AGENDA

1. Call to Order by Chairman Justin Ness
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the June 14, 2016 regular meeting

6. NEW BUSINESS
   A. Site Plan Review: Mountain Equipment, 3202 Big Horn Ave
   B. Minor Subdivision: Conceptual Plat – Divide Lot 9, Block 1 of the McMillian Subdivision-1307 32nd Street
   C. Rocky Mountain Power – Landscaping-226 W Yellowstone Avenue

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 14, 2016

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 14, 2016 at 12:00 PM

Present: Justin Ness - Chairman; Brad Payne; Buzzy Hassrick; Heidi Rasmussen; Reese Graham; Richard Jones; Sandra Kitchen, Deputy City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Bernie Butler, Accounting Clerk.

Absent: Curt Dansie

Chairman Justin Ness called the meeting to order at 12:02 PM, followed by the pledge of allegiance.

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

Buzzy Hassrick made a motion, seconded by Brad Payne, to approve the minutes for the May 24, 2016 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

Todd presented a site plan review for the Gunwerks shooting facility, located at 2301 Lt. Childers Street. Micheal LaBazzo of Gunwerks answered questions from the Board.

Richard Jones made a motion, seconded by Reese Graham, to approve the Gunwerks shooting facility, located at 2301 Lt. Childers Street, with the following conditions:

1. Comply with the conditions of the City Council authorization.
2. The siding and roofing of the shooting room must coordinate with the color of the main building.
3. Dust control shall be provided during construction to control dust impacts to neighboring properties.
4. Any existing utilities must be protected and accommodated during construction of the facility.
5. Any future exterior lighting must be full cut-off style, or be submitted to the Planning and Zoning Board for review.
6. The dirt berm is to be planted and maintained with a native grass mix for dust and erosion control, or as otherwise approved by the Board.

Vote on the motion was unanimous, motion carried.

A public hearing for an Accessory Dwelling Unit within the Residential AA Zone for Kelly & Heather Fowler, at 1031 Bleistein Avenue began at 12:15 p.m. Public hearing closed at 12:20 p.m.

There were no comments from the public.
Todd Stowell reviewed the accessory dwelling unit application for Kelly & Heather Fowler at 1031 Bleistein Avenue.

Reese Graham made a motion, seconded by Heidi Rasmussen, to approve the Accessory Dwelling Unit for Kelly & Heather Fowler at 1031 Bleistein Avenue as presented. Vote on the motion was unanimous, motion carried.

Todd Stowell presented a sign plan for the Farmer’s Market at Buffalo Bill Center of the West at 8th Street and Allen Street.

Brad Payne made a motion, seconded by Reese Graham, to approve the sign plan for the Farmer’s Market at Buffalo Bill Center of the West, 8th Street and Allen Street, for the months of June through October.

P & Z Board Matters – none
Council Updates – Steve Miller - none
Staff Items – Work on the draft zoning amendments continues as time allows.

Buzzy Hassrick 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, Chairman Ness adjourned the meeting at 12:27 PM.

Bernie Butler, Accounting Clerk
PROJECT DESCRIPTION:
Steve Swan of Swan Enterprises, LLC, doing business as Mountain Equipment, has submitted a site plan application to develop a heavy equipment sales yard and a 60-foot by 80-foot building, to be divided into two suites. One suite would be for Mountain Equipment, for use as an office and shop. The other suite would be occupied at least initially as an office for Cleary Building Corp. (a metal building contractor). The property is 3.76 acres (329’ wide and 498’ deep) in size and located on the south side of Big Horn Avenue. The application materials are attached.

REVIEW CRITERIA:
The property is located in the Open Business/Light Industrial (D-3) zoning district, which permits vehicle display, repair, and sales.
Section 10-10C-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.
In addition, specific standards apply for parking, landscaping, drainage, etc.

