or of a low intensity (no brighter than the equivalent of a 60 watt incandescent bulb).
3. Remove the parking spaces that conflict with the drive-thru lanes.
4. Directional signs and/or pavement markings must be used if it is observed that there are traffic circulation issues. Any directional signs or pavement markings must be reviewed and authorized by City staff.
5. A building (electrical) permit is required.

Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the staff report for the Architecture, Sign, and Landscaping review for the Gottsche Rehab Center located at 1526 #2 Rumsey Avenue.

Kathy Dallman from Gottsche Rehab answered questions.

Curt Dansie made a motion, seconded by Reese Graham, to approve the Architecture, Sign, and Landscaping review for the Gottsche Rehab Center located at 1526 #2 Rumsey Avenue with the following recommendations:

1. Paint the storage container the color of the wall against which it will be placed.
2. Locate the storage container a couple of feet away from the electrical box.
3. The wall sign is limited to 150 square feet in size
4. If the spotlight fixtures are used, they are to be directed downward so that they primarily illuminate the sign and awning area.
5. Provide parking blocks as needed to meet code. Coordinate with city staff.
6. The side landscaping area must include a sufficient amount of landscape items (vegetation and hardscape items such as seating) so as to clearly give the appearance of a fully improved landscape area. (It is recognized that flowers won't be planted until spring, but the trees and other features need to be installed now, or a financial security held by the City until they are installed next spring.)
7. The project must otherwise comply with the submitted plans and applicable building, fire, and electrical codes.

Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the compiled results of the Draft Residential Land Use Table from the "homework" assignment. He also gave additional background for some of the zoning districts and context for some of the categories in the table. He asked that the committee members review the compiled results and let him know by the end of the week if they have concerns with any particular part of the table.

P&Z Board Matters: None

Council Update: None

Staff Items: Equipment changes were presented for Cottonwood Avenue Verizon Cell Tower. Landscaping, architecture, and sidewalk changes were presented for Moss Orthodontics.

Buzzy Hassrick made a motion, seconded by Curt Dansie, 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 1:06 PM.

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Lynn Stutzman  
Engineering Administrative Assistant

DRAFT

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

<b>MEETING DATE:</b>	OCTOBER 13, 2015 (CONTINUED FROM SEPT. 22)	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	"THE BUCKIN BURGER" SIGNS: DOWNTOWN ARCHITECTURAL DISTRICT REVIEW. SGN 2015-23	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL	DISCUSSION ONLY:	

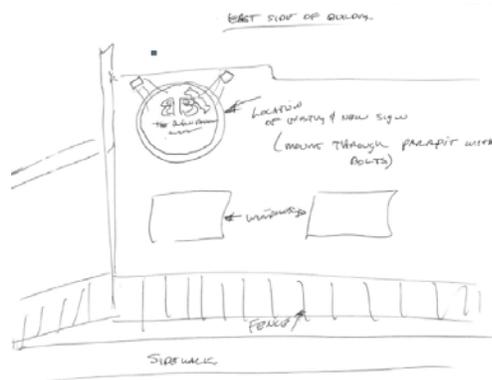
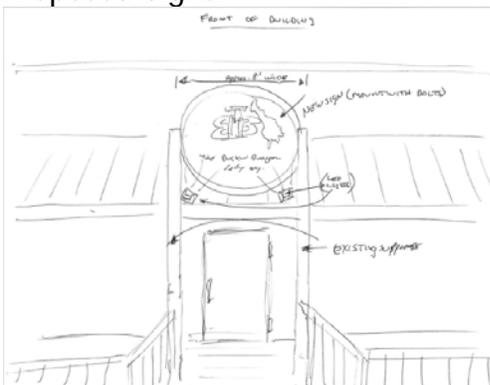
**PROJECT DESCRIPTION:**

Eric Johannsen of La Comida, located at 1385 Sheridan Avenue, is changing the format of his restaurant to a gourmet burger establishment. He has submitted a sign application to replace two La Comida signs with two new signs for "The Buckin Burger". A third sign located on the back (north) side of the building would be repainted with a display similar to the two new signs. The new signs would be circular in shape and each measure about seven to eight feet in diameter (38.5 to 50 square feet). The sign to be repainted is 4' by 8' (32 sq. ft.). The logo is on the next page.

Existing Conditions:



Proposed Signs:



Sign to be repainted:



Logo:



**REVIEW CRITERIA:**

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

The signs must also comply with applicable provisions of the sign code.

**STAFF COMMENTS:**

The sign for the front of the building is a freestanding sign. In the downtown sign district, the sign code allows the size and height (<25') of freestanding sign proposed. The wall signs on the side and rear of the building also comply with the size, number, and location requirements of the sign code (<1.5 sq. ft. of wall sign per foot of street frontage, no more than 2 wall signs per establishment, and mounted on wall).

The new signs will be on wood, metal, or similar backing material, and painted the colors of the logo. External LED lights will be used to illuminate the new signs. External illumination is permitted, provided the light fixture is directed and/or shielded to prevent glare impacts to passing drivers or pedestrians.

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. The design and colors have a professional appearance and compliment the western character of the building.

**ALTERNATIVES:**

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

**RECOMMENDATION:**

Approve the signs for "The Buckin Burger" as presented. A building permit is required.

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

<b>MEETING DATE:</b>	OCTOBER 13, 2015	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SITE PLAN REVIEW: DINING PAVILION AT THE BUFFALO BILL CENTER OF THE WEST. FILE: SPR 2015-	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

The Buffalo Bill Memorial Association has submitted an application for a dining pavilion and kitchen expansion/upgrade at the Buffalo Bill Center of the West. The dining pavilion would include 4,500 square feet of indoor dining area, with a 200 person seating capacity, and an outdoor patio under a cantilevered roof that would provide seating for an additional one hundred persons. The indoor dining area could be divided by a movable partition into two areas, as shown on Sheet AE-101. The kitchen would be expanded slightly and remodeled. Color renderings, elevation drawings, and the floor plan are attached.

**REVIEW CRITERIA:**

The property is located in the General Business (D-2) zoning district, which permits the type of use proposed.

Section 10-10B-5 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:**

The proposed dining pavilion will be located in an existing garden area between the Buffalo Bill Museum and the Plains Indian Museum. It is our understanding that the

primary purpose of the dining pavilion is to provide a dining area for patrons and employees. The dining pavilion is not a full commercial restaurant in that it would not be generally accessible to the public, except to those patrons that have already entered the Center, or occasional special events.

If a small private gathering is planned, they could close the partition and use the small dining area for that purpose. Larger events, such as the Patrons Ball, would occasionally be held in the full dining pavilion, and would be coordinated by the museum to avoid peak visitor times.

#### Architecture:

The quality architecture of the existing facility is continued with this project. As can be seen in the attached renderings and elevations, the south end with the fully glazed façade and gable style roof resembles the main entrance to the facility. The cantilevered roof is a great architectural feature. Other quality features include the stone veneer that will match the light tan sandstone of some of the existing walls, and the bronze colored standing-seam roof that will match the roofs of the other main buildings. Multiple other architectural features and designs are included to give the building the desired architectural result. The building meets the intent of the architectural review process.

#### Landscaping:

The current project will remove a portion of an existing garden area and restore areas disturbed by construction around the building with grass. The museum actually has longer term plans to greatly enhance the remaining garden area, but due to a very short construction schedule for the building, the longer term plans are not yet prepared. Regardless, even with the new pavilion being constructed the museum will continue to have well over the minimum amount of landscaping required under the entry corridor overlay district in which it is located.

#### Access, Parking and Frontage:

No changes to access, parking or street frontage are proposed or expected. Due to the intended manner in which the pavilion will be used, and the excess parking capacity already provided at the site, staff is confident that the pavilion project will not create, in itself, a demand for parking that will exceed capacity. If parking demand did increase to the point that the existing facilities were regularly exceeded, there is additional area on the property that could be developed for parking.

#### Exterior Lighting:

The cantilevered roof over the patio will have lighting incorporated. Detailed lighting plans are not included, but conceptually do not include any excessively bright or glaring light fixtures.

Storm Water Plan:

The storm water plan has been reviewed by the City engineer and found acceptable. The plan incorporates a series of inlets and underground pipes in the project area to collect and carry the storm water to an existing drywell, which has sufficient capacity to accommodate the additional storm water.

Utility Services

Initial discussions indicate that no new utility services or upgrades to existing services are needed.

Signage

No new exterior signage is indicated.

Setbacks/Buffer

No zoning setbacks or buffers are required for this project.

**ATTACHMENTS:**

Application materials.

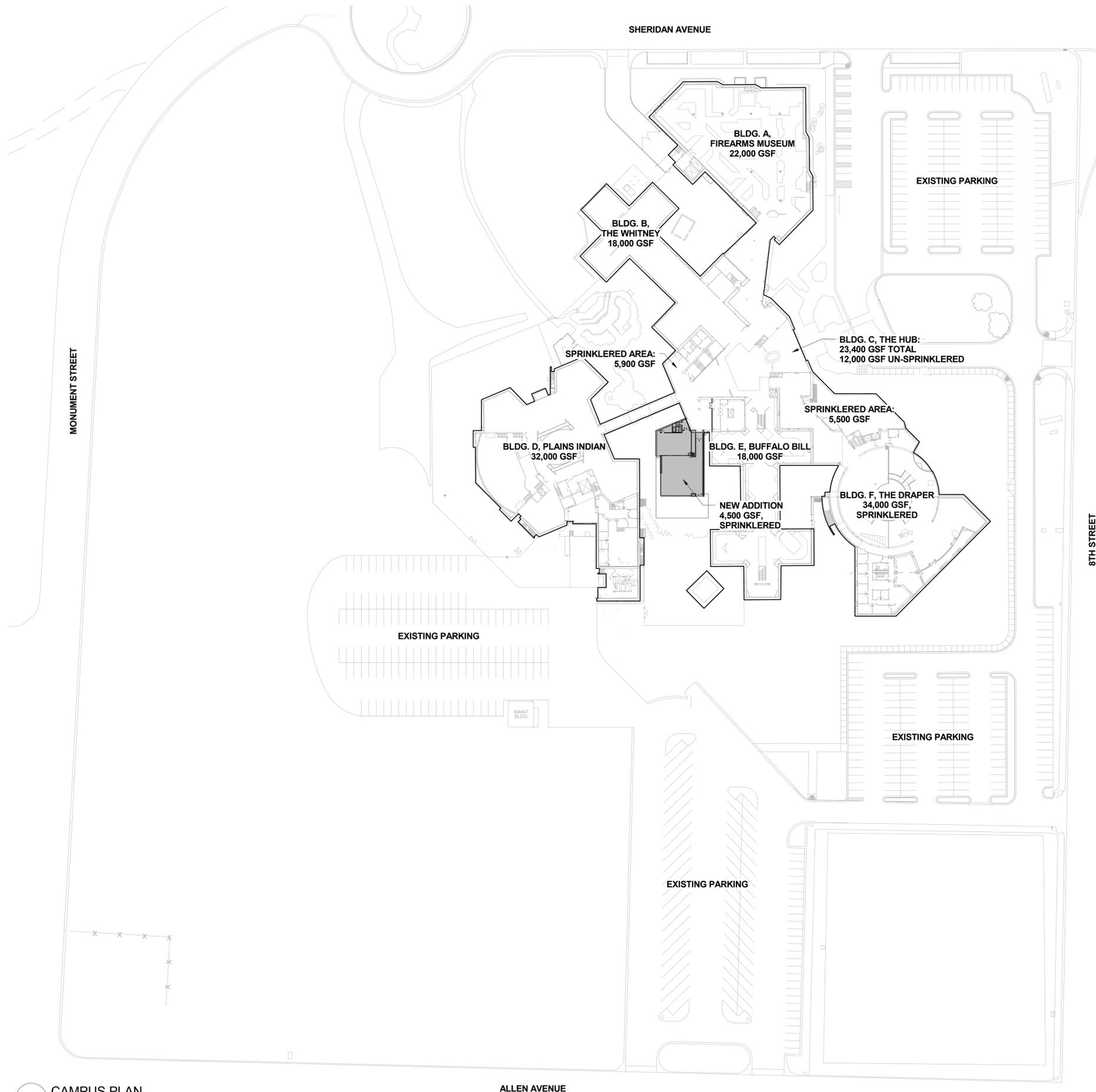
**ALTERNATIVES:**

Approve or deny the site plan with or without changes.

**RECOMMENDATION:**

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

1. Prior to issuance of a certificate of occupancy, the drainage facilities must be inspected and certified by the applicant's engineer that they were completed according to approved plans.
2. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.



Issued / Revised		
No.	Date	Description

**PROJECT NARRATIVE**

THE SCOPE OF THIS PROJECT IS AN ADDITION AND RENOVATION TO THE EXISTING BUFFALO BILL CENTER OF THE WEST. WORK WILL INCLUDE A NEW DINING PAVILION AND AN UPGRADE TO THE EXISTING KITCHEN. PROJECT WILL BE COMPLETED IN TWO PHASES.

PHASE I INCLUDES THE CORE AND SHELL WORK FOR THE NEW ADDITION. PHASE II WILL FOLLOW WITH AN INTERIOR FIT OUT OF THE NEW BUILDING ADDITION AND UPGRADES TO THE EXISTING KITCHEN.

THE DINING PAVILION ADDITION WILL SERVE AS BANQUET ROOM AND DAILY DINING ROOM WITH SEATING CAPACITY OF 200 GUESTS (MAX) INDOORS WITH AN ADDITIONAL 100 GUESTS ON AN EXTERIOR PATIO. THE PAVILION WILL BE A TRANSFER OF USE FROM THE MAIN ENTRY HALL, WHICH CURRENTLY HOSTS 200 PERSON BANQUETS. DAILY DINING WILL ALSO OCCUR IN THIS SPACE, WHICH WILL RELIEVE EXISTING TRAFFIC CONGESTION. NO ADDITIONAL DINING CAPACITY IS PLANNED WITH THIS PROJECT. KITCHEN IMPROVEMENTS WILL MODERNIZE THE EXISTING KITCHEN AND EQUIPMENT UPGRADES WILL REPLACE AGING EQUIPMENT AND IMPROVE EFFICIENCY.

AS A TRANSFER OF USE TO THE NEW BANQUET SPACE, THE EXISTING PARKING THAT SERVES THE CENTER WILL NOT REQUIRE ANY ADDITIONAL CAPACITY. BANQUET DINING OCCURS DURING OFF PEAK HOURS AND DOES NOT OVERLAP WITH HEAVY MUSEUM VISITOR HOURS.

CURRENTLY, THE EXISTING SERVERY AND KITCHEN AREAS ARE SPRINKLED. THE NEW ADDITION WILL BE FULLY SPRINKLED AS WELL. THE SPRINKLERS WILL BE SERVED BY THE EXISTING FIRE RISER NEAR THE MUSEUMS MAIN ENTRY, THROUGH THE EXISTING BASEMENT CORRIDORS.

MECHANICALLY, THE NEW ADDITION WILL BE SERVED OFF A NEW AIR HANDLER THAT WILL BE SUPPLIED FROM THE EXISTING CENTRAL PLANT. THE EXISTING CENTRAL PLANT WAS DESIGNED FOR EXPANSION AND HAS SUFFICIENT CAPACITY FOR THE ADDITIONAL LOAD. NO NEW MECHANICAL SERVICE WILL BE REQUIRED.

ELECTRICALLY, THE NEW ADDITION WILL BE FED FROM THE EXISTING MAIN DISTRIBUTION PANEL TO A NEW SUB PANEL. THE EXISTING MAIN DISTRIBUTION PANEL HAS SUFFICIENT CAPACITY FOR THE ADDITIONAL LOAD. NO NEW ELECTRICAL SERVICE WILL BE REQUIRED.

LANDSCAPE WORK WILL BE LIMITED TO REHABBING THE EXISTING INTERNAL GARDEN AND ADJUSTING GRADING AND DRAINAGE TO ACCOMMODATE FOR THE NEW ADDITION.

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
OR RECORDING

Client  
Buffalo Bill Center of the West  
- Dining Pavilion and Kitchen Upgrade  
720 Sheridan Avenue  
Cody, WY 82414  
Project No. 15086.00

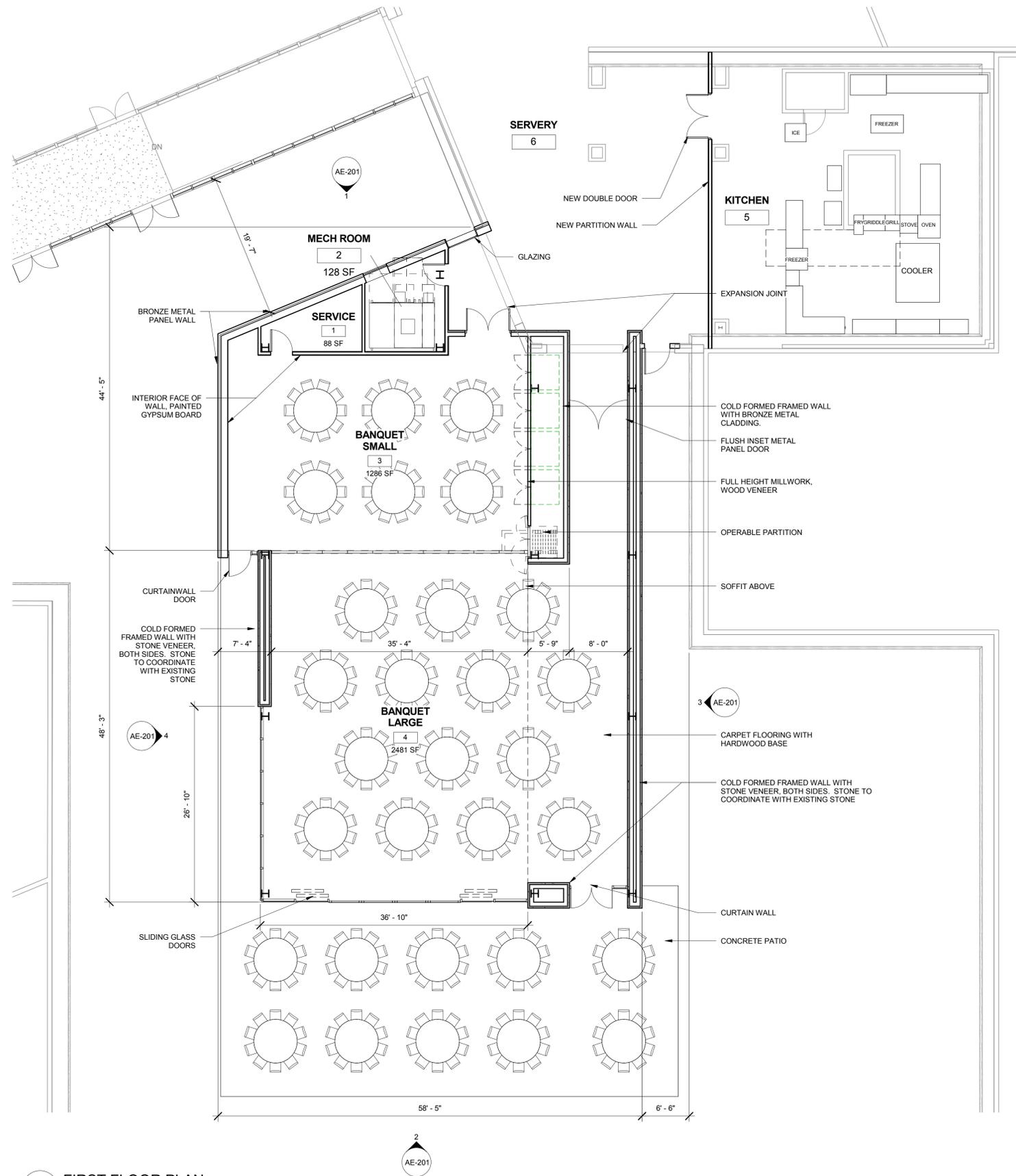
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**ARCHITECTURAL SITE PLAN**

DD  
**AS-102**

Issued / Revised		
No.	Date	Description



1 FIRST FLOOR PLAN  
1/8" = 1'-0"

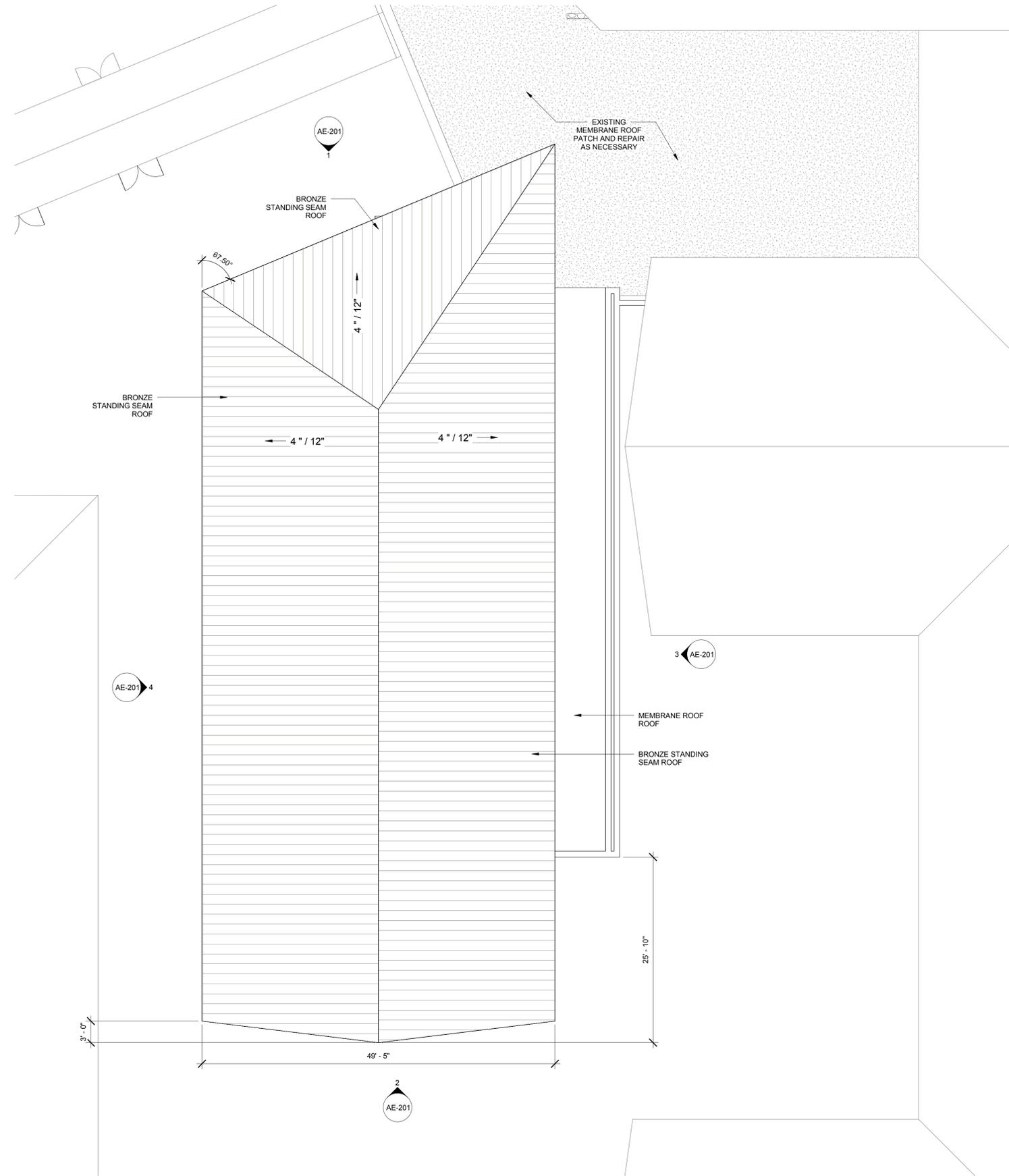
**PRELIMINARY**  
NOT FOR CONSTRUCTION  
OR RECORDING

Client  
Buffalo Bill Center of the West  
- Dining Pavilion and Kitchen  
Upgrade  
720 Sheridan Avenue  
Cody, WY 82414  
Project No. 15086.00