**STAFF COMMENTS:**

Existing Conditions:
The characteristics of the surrounding area are as follows:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>EXISTING USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Freemont Motors car lot across Big Horn Avenue.</td>
<td>D-3</td>
</tr>
<tr>
<td>East</td>
<td>Vacant business park land. Groathouse Construction and GDA beyond.</td>
<td>D-3</td>
</tr>
<tr>
<td>South</td>
<td>FedEx facility.</td>
<td>D-3</td>
</tr>
<tr>
<td>West</td>
<td>Vacant business park land. Sherwin Williams beyond.</td>
<td>D-3</td>
</tr>
</tbody>
</table>

Architecture:
The building is a relatively standard metal building, measuring 60 feet by 80 feet, plus an 8-foot deep metal awning. Wall height is 17’8”, with the front awning at 10 feet. The roof is proposed to be metal with a 4:12 pitch and an 18 inch eave. The elevation drawings are attached. The photo shown below is from the manufacturer and gives a visual representation, but is NOT the actual building. It is included to help visualize and discuss the architecture. The proposed building does not include rock on the column bases, cupola, or open timber gable, and the window configuration is different. The proposed building is a gray color scheme, with the roof color as “sierra”; the sides, gables as “ash”; and the trim and wainscot “true black”. (Note: Printed colors may vary.)
Photos of neighboring buildings are shown below.

The use of masonry, wood, and large glazing areas on the façade is relatively standard for the buildings in the immediate area. The FedEx facility was required to provide almost 40% of their wall area as masonry. Architectural compatibility with the neighborhood would seem to indicate that more architectural features than proposed are needed. Staff would suggest the Board discuss with the applicant which features could be added to the building to make it more architecturally compatible with the neighborhood.

Landscaping:
The proposed landscaping plan is shown on Page 8 of the drawings. The plan includes a 5-foot wide irrigated lawn strip next to the Big Horn Avenue sidewalk, and a 15-foot wide washed river rock groundcover in the swale area along Big Horn Avenue. Evergreen trees are indicated at 30 feet on center along the east and west property lines, except for two islands that will have perennials and crushed rock groundcover. The amount of landscaping meets the minimum required for the Entryway Corridor Overlay district. Conceptually, staff believes the landscaping is appropriate for the site, although some details are lacking.

The type(s) of evergreen trees should be specified, as the amount of screening provided by the tree species can vary greatly (think ponderosa pine versus blue spruce). For consistency with FedEx, a blue spruce would be appropriate. They used Colorado blue spruce on the east side and Fat Albert Blue Spruce on the west side (due to space limitations). The Fat Albert spruce was spaced about 20 feet on center, as it has a more vertical growth pattern than Colorado blue spruce. It is also noticed that the Fat Albert Spruce seems to get beat up by the wind more than the common Colorado blue spruce. At FedEx the Colorado blue spruce was spaced in a staggered double row pattern with trees at about 45 feet on center in each row. A single row
spaced at 25 to 30 feet, would seem to be a good spacing. The specified growth pattern for a Colorado blue spruce is about 20 feet wide, although fully mature trees can be larger. If the applicant doesn't like the idea of Colorado blue spruce, he should be prepared to discuss alternative trees and spacing requirements with the Board.

The Entry Corridor landscaping ordinance specifies that the minimum tree height for an evergreen is four feet. In addition, it is recommended that the planting height be such that it is effectively level with adjacent properties (not lower). Along the east property line specifically, the ground level will need to be brought up some for this to be the case. Also, appropriate topsoil will be needed.

The river rock and crushed rock areas should have a quality weed mat installed for obvious reasons.

The groundcover in the areas of the tree lines is not specified. Native grass or rock would seem appropriate. The FedEx facility spread native grass seed mix and the weeds seem to be under control.

Access and Frontage:
Access to the site is directly from Big Horn Avenue, at an existing WYDOT approved approach. The approach apron will be extended with concrete to provide the minimum 25-foot depth required by the parking ordinance. The frontage is already completed with curb, gutter, sidewalk, and streetlights.

Use Areas:
Pages 8 and 9 show the uses of the different areas of the property. The frontage of the property will be reserved for heavy equipment display. The cargo containers, truck trailers, and miscellaneous outdoor storage will be located at the back end of the property in the “Extra Storage Area”. The applicant indicates that there will be no scrap yard associated with the property—if there were it would require solid fence screening.

No fences are proposed at this time.

Parking:
A paved parking area will be provided next to the building. The driveway from the approach to the parking area will be crushed gravel. The number of parking spaces proposed (eight) is based on two employees at Mountain Equipment, three employees at the Cleary Building, and three spaces for customers. The large yard area will also be available for additional parking or large vehicles.