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FIRST FLOOR PLAN

DD  
**AE-101**



Issued / Revised		
No.	Date	Description

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
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Client  
Buffalo Bill Center of the West  
- Dining Pavilion and Kitchen  
Upgrade  
720 Sheridan Avenue  
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Project No. 15086.00

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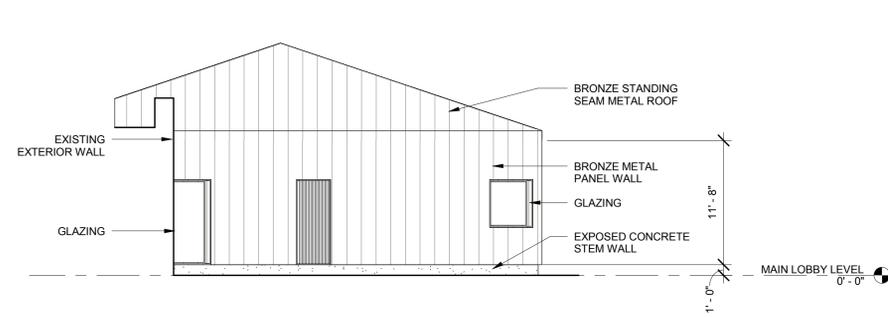
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ROOF PLAN

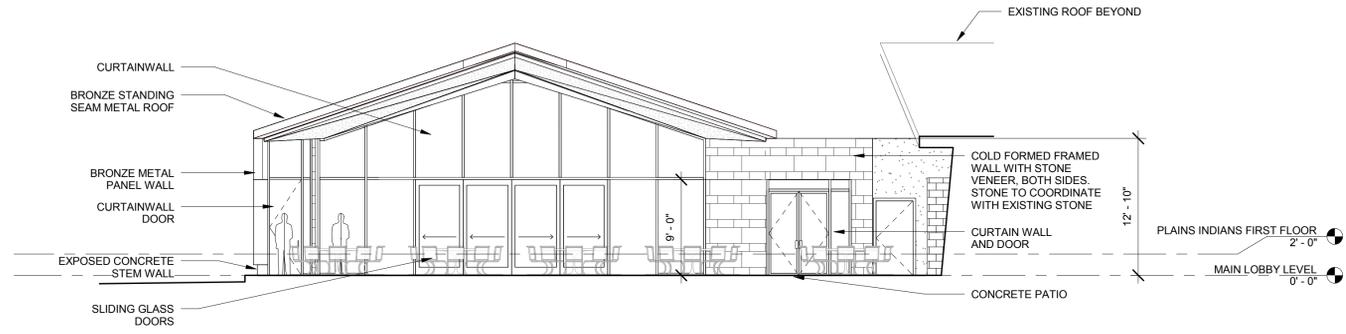
1 ROOF PLAN  
1/8" = 1'-0"

DD  
**AE-105**

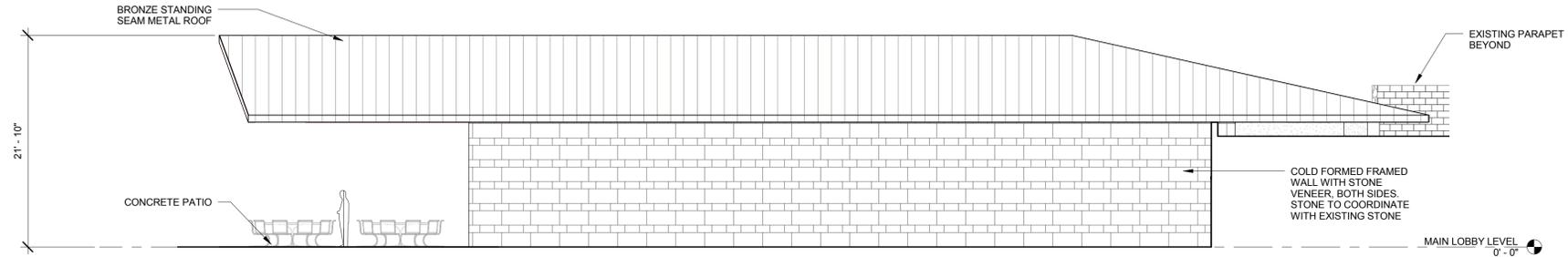
Issued / Revised		
No.	Date	Description



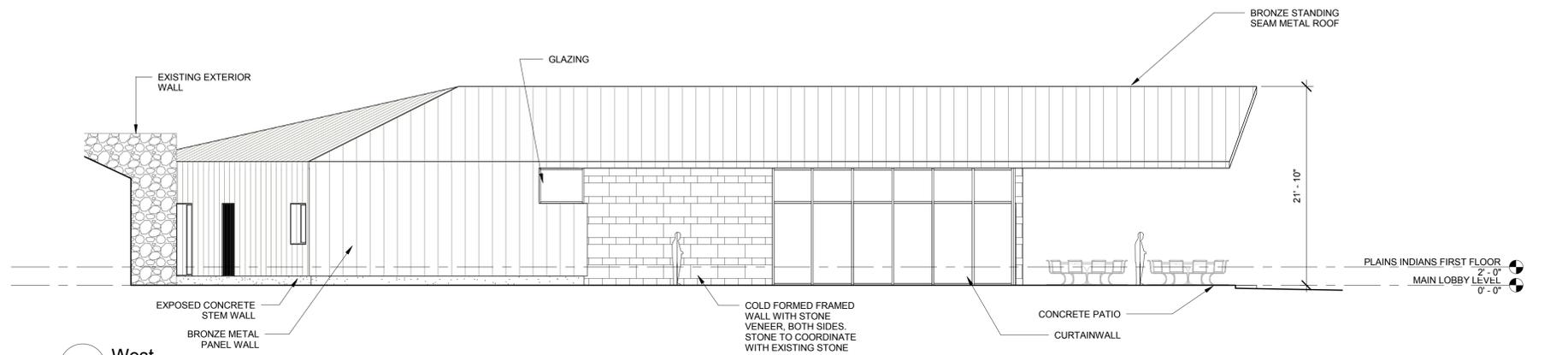
1 North  
1/8" = 1'-0"



2 South  
1/8" = 1'-0"



3 East  
1/8" = 1'-0"



4 West  
1/8" = 1'-0"

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
OR RECORDING

Client  
**Buffalo Bill Center of the West  
- Dining Pavilion and Kitchen  
Upgrade**  
720 Sheridan Avenue  
Cody, WY 82414  
Project No. 15086.00

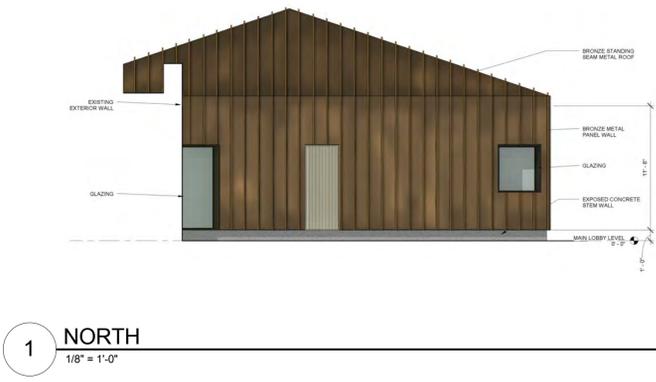
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**BUILDING ELEVATIONS**

DD  
**AE-201**

Issued / Revised		
No.	Date	Description



**PRELIMINARY**  
NOT FOR CONSTRUCTION  
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Client  
**Buffalo Bill Center of the West  
- Dining Pavilion and Kitchen  
Upgrade**  
720 Sheridan Avenue  
Cody, WY 82414  
Project No. 15086.00

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**BUILDING ELEVATIONS**

DD  
**AE-201B**

Issued / Revised		
No.	Date	Description



1 VIEW FROM COURTYARD  
12" = 1'-0"



2 VIEW FROM CORRIDOR  
12" = 1'-0"

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
OR RECORDING

Client  
Buffalo Bill Center of the West  
- Dining Pavilion and Kitchen  
Upgrade  
720 Sheridan Avenue  
Cody, WY 82414  
Project No. 15086.00

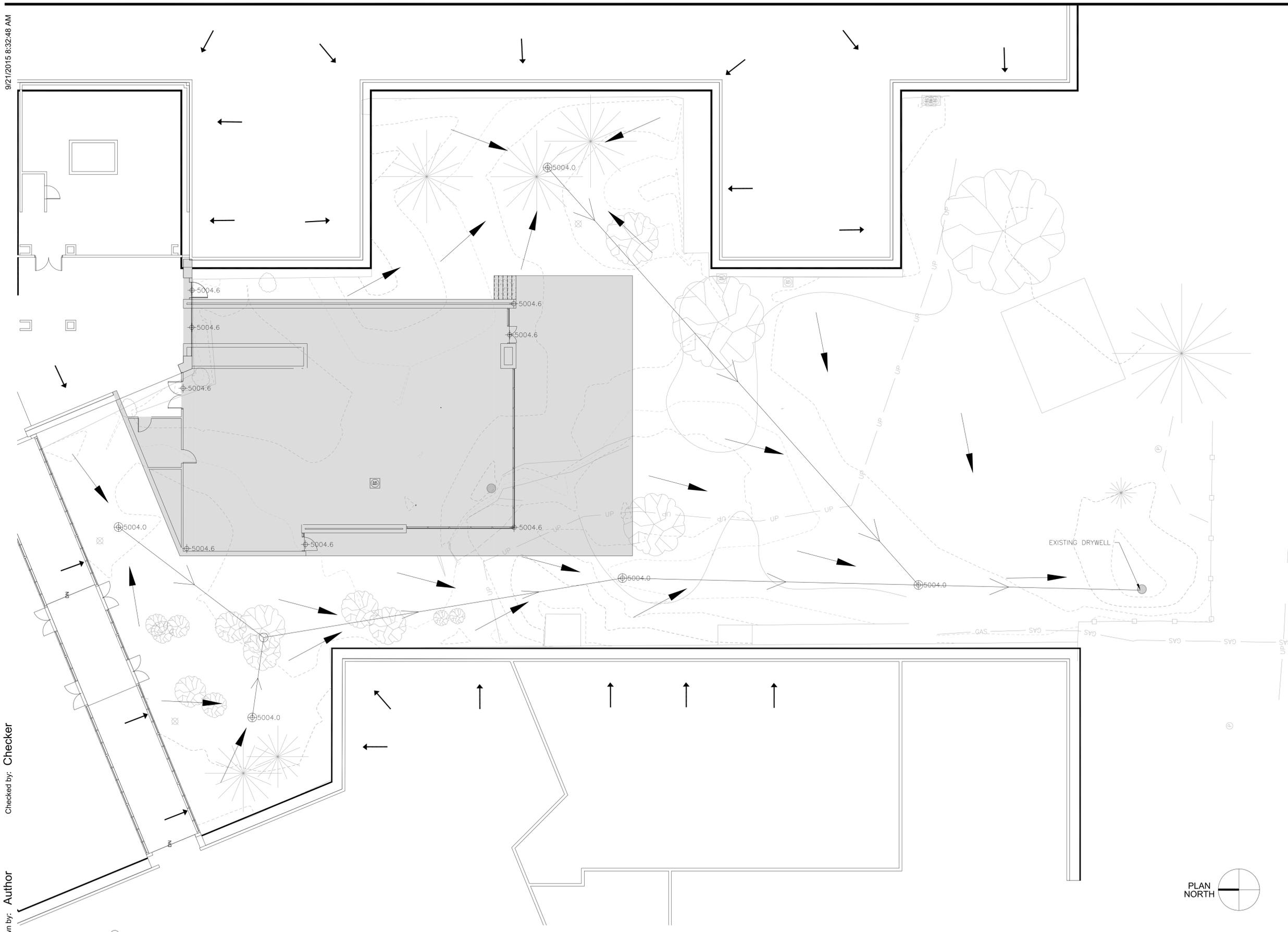
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PROJECT RENDERINGS

DD  
**AE-902**

9/21/2015 8:32:48 AM



Issued / Revised		Description

Drawn by: Author  
Checked by: Checker

- PVC MANHOLE/INLET
- ROOF DRAINAGE ARROW
- SURFACE DRAINAGE ARROW

**PRELIMINARY**  
NOT FOR CONSTRUCTION  
OR RECORDING

Client  
**Buffalo Bill Center of the West  
- Banquet Hall**

720 Sheridan Avenue  
Cody, WY 82414  
Project No. 15086.00

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**PRELIMINARY DRAINAGE  
PLAN**

DD  
**XX-001**



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

<b>MEETING DATE:</b>	OCTOBER 13, 2015	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SPECIAL EXEMPTION REQUEST: SIGNAGE FOR YELLOWSTONE GIFT SHOP. SUP 2015-04	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION AND BACKGROUND:**

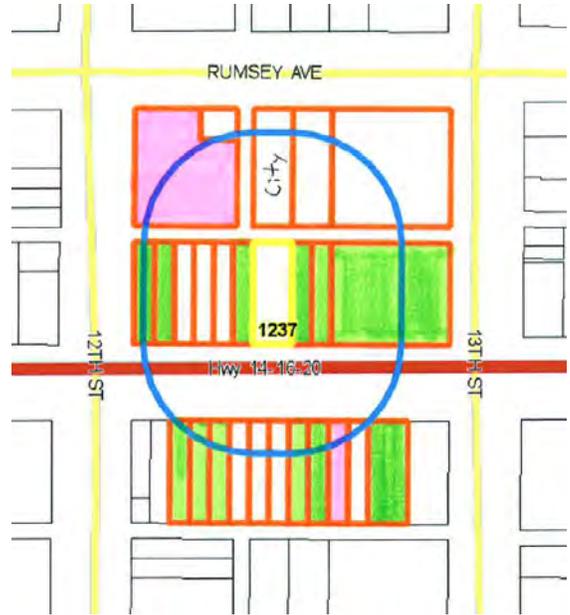
The city has received an application from Althea Stringari of the Yellowstone Gift Shop for a special exemption to applicable sign standards to authorize all existing exterior signs on the building at 1237 Sheridan Avenue to remain in place. The signs include six yellow signs stating "Souvenirs", "Shirts", "Knives", "Jewelry", and "Gifts" (2 signs), and the 10-foot diameter stained-glass sign with the Yellowstone Gift Shop name and logo. The existing signs are shown below:



The public hearing for the request was advertised as required by certified mail to neighboring properties within 140 feet, and by publication in the newspaper. As of October 8, 2015, we have received responses from eight property owners in the notice area, representing twelve properties that have "No Objection" to the request; and two property owners indicating objection. The reasons for objection include, "Not keeping with historical storefront presentation. Current lighting a carnival eye sore—i.e. Vegas"; and, "Exceeds Historic Downtown signing volume/square footage." One owner with "No Objection" indicated that they almost objected because the application was submitted after the fact. The following map shows properties owned by persons with no objection in green highlighting, and those with owners objecting in pink. White indicates no response.

**REVIEW CRITERIA:**

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



For background, and as a summary of applicable standards, the following information is provided:

- 1) The property has 50 feet of street frontage, entitling it to 75 square feet of wall signage.
- 2) The stained glass sign was originally authorized as a canopy/awning sign. The concept and authorized location are represented by the following photo.

Canopy signs are allowed separately from wall signs in that each category of sign is calculated separately. The sign was not mounted where the application or approval indicated it would go. Staff did not do any enforcement on the sign as no complaints were received, and the sign did not cause the amount of wall signage to exceed the amount allowed.



- 3) The unauthorized location of the stained glass sign does not fully comply with the sign code because it extends above the wall/roof line.
- 4) As a wall sign, the stained glass sign is approximately 40 square feet in size.
- 5) The downtown sign district only allows the following number of wall signs: “1 per face of store front, 1 per street frontage, not to exceed 2 signs per establishment max.” (Admittedly staff missed this requirement previously.)
- 6) The six new yellow signs were installed without the knowledge or permission of the city staff.

7) The applicant voluntarily removed four of the original ten wall signs after receiving a violation notice from the city. The removal of the four signs left approximately 75 square feet of new wall signage (yellow signs). The understanding with city staff was that they would review options for removing or relocating the stained glass sign and then submit applications as needed. They eventually submitted the current special exemption request.

8) The sign code indicates that internally illuminated signs may be allowed, provided the light source shall not be visible from the exterior of the sign. The yellow signs have small bare incandescent bulbs (C9 style or similar) mounted within the signs that are clearly visible.



**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 the City's sign standards. The standards for approval of a special exemption are as follows, with staff comments provided. It is noted that while neighbor response was generally favorable to the request, findings must be made on each of the following. Furthermore, in the case of exemptions, staff's responsibility is to provide necessary background. It is up to the applicant, or their representative, to make the arguments why the request should be granted.

*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: This is where neighbor comment is beneficial. The majority of the neighbors do not believe that the signs produce an undesirable change, or it is believed that more would have objected. However, it is noted that only four other businesses on what is considered main street (Sheridan Avenue from 8<sup>th</sup> Street to 17<sup>th</sup> Street) have more than one wall sign per frontage, and only one other business has grandfathered bare lights (Granny's Family Dining). The four other situations clearly predate the current sign code—they are Libations (7 wall signs), First Bank of Wyoming (2 signs), Peter's Café (4 signs), and the Irma Hotel(4 signs). No other wall sign on main street extends above the wall/roof line.

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

Staff Comment: The responses of opposition refer to incompatibility as justification for their opposition. The sign style is not found elsewhere on main street, which does not automatically make it incompatible, but presents the Board with the need to determine if that particular style is or is not compatible.

- 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 applicant will need to provide justification as to why the request is the minimum deviation necessary—not just what is desired. The application does not contain such information.

- 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: At least one deviation request could be eliminated by relocating the stained glass sign to the canopy as originally indicated. To correct the exposed light issue, plastic could be added to the front of each letter, but whether or not that is feasible has not been explored.

No other options have been identified to address the lighting issue, or number of wall signs permitted, other than amending the sign code or granting the requested exemption.

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

Staff Comment: No additional utility services or infrastructure improvements are necessary because of the proposed signs.

- 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 “Downtown Mixed use”, which is consistent with the continued commercial use of the property. Principle 1.2b of the master plan states that “Permitted signage should have a professional appearance and scale.”

**ALTERNATIVES:**

Approve all or part of the special exemption request, or deny.

Special Exemptions also have a time component, in that the Board may set a length of time after which the special exemption would expire. If the Board is willing to approve the special exemption, staff would recommend that a time limit be considered. This would allow for the sign code to be updated and for whatever is agreed upon and adopted to be applied uniformly throughout Main Street.

**ATTACHMENTS:**

Special Exemption Permit.

**RECOMMENDATION:**

If the Board makes findings to approve the request, a "Special Exemption Permit" will need to be prepared that outlines the extent of the exemption and any time limits. The owner will need to sign the permit and record it with the County Clerk's office within 10 days of approval.

Potential Findings:

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;
4. ...Continue with criteria of 10-14-2(C)(2).

AND,

Approve/Deny the Special Exemption request as follows...(add language)

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

<b>MEETING DATE:</b>	OCTOBER 13, 2015	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	SHAW MINOR SUBDIVISION—A THREE-LOT SUBDIVISION. SUB 2015-06	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT OVERVIEW**

Lafe and Amy Shaw have submitted an application for a three-lot minor subdivision. The 0.58 acre property is located on the south side of Cougar Avenue, directly south of the 22<sup>nd</sup> Street intersection. Of the three lots, the westernmost lot contains a duplex and the other two lots are vacant. A duplex is planned on both of the vacant lots. The preliminary plat drawing and final plat are attached.

The property is located in the Residential B zone, which requires a minimum lot size of 7,000 square feet for a duplex. In addition, no more than 50% of the lot can be covered by buildings. The proposed lot sizes will meet these requirements. Applicable parking and setback requirements are also met by the proposed layout.

Existing Conditions:





### **SUBDIVISION REGULATIONS**

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

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

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

Comment- No new public streets or alleys are proposed.

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

Comment- Cougar Avenue is fully improved to applicable street standards. The Master Street Plan does not indicate any future streets through this property. Glen Avenue along the south side of the property is shown as a minor residential access street. Effectively it is a gravel driveway/alley at this time, and located within a 20-foot wide strip of land owned by the City. The minimum right-of-way for a minor residential access street is 40 feet. However, if Glen Avenue is ever to be improved to a city street standard, staff views it as the responsibility of the lots along the south side of the street, which rely on it for access. For the Shaw property, like the Cougar Avenue Addition subdivision to the west, Glen Avenue is only an alley access. The twenty feet in which Glen Avenue is located came off this property. The additional twenty feet would normally be the responsibility of the owner to the south.

*Items "C" through "O" are standards that relate to construction of new public streets and are not applicable to this project, provided the Board agrees that it is the responsibility of the owners to the south to improve Glen Avenue, if it is ever constructed as a city street.*

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

*of up to four feet (4') may be granted by the commission and council in a residential development if setbacks are provided for utility boxes, garbage cans, etc. Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface...*

Comment: The 20-foot wide utility and public access easement on the east side of the property functions as the alley from Cougar Avenue to Glen Avenue. Over time the physical alley has crept outside of the easement. The alley will physically need to be taken back into the easement as part of this development, which would be the responsibility of the developer. If this alley is to remain, technically staff believes it should be dedicated as an alley (owned by the City) rather than remain just a utility and public access easement, as this is the requirement referenced.

Dedicating the alley along the east side of the property does bring up a setback interpretation issue. The zoning ordinance does not have a standard for a side setback from an alley for the main dwelling. Staff believes that a 5-foot setback, as shown, should be authorized and noted on the final plat if the alley is dedicated. This would be the equivalent of a side setback from an adjacent lot.

*Items "Q" through "T" are standards that relate to streets and drainage that are not applicable to this project, provided no improvements to Glen Avenue are required at this time.*

*U. Lot Requirements:*

*1. Lots shall be sited to meet the requirements of the appropriate zoning.*

Comment: Applicable lot size, lot coverage, lot frontage, and setback requirements are met, with the exception of a storage shed on Lot 1 that is located about two feet from the alley line and four feet from the proposed side lot line. The shed will need to be moved to be five feet from each property line to meet code.

*2. Every lot shall abut upon or have access to an approved street or cul-de-sac.*

Comment: Met.

*3. Side lot line shall be at approximately right angles to the street line on which the lot faces.*

Comment: Met.

*4. Strip lots...will be prohibited.*

Comment: Met.

*V. Blocks:...* Comment: Met.

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

*F. Sanitary Sewer...*

Comment: A sewer main is located in Glen Avenue along the south side of the subdivision. Sewer service lines are needed for Lots 2 and 3. Lot 1 has an existing

sewer service. The two new sewer services, as shown on the preliminary plat, are the responsibility of the developer.

*G. Storm Sewer...*

Comment: Minor subdivisions are exempt from the storm water policy.

*H. Water...*

Comment: A water main is located in Glen Avenue. Water taps are needed for Lots 2 and 3. Lot 1 has an existing water service. The preliminary plat shows the intended water services. Coordinate water taps and connection fees with public works.

*I. Fire Hydrants...*

Staff Comment: Hydrants exist on Cougar Avenue at the spacing required.

*J. Open Drains, Irrigation Ditches: All open drains and irrigation ditches shall be buried or, if possible, eliminated.*

Comment: There are no canals or ditches across the property.

*K. Utilities: All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys ... It will be the developer's responsibility to ensure that all utilities necessary or reasonably expected are placed within the proposed subdivision.*

Comments:

Power. Electrical service will need to be extended from 23<sup>rd</sup> Street to the common corner of Lots 2 and 3, and a new transformer set, as shown on the preliminary plat. The electrical estimate for the city portion of that work will need to be paid before the final plat is recorded and the electrical system must be completed before building permits can be issued. The overhead power line across Lot 2 would be removed at that time as well.

Cable/TV/Internet. Telecommunication services can be run in the same trench as the new electrical line. An overhead Charter communications line across Lot 3 will need to be removed at that time as well. The applicant will need to coordinate with the telecommunication providers on placement of their pedestals, etc.

Natural Gas: A natural gas line is in Glen Avenue. Services are shown on the preliminary plat. The applicant will need to coordinate installation of the services with the gas company.

*M. Street Lighting...*

Comment: Street lighting exists along Cougar Avenue.

*N. Public Use Areas: ...*

Comment: Minor subdivisions are exempt from this requirement.

**OTHER:**

**Irrigation:** The applicant requests a variance to the requirement to transfer the surface water rights to the City of Cody. They instead request permission to transfer them to a private water user. The private parties involved have written agreements in place to do so, subject to the variance being granted. Staff has relayed to the Council in the recent past, that the City has adequate irrigation water rights for the immediate future and that the State engineer's office is beginning to be concerned that the City is stockpiling water rights. As such, approval of the variance is recommended.

**RECOMMENDATION:**

Recommend that the City Council grant the variance to the requirement that the surface water rights be transferred to the City as specified in City of Cody Code 11-3-3(B)(1), subject to the water rights being transferred in a timely manner to a private party as outlined in the agreements in place; and,

Recommend that the City Council approve the Preliminary Plat and Final Plat for the Shaw Minor Subdivision subject to the following conditions:

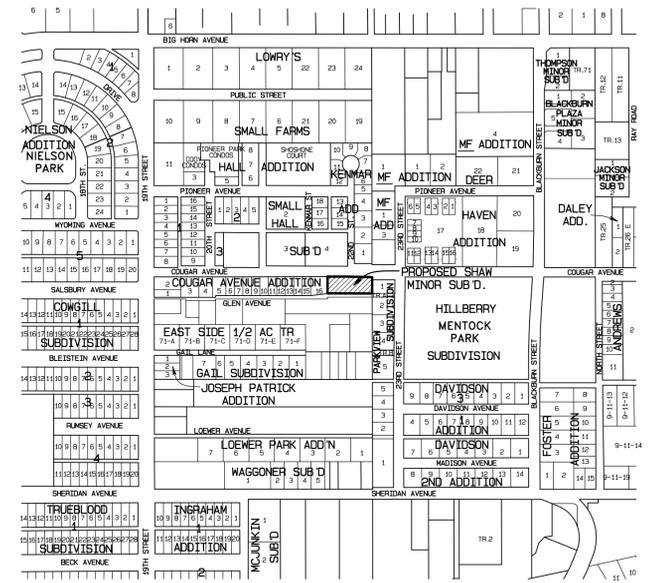
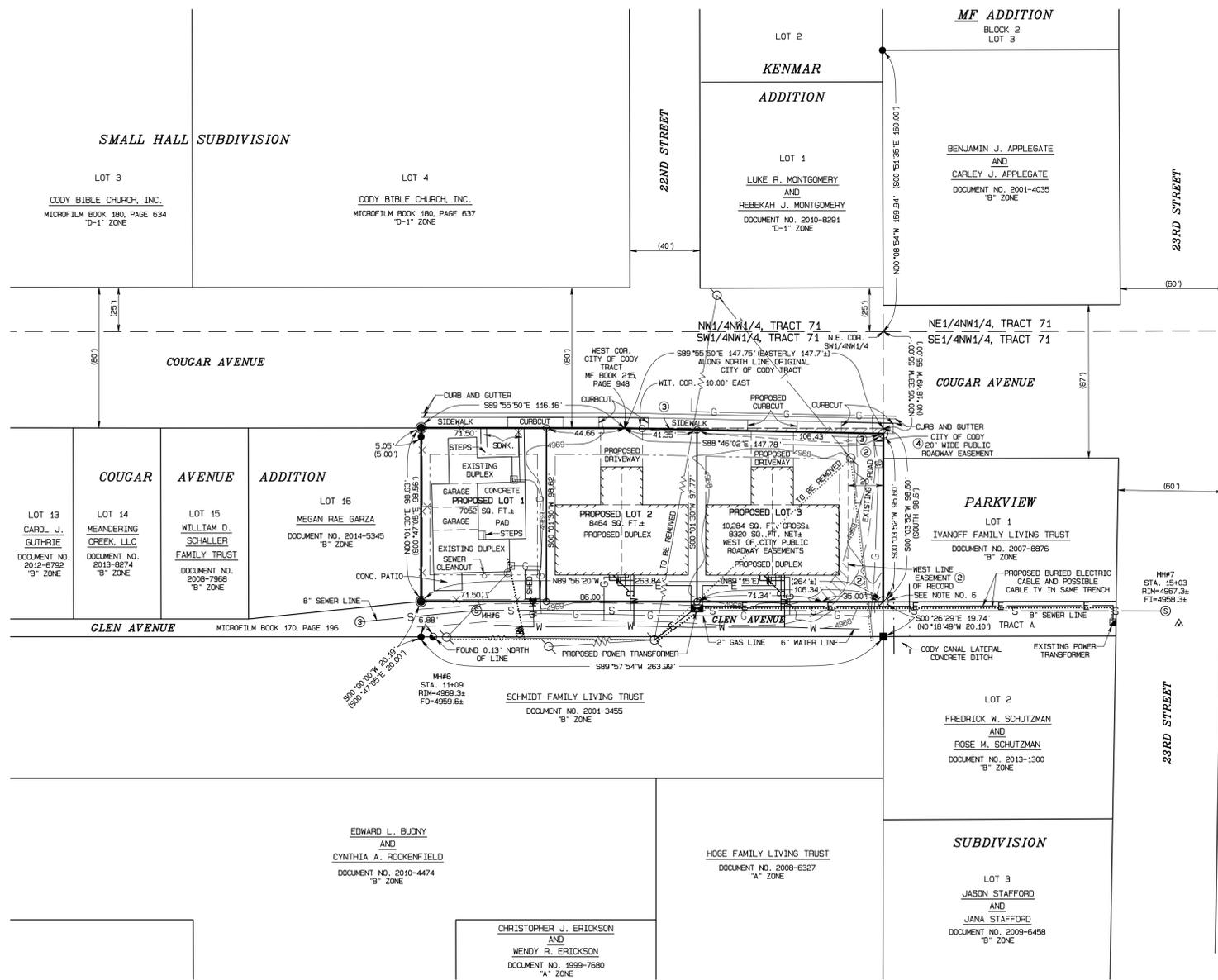
1. Dedicate the existing utility and public access easement along the east side of the property as a right-of-way (alley); and, physically relocate Glen Avenue to be within the dedicated alley. The final plat certificate and map must be updated to include the right-of-way dedication.
2. Note that the applicable building setback from the east side of Lot 3 is five feet.
3. Relocate the storage shed to meet setback requirements, prior to the mayor signing the final plat.
4. Otherwise complete the improvements required by the subdivision ordinance and as noted on the preliminary plat. The electrical estimate and the utility connection fees, including a water line reimbursement fee, will be collected with the final plat.
5. Provide a final plat mylar for applicable signatures and recording.

**ATTACHMENTS:**

Preliminary Plat  
Final Plat

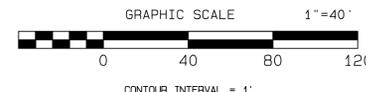
T. 53 N., R. 101 W.  
(RESURVEY)

T. 53 N., R. 101 W.  
(RESURVEY)



**LEGEND**

- 5/8" REBAR WITH 2" ALUM. CAP SET
- REBAR WITH ALUM. CAP FOUND
- BRASS CAP SET IN CONCRETE
- BRASS CAP FOUND
- 1/2" IRON PIPE FOUND
- IRON PIPE WITH SQUARE TOP FOUND
- RECORD DIMENSIONS SHOWN THUS ( )
- FIRE HYDRANT
- GAS METER
- SANITARY SEWER MANHOLE
- WATER LINE CURB STOP
- ELECTRIC METER
- GAS VALVE
- POWER POLE
- TELEPHONE POLE
- WATERLINE VALVE
- 15 MPH SIGN
- BUILDING SETBACK LINE
- FENCE
- OVERHEAD POWER LINE
- WATER LINE PIPELINE
- NATURAL GAS PIPELINE
- SANITARY SEWER
- OVERHEAD TELEPHONE CABLE
- OVERHEAD CABLE T.V.
- INDICATES THAT PORTION OF EXISTING ROAD LYING OUTSIDE EASEMENT OF RECORD NO. 2
- INDICATES REMAINDER OF TRACT DEEDED TO CITY OF CODY IN MICROFILM BOOK 215, PAGE 948



**NOTES**

1. PRIMARY CONTACT FOR CORRESPONDING WITH OWNER IS STEVEN D. FOLLWEILER, HOLM, BLOUGH AND COMPANY, (307) 587-6281, CODY, WYOMING.
2. NAME OF PROPOSED SUBDIVISION IS THE SHAW MINOR SUBDIVISION.
3. PROPERTY OWNERS ARE LAFE AND AMY SHAW, 1108 14TH ST. #436, CODY, WYOMING 82414. ENGINEERS AND SURVEYORS ARE HOLM, BLOUGH AND COMPANY, 1402 STAMPEDE AVENUE, CODY, WYOMING. ROY R. HOLM PE & LS REGISTRATION NO. 2899, PAUL A. BLOUGH LS REGISTRATION NO. 2332.
4. BEARINGS ARE BASED ON THE CITY OF CODY DATUM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD 83/93 WEST CENTRAL ZONE.
5. FROM MAY 2, 1990 TO JANUARY 24, 1991 THIS FIRM SURVEYED THE SMALL HALL SUBDIVISION. THE N.E. CORNER OF THE SW1/4NW1/4 TRACT 71 AND THE MONUMENTS LOCATED 45', 55' AND 60' SOUTH OF SAID CORNER WERE LOCATED DURING THE 1990 AND 1991 SURVEY. ALL OF THE ABOVE MENTIONED MONUMENTS HAVE BEEN DESTROYED SINCE 1991. THE POSITIONS OF THE ABOVE MENTIONED MONUMENTS WERE DETERMINED DURING THIS SURVEY BY USING THE POSITIONS OF THE S.W. COR. OF LOT 3 OF BLOCK 2 OF THE ME ADDITION AND THE N.E. COR. AND N.W. COR. OF LOT 3 OF THE SMALL HALL SUBDIVISION AS DETERMINED DURING THE 1990 AND 1991 SURVEY AND TRANSFORMING AND ROTATING THOSE POSITIONS TO THIS PRESENT SURVEY.
6. A REBAR WITH ALUMINUM CAP STAMPED "ENGR ASSOC PLS 647" WAS FOUND AT THE GROUND SURFACE. ANOTHER REBAR WITH ALUMINUM CAP STAMPED "ENGR ASSOC PLS 3508" WAS FOUND APPROXIMATELY 7 INCHES BELOW THE FIRST MONUMENT AS DESCRIBED ABOVE AND BEARING S00°03'52"W, A DISTANCE OF 0.12 FEET FROM THE FIRST MONUMENT FOUND. A STANDARD BRASS CAP WAS SET IN CONCRETE AT THE POSITION OF THE SECOND MONUMENT FOUND.
7. TOTAL ACREAGE OF THE SHAW MINOR SUBDIVISION IS 0.59 ACRES± (25,800 SQUARE FEET±).
8. THERE ARE NO KNOWN FLOOD AREAS WITHIN THE PROPOSED SHAW MINOR SUBDIVISION.
9. PROPERTY IS ZONED B RESIDENTIAL. LAND USE IS RESIDENTIAL.
10. BUILDING SETBACK LINES IN THE B RESIDENTIAL ZONE ARE 15 FEET FROM THE FRONT LOT LINES, 5 FEET FROM THE SIDE LOT LINES, AND 15 FEET FROM THE REAR LOT LINES.
11. A SEPARATE LAWN IRRIGATION SYSTEM IS PROPOSED FOR THE SHAW MINOR SUBDIVISION. EXISTING RECORD WATER RIGHTS LOCATED ON THE PROPOSED SHAW MINOR SUBDIVISION ARE PROPOSED TO BE TRANSFERRED TO ANOTHER LANDOWNER WITHIN THE CODY CANAL IRRIGATION DISTRICT. THE LANDS ARE UNDER THE CODY CANAL WITH PERMIT NO. 1042 FROM THE STATE ENGINEER'S OFFICE. A VARIANCE IS REQUESTED TO ALLOW FOR THE DETACHMENT OF RECORD WATER RIGHTS TO ANOTHER PROPERTY OWNER IN THE CODY CANAL IRRIGATION DISTRICT UNDER THE CODY CANAL. PERMIT NO. 1042.
12. ADJACENT LANDS AND OWNERS WITHIN 200 FEET OF THE PROPOSED SUBDIVISION ARE SHOWN HEREON. CURRENT ZONING IS ALSO SHOWN.

**EASEMENTS OF RECORD**

1. RIGHT OF WAY GRANT FROM CECILIA WEBER, FRANK W. KURTZ, AND KATHERYN KURTZ, AS GRANTORS, TO THE ROCKY MOUNTAIN GAS COMPANY, AS GRANTEE, FOR PIPELINES, TELEPHONE OR TELEGRAPH LINES, DATED NOVEMBER 18, 1929, RECORDED JANUARY 22, 1930 IN BOOK 79 AT PAGE 541.
2. ASSIGNED TO CODY GAS COMPANY BY ASSIGNMENT DATED SEPTEMBER 29, 1951, RECORDED SEPTEMBER 18, 1963 IN BOOK 281 AT PAGE 474. (LOCATIONS UNCERTAIN)
3. EASEMENT AND RIGHT OF WAY FOR A PUBLIC ROADWAY AND ALL UTILITIES GRANTED BY NEW HOPE SOUTHERN BAPTIST CHURCH TO THE CITY OF CODY, DATED MARCH 16, 1999, RECORDED APRIL 20, 1999 IN DOCUMENT NO. 1999-2665. (AS SHOWN ON PLAT)
4. PUBLIC UTILITY EASEMENT RESERVED BY THE CITY OF CODY ACROSS THE ENTIRE "VACATION PARCEL" DATED DECEMBER 11, 2014, RECORDED DECEMBER 11, 2014 IN DOCUMENT NO. 2014-5993. (AS SHOWN ON PLAT)
5. PUBLIC ROADWAY EASEMENT RESERVED BY THE CITY OF CODY ACROSS THE EAST 20 FEET OF THE "VACATION PARCEL" DATED DECEMBER 11, 2014, RECORDED DECEMBER 11, 2014 IN DOCUMENT NO. 2014-5993. (AS SHOWN ON PLAT)



LAFE AND AMY SHAW  
CODY, WYOMING  
PRELIMINARY PLAT SHOWING  
**SHAW MINOR SUBDIVISION**  
WITHIN THE CITY OF CODY  
AND LOCATED  
IN THE SW1/4NW1/4 OF SECTION 33 (ORIGINAL SURVEY)  
NOW BEING PART OF TRACT 71 (RESURVEY)  
T. 53 N., R. 101 W., 6TH P.M., PARK COUNTY, WYOMING

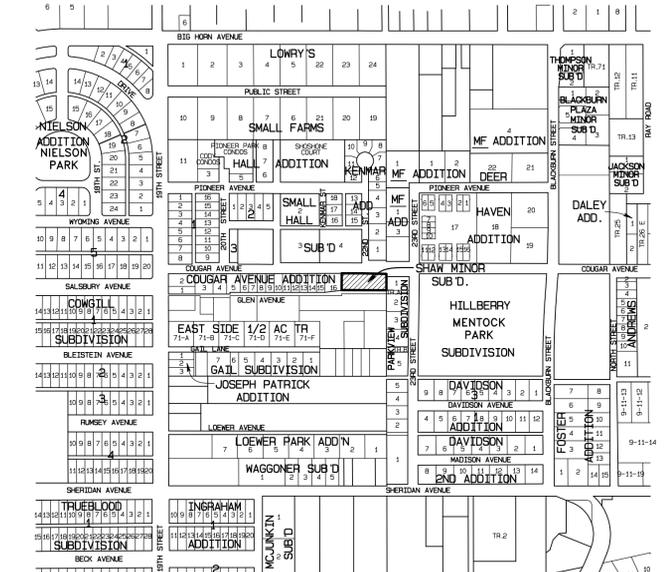
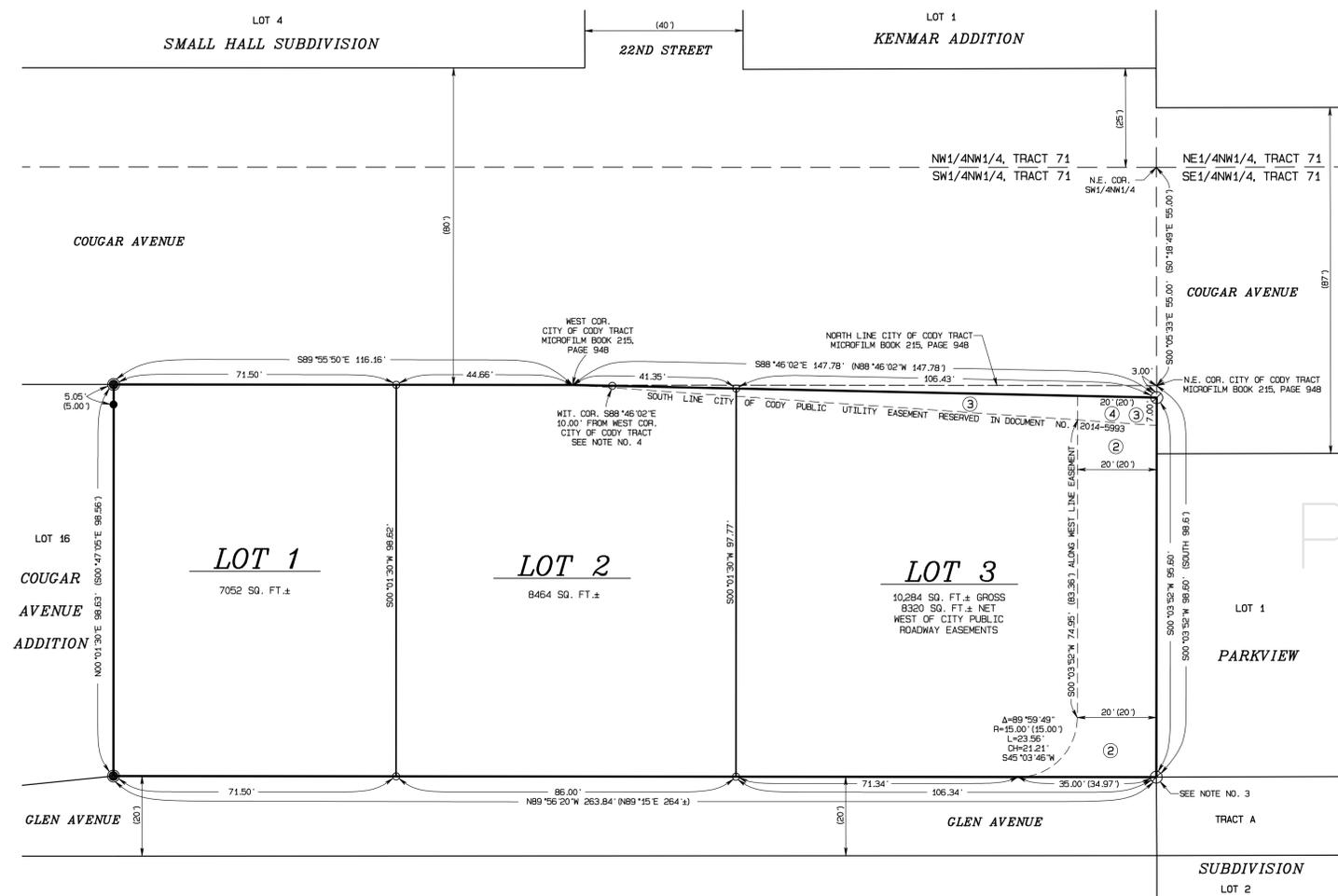
**HB** HOLM, BLOUGH AND COMPANY  
Consulting Engineers & Land Surveyors  
1402 STAMPEDE AVE.  
CODY, WYOMING 82414 (307)-587-6281

REVISION	DATE
ORIGINAL	01-01-2015

BOOK 502 AND 507  
1402 STAMPEDE AVE.  
S:\008\2014\14-054\14-054.dwg

T. 53 N., R. 101 W.  
(RESURVEY)

T. 53 N., R. 101 W.  
(RESURVEY)



PRELIMINARY  
COPY

VICINITY MAP  
SCALE: 1" = 500'  
CERTIFICATE OF DEDICATION

STATE OF \_\_\_\_\_ } SS  
COUNTY OF \_\_\_\_\_ }  
WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETORS OF THE FOLLOWING DESCRIBED PROPERTY:  
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER NORTHWEST ONE-QUARTER (SW1/4NW1/4) OF TRACT 71, TOWNSHIP 53 NORTH, RANGE 101 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PARK COUNTY, WYOMING, ACCORDING TO THE GOVERNMENT RESURVEY, WITH SAID TRACT 71 BEING IDENTICAL WITH SECTION 33 OF SAID TOWNSHIP AND RANGE ACCORDING TO THE ORIGINAL GOVERNMENT SURVEY; THENCE SOUTH 00°05'33" EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 95.00 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF CODY BY THE WARRANTY DEED RECORDED IN MICROFILM BOOK 215 AT PAGE 948 OF THE DEED RECORDS OF THE CLERK AND RECORDER OF PARK COUNTY, WYOMING; THENCE CONTINUING ALONG SAID EAST LINE SOUTHWEST ONE-QUARTER NORTHWEST ONE-QUARTER (SW1/4NW1/4) OF TRACT 71, SOUTH 00°03'52" WEST, A DISTANCE OF 3.00 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO LAFE E. SHAW AND AMY D. SHAW BY THE WARRANTY DEED RECORDED AS DOCUMENT NO. 2014-5993 OF SAID DEED RECORDS, WITH SAID POINT BEING THE POINT OF BEGINNING OF THE BOUNDARY OF THE SHAW MINOR SUBDIVISION; THENCE CONTINUING ALONG SAID EAST LINE SOUTHWEST ONE-QUARTER NORTHWEST ONE-QUARTER (SW1/4NW1/4) OF TRACT 71, SOUTH 00°03'52" WEST, A DISTANCE OF 95.60 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO LAFE E. SHAW AND AMY D. SHAW BY THE WARRANTY DEED RECORDED AS DOCUMENT NO. 2013-8214 OF SAID DEED RECORDS; THENCE NORTH 89°56'20" WEST ALONG THE SOUTH LINE OF SAID SHAW TRACT, A DISTANCE OF 263.84 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00°04'30" EAST ALONG THE WEST LINE OF SAID SHAW TRACT, A DISTANCE OF 98.63 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 89°56'50" EAST ALONG THE NORTH LINE OF SAID SHAW TRACT, A DISTANCE OF 116.16 FEET TO AN ANGLE POINT THEREOF, ALSO BEING THE WEST CORNER OF SAID CITY OF CODY TRACT CONVEYED IN MICROFILM BOOK 215 AT PAGE 948; THENCE SOUTH 89°46'02" EAST ALONG THE NORTH LINE OF SAID SHAW TRACT CONVEYED IN DOCUMENT NO. 2014-5993, A DISTANCE OF 147.78 FEET TO THE POINT OF BEGINNING.

THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE SHAW MINOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY; THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; AND THAT WE HEREBY DEDICATE AND SET APART THE PUBLIC ROADWAY AND PUBLIC UTILITY EASEMENTS AS SHOWN HEREON TO THE CITY OF CODY FOR THE PUBLIC USE. WE HEREBY RELEASE AND RELINQUISH ALL RIGHTS OF HOMESTEAD.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY: \_\_\_\_\_ LAFE E. SHAW \_\_\_\_\_ AMY D. SHAW

STATE OF \_\_\_\_\_ } SS  
COUNTY OF \_\_\_\_\_ }

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME BY LAFE E. SHAW AND AMY D. SHAW, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

CERTIFICATE OF SURVEYOR

STATE OF WYOMING } SS  
COUNTY OF PARK }

I, STEVEN D. FOLLWEILER, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF WYOMING BY REGISTRATION NUMBER 3154 HEREBY CERTIFY:  
THAT ON JULY 22 AND 26, 2013 AND SEPTEMBER 8, 2015, THE "SHAW MINOR SUBDIVISION" SHOWN HEREON WAS SURVEYED UNDER MY DIRECTION.  
THAT THE LAND SURVEYED IS CORRECTLY DESCRIBED IN THE OWNER'S CERTIFICATE OF DEDICATION, AND THIS PLAT ACCURATELY SHOWS THE CORRECT LOCATION AND DIMENSIONS OF SAID SUBDIVISION.  
THAT THE REQUIREMENTS OF W.S. 36-11-101 THROUGH 36-11-110 WERE COMPLIED WITH AND MONUMENTS AND LOT CORNERS SHOWN AND DESCRIBED HEREON WERE ACTUALLY SET;  
THAT ALL ELEMENTS OF THE SURVEY CLOSE TO AN ACCURACY OF ONE PART IN FIVE THOUSAND OR BETTER AND DIMENSIONS ARE GIVEN IN FEET AND DECIMALS OF A FOOT, ANY SURPLUS OR DEFICIENCY IS DISTRIBUTED UNIFORMLY IN PROPORTION TO THE MEASUREMENTS SHOWN ON THIS PLAT;  
THAT THE CITY OF CODY DATUM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD 83/93 WEST CENTRAL ZONE WAS USED AS THE BASIS OF BEARING FOR ALL BEARINGS SURVEYED AND SHOWN ON THIS PLAT.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015 A.D.

\_\_\_\_\_  
STEVEN D. FOLLWEILER  
Professional Land Surveyor  
3154  
WYOMING

HOLM BLOUGH AND COMPANY  
BY: STEVEN D. FOLLWEILER (AGENT)  
WYOMING REGISTRATION NO. L.S. 3154

EASEMENTS OF RECORD

- RIGHT OF WAY GRANT FROM CECILIA WEBER, FRANK W. KURTZ, AND KATHERYN KURTZ, AS GRANTORS, TO THE ROCKY MOUNTAIN GAS COMPANY, AS GRANTEE, FOR PIPELINES, TELEPHONE OR TELEGRAPH LINES, DATED NOVEMBER 18, 1929, RECORDED JANUARY 22, 1930 IN BOOK 79 AT PAGE 541.  
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LEGEND

- 5/8" REBAR WITH 2" ALUM. CAP SET ○
- REBAR WITH ALUM. CAP FOUND ●
- BRASS CAP IN CONCRETE FOUND ●
- BRASS CAP SET IN CONCRETE THIS SURVEY ●
- RECORD DIMENSIONS SHOWN THUS ( )

NOTES

- BEARINGS ARE BASED ON THE CITY OF CODY DATUM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD 83/93 WEST CENTRAL ZONE.
- FROM MAY 2, 1990 TO JANUARY 24, 1991 THIS FIRM SURVEYED THE SMALL HALL SUBDIVISION, THE N.E. CORNER OF THE SW1/4NW1/4 TRACT 71 AND THE MONUMENTS LOCATED 45', 55' AND 60' SOUTH OF SAID CORNER WERE LOCATED DURING THE 1990 AND 1991 SURVEY. ALL OF THE ABOVE MENTIONED MONUMENTS HAVE BEEN DESTROYED SINCE 1991. THE POSITIONS OF THE ABOVE MENTIONED MONUMENTS WERE DETERMINED DURING THIS SURVEY BY USING THE POSITIONS OF THE S.W. COR. OF LOT 3 OF BLOCK 2 OF THE ME ADDITION AND THE N.E. COR. AND N.W. COR. OF LOT 3 OF THE SMALL HALL SUBDIVISION AS DETERMINED DURING THE 1990 AND 1991 SURVEY AND TRANSFORMING AND ROTATING THOSE POSITIONS TO THIS PRESENT SURVEY.
- A REBAR WITH ALUMINUM CAP STAMPED "ENGR ASSOC PELS 647" WAS FOUND AT THE GROUND SURFACE. ANOTHER REBAR WITH ALUMINUM CAP STAMPED "ENGR ASSOC PLS 3508" WAS FOUND APPROXIMATELY 7 INCHES BELOW THE FIRST MONUMENT AS DESCRIBED ABOVE AND BEARING S00°03'52"W, A DISTANCE OF 0.12 FEET FROM THE FIRST MONUMENT FOUND. A STANDARD BRASS CAP WAS SET IN CONCRETE AT THE POSITION OF THE SECOND MONUMENT FOUND.
- A MONUMENT COULD NOT BE SET AT THE WEST CORNER OF THE CITY OF CODY TRACT CONVEYED IN MICROFILM BOOK 215 AT PAGE 948, BECAUSE OF THE SIDEWALK. A WITNESS CORNER WAS SET S89°46'02"E AT 10.00' ALONG THE NORTH BOUNDARY OF THE SHAW MINOR SUBDIVISION.
- TOTAL ACREAGE OF THE SHAW MINOR SUBDIVISION IS 0.59 ACRES± (25,800 SQUARE FEET±).

RECORDER'S ACCEPTANCE

THIS PLAT WAS FILED FOR THE PUBLIC RECORD IN THE OFFICE OF THE CLERK, PARK COUNTY, WYOMING, AT \_\_\_\_ O' CLOCK \_\_\_\_ M. ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 A.D., AND IS DULY RECORDED UNDER DOCUMENT NUMBER \_\_\_\_\_ IN PLAT CABINET \_\_\_\_ AT PAGE \_\_\_\_.

COLLEEN RENNER  
PARK COUNTY CLERK

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

VARIANCES GRANTED

- A VARIANCE IS GRANTED TO ALLOW FOR THE DETACHMENT OF RECORD WATER RIGHTS TO ANOTHER PROPERTY OWNER IN THE CODY CANAL IRRIGATION DISTRICT UNDER THE CODY CANAL, PERMIT NO. 1042.

APPROVALS

CITY PLANNING AND ZONING BOARD  
APPROVED AS OF THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.  
CHAIRMAN - JUSTIN LUNDVALL

CITY COUNCIL APPROVAL  
APPROVED AS OF THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE CITY COUNCIL OF CODY, WYOMING.  
MAYOR - NANCY TIA BROWN

ATTEST: \_\_\_\_\_ CINDY BAKER  
ADMINISTRATIVE SERVICES OFFICER

LAFE E. SHAW AND AMY D. SHAW  
CODY, WYOMING  
PLAT SHOWING  
SHAW MINOR SUBDIVISION

WITHIN THE CITY OF CODY  
AND LOCATED  
IN THE SW1/4NW1/4 OF SECTION 33 (ORIGINAL SURVEY)  
NOW BEING PART OF TRACT 71 (RESURVEY)  
T. 53 N., R. 101 W., 6TH P.M., PARK COUNTY, WYOMING

HOLM, BLOUGH AND COMPANY  
Consulting Engineers & Land Surveyors  
1402 Stampede Ave.  
Cody, Wyoming 82414 (307) 587-6281

REVISION	DATE
ORIGINAL	06-08-2015
REVISED	

BOOK 508 AND 507  
S:\J08\2014\14-054\14-054 FINAL.dwg

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

<b>MEETING DATE:</b>	OCTOBER 13, 2015	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	DOWNTOWN ARCHITECTURAL DISTRICT REVIEW—EXTERIOR IMPROVEMENTS AT 1132 12 <sup>TH</sup> STREET (BETA COFFEE HOUSE) SPR 2015-32	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Precision Plan and Design has submitted an application for an exterior renovation and improvements to the building at 1132 12<sup>th</sup> Street, which is currently occupied by the Beta Coffee House. The potential new owner would convert the building into a residence.

Proposed improvements include new and enlarged windows, a rooftop patio enclosed by a glass panel barrier, a rooftop pergola, and an exterior spiral staircase to access the rooftop. The existing exterior staircase will likely either be partially removed or upgraded. Architectural drawings of the proposal are attached.

Existing Conditions:



**REVIEW CRITERIA:**

The property is within the Downtown Architectural District. Pursuant to Subsection B of 9-2-2, within the Downtown Architectural District, *“The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within*

*the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.*

The improvements must also comply with applicable zoning and building codes.

**STAFF COMMENTS:**

Architecture:

The new windows will be the same size and the existing window opening on the main floor, but taller in height on the second floor. The windows will have a black or bronze casing. A new doorway will replace the commercial glass door.

The existing awning will remain; however, the sign code will require the sign to be removed from the awning, which will likely require recovering the awning with new fabric.

The new spiral staircase and the balcony railing will be black metal. The 42-inch high railing will have glass panels below and run around the full perimeter of the building. See example photo below.

On the roof patio there is proposed a wooden pergola that would be about nine feet in height. It is located in the south east portion of the rooftop patio. See example photo below.



**Lighting:**

No lighting details are provided. Any lighting should be required to be directed and/or shielded so that it does not cause glare impacts to any adjoining properties.

**Utilities:**

It appears that there is at least one power line, and perhaps other utilities that will need to be relocated in order for the roof to be occupied. The power line serves another building, so another property owner will be involved. Due to the short review time for this proposal, those items have not yet been coordinated.

**ALTERNATIVES:**

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

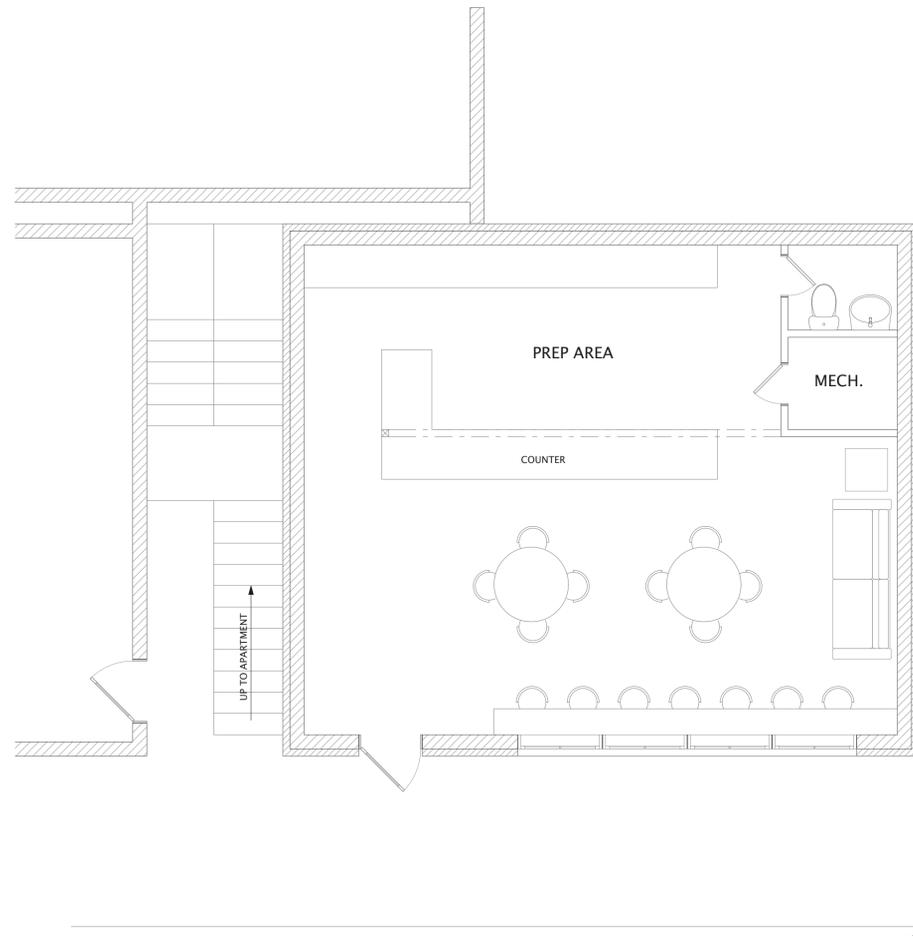
**RECOMMENDATION:**

Subject to the improvements being acceptable to the Board, approve the project as proposed, with the applicant's understanding that the awning sign must be removed to the point that no evidence of it remains, and that the property owner will need to further coordinate with the City and other property owner(s) to meet the building and electrical code standards. A building permit is needed.

**NOTE :**  
ALTHOUGH GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT, IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT IMPERFECTIONS. THEREFORE PRECISION PLAN DESIGN OR RICK LAMBERT ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. BUILDER / OWNER VERIFY ALL DIMENSIONS. PLANS SUBJECT TO CHANGE PER ENGINEER OR LOCAL CODES

**PRECISION PLAN and DESIGN INC.**  
CUSTOM PLAN SERVICE  
(307) 587-6227 (307) 272-5709  
Rick Lambert  
Member  
ILBA no. 1271  
930 12th Street  
Cody, Wyoming 82414

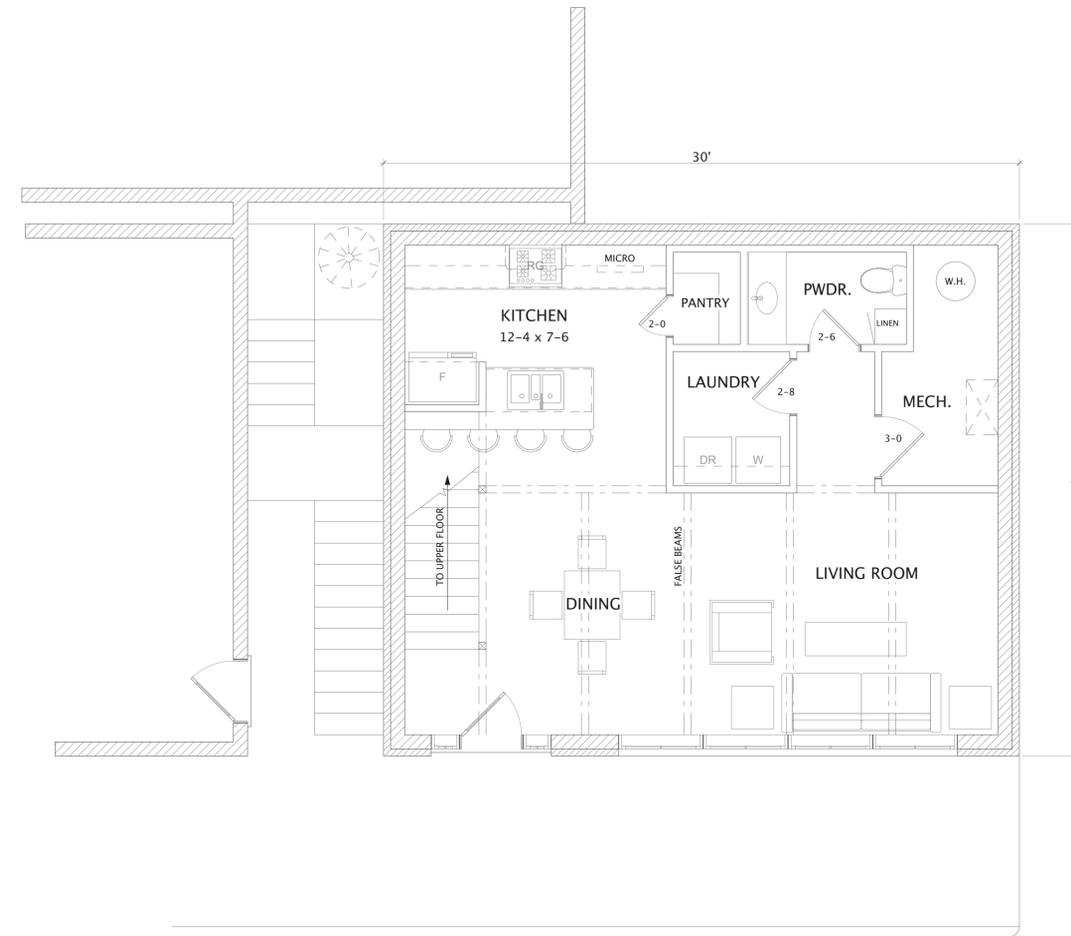
SHEET #  
**A1.0**  
**MAIN FLOOR**  
SCALE: AS NOTED  
DATE: 09-30-2015  
REVISED ( 0 )



EXISTING  
MAIN FLOOR PLAN = 750 SF.

SCALE 1/4" = 1'-0"  
1132 12th Street

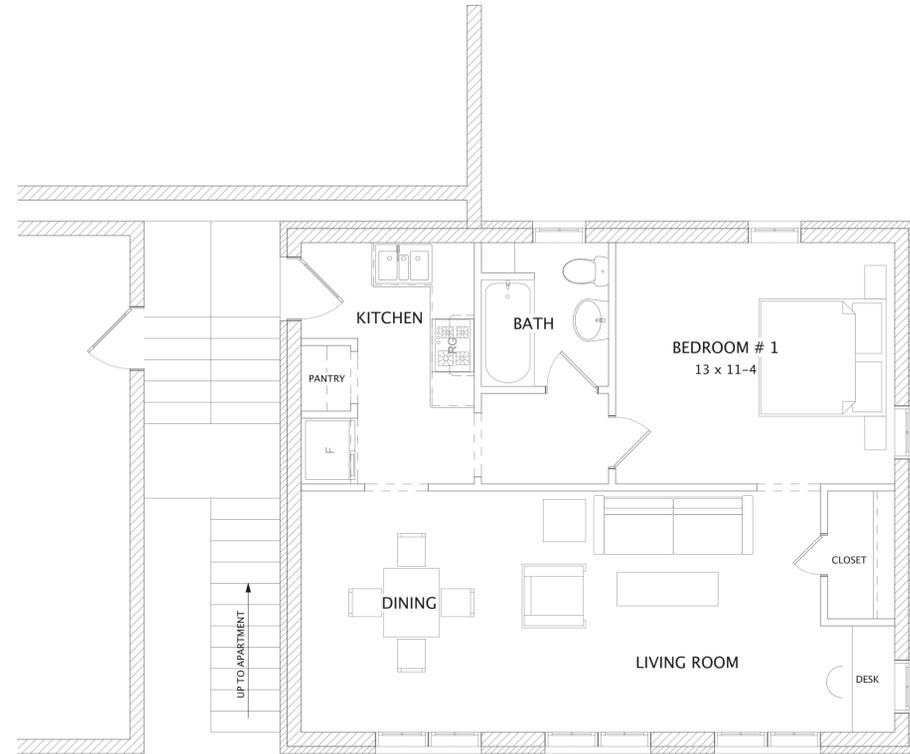
ALLEY



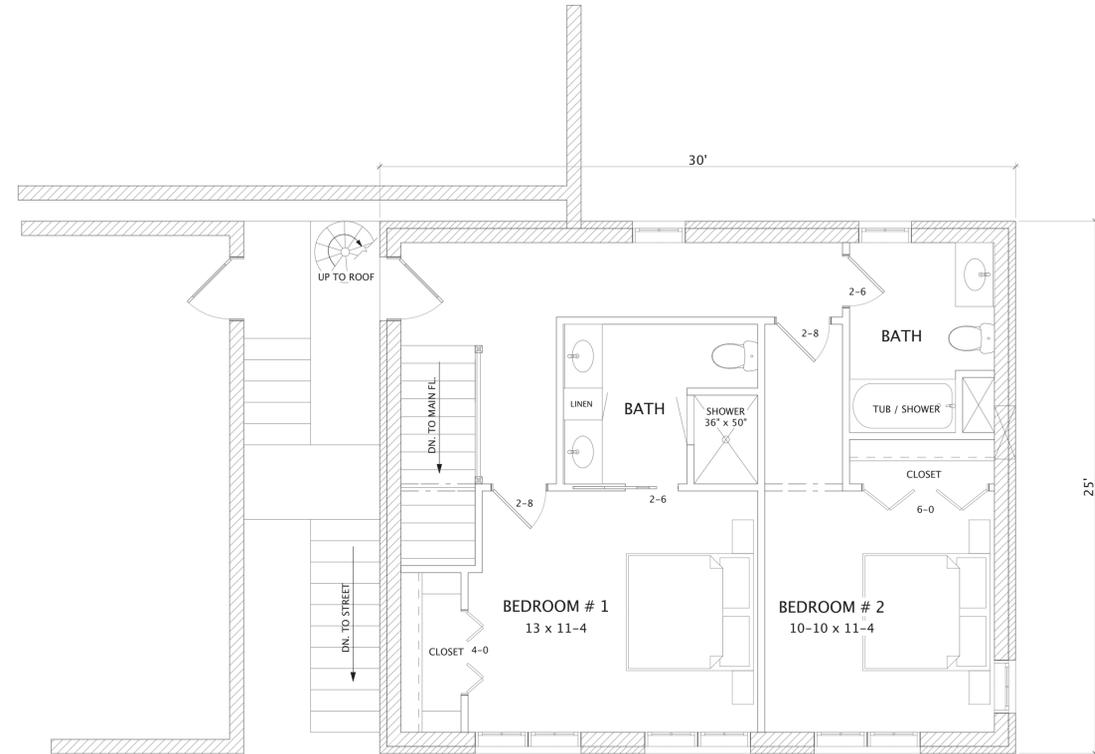
PROPOSED  
MAIN FLOOR PLAN = 750 SF.

SCALE 1/4" = 1'-0"  
1132 12th Street





EXISTING  
UPPER FLOOR PLAN = 750 SF.  
SCALE 1/4" = 1'-0"



PROPOSED  
UPPER FLOOR PLAN = 750 SF.  
SCALE 1/4" = 1'-0"



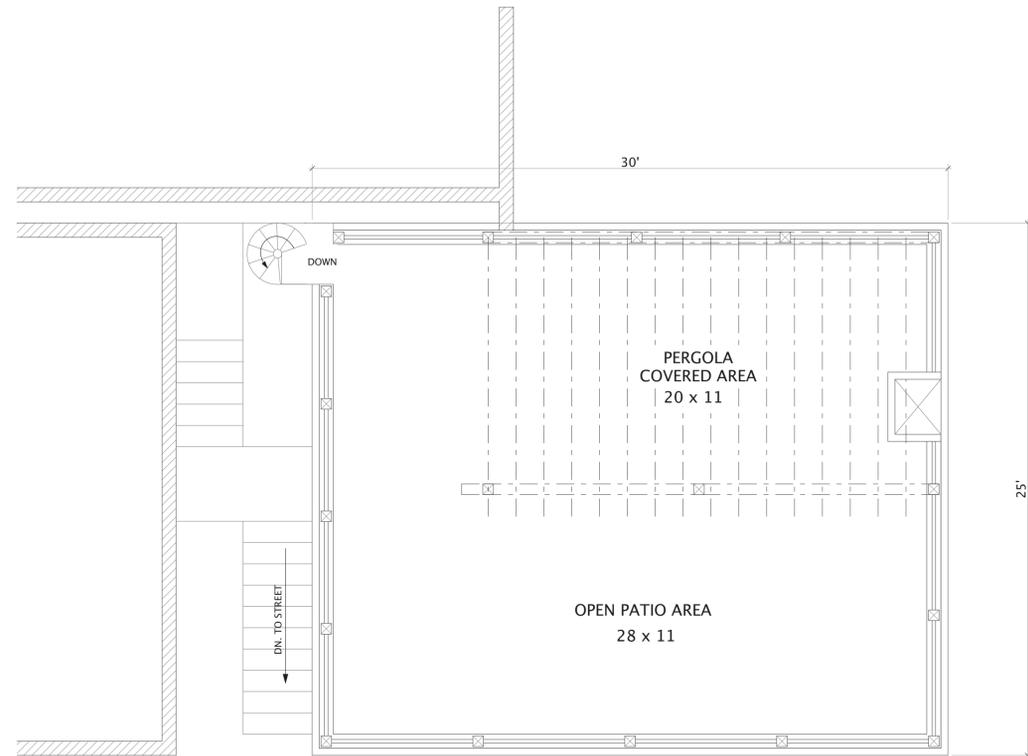
**NOTE :**  
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SHEET #  
**A1.1**  
**UPPER FLOOR**  
SCALE: AS NOTED  
DATE: 09-30-2015  
REVISED ( 0 )



**WEST ELEVATION**  
SCALE 1/4" = 1'-0"



**PROPOSED**  
**ROOF PATIO = 750 SF.**  
SCALE 1/4" = 1'-0"

**NOTE :**  
ALTHOUGH GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT, IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT IMPERFECTIONS. THEREFORE PRECISION PLAN DESIGN OR RICK LAMBERT ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. BUILDER / OWNER VERIFY ALL DIMENSIONS. PLANS SUBJECT TO CHANGE PER ENGINEER OR LOCAL CODES

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SHEET #  
**A1.2**  
**PATIO**  
SCALE: AS NOTED  
DATE: 09-30-2015  
REVISED ( 0 )