The following clarifications to the parking plan are needed. The van accessible space must be 11 feet wide, plus the minimum 5-foot wide unloading aisle. Also, wheel stops are needed in the parking spaces, as the parking spaces are level with the sidewalk.
Exterior Lighting
The exterior lighting plan is found on Page 5. It involves soffit can lights under the front canopy and wall packs above each of the four overhead doors. Staff obtained the following lighting schematic for the wall packs, based on the light fixture selected, a 15-foot mounting height, and 22-foot spacing. The result is that lighting will be largely contained within the property. The fixtures are all full-cutoff style.

Grading:
The grading plan is largely already implemented. The property currently flows to the area of the proposed infiltration basin. The only changes are providing topsoil for the tree lines, flattening some of the grades around the building pad, and filling in a borrow pit that was used to provide material to make the building pad.

The borrow pit will either need to be filled in, or graded to provide maximum 3:1 side slopes, prior to the time of occupancy of the building.

The elevation of the building floor is incorrect on the grading plan. The building pad elevation is current set, plus the 6-inch concrete floor.

Storm Water Plan:
A storm water plan has been prepared by Engineering Associates. All of the site will be graded towards an infiltration basin, measuring 20’ by 20’ at the base, two feet deep, with 3:1 side slopes. The basin is sized based on the potential for the entire lot being paved, and a 25-year storm event.

The overflow for the 100-year storm event is shown as discharging onto the property to the east. Staff has indicated to the applicant that the overflow discharge should be directed to the ditch along the front of the property, which is connected to the highway and city storm water system. He is agreeable to the change, which will need to be indicated in a revised plan. A swale will carry the overflow discharge to the existing ditch.

The material used to fill the borrow pit is not specified. As the assumed infiltration rates are based on the native, undisturbed material, the actual material placed below
the storm water infiltration basin will need to be observed by the engineer and/or tested for permeability rates.

**Snow Storage**
The required snow storage area is shown in the area near the infiltration basin, which appears appropriate.

**Utility Services**
The locations and sizes of many of the existing and proposed utility services are shown on Page 7. Effectively, the utilities near the highway will be brought together in a common trench and run to the building. Material types are not specified. All materials must meet applicable building code and city code standards. The extension of gas and telecommunications to the building will need to be coordinated with the provider of the service.

Electrical comments for the project are as follows:

- As presented the City will need to install a single-phase pad mounted transformer. The assumed location will be in the southeast corner of the property approximately 12 feet north of the existing sectionalizing cabinet that feeds the Fed-Ex transformer. If the owner wants the transformer located closer to the building, we will need a site plan that shows the preferred location for the transformer. The owner must be made aware that the City will need a 10 ft. wide utility easement from the sectionalizing cabinet to the transformer location to include the transformer itself. I have provided an estimate for the cost if the transformer is located at the assumed location.
- The application calls for three 750 MCM secondary conductors from the transformer to the new service. Our standard transformer connections have a maximum conductor size of 350 MCM. I would suggest that the electrical contractor install parallel runs of 250 or 350 MCM conductors rather than the 750 MCM. (Additional comments provided to applicant).
- The owner's contractor shall provide and install 4" PVC conduit with long radius sweeps from the sectionalizing cabinet to the transformer location. The contractor shall also install the City-provided transformer box pad and ground rod to City specifications. The labor and equipment cost to do the above work will be traded for the City's labor and equipment cost to install the primary cable and set the transformer for this project.

**Signage**
Sign details for the businesses have not yet been submitted so future application to the Community Development Department will be required.

It is noted that the building plans contain a “Cleary Weathervane” on the top of the building. While a weathervane is allowable, advertising on the weathervane is not, based on the fact that roof signs (signs placed on the roof of the building) are prohibited.
Notice is given to Cleary Building, that the sign location for the “Cleary Weathervane” is not permitted, here, or on any building within the City of Cody. The Cleary Logo signs in the gable of the building can be permitted as wall signs.

**Hydrants**
Adequate fire hydrants exist, and are located next to Big Horn Avenue.

**Garbage**
The dumpster location is shown behind the building, which should work so long as access is kept clear.

**Setbacks/Buffer**
No zoning setbacks or buffers are required for this property.

**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 building permit, provide a utility plan that contains details on the utility pipe sizes and material specifications (e.g. DR18).
2. Modify the ADA parking space to be 11 feet wide, plus a minimum 5-foot wide loading aisle.
3. Pay applicable utility fees in conjunction with the building permit. The city fee for the electrical equipment is actual cost. The electrical estimate is paid up front, which is $2,321.
4. Prior to issuance of a building permit, provide a revised drainage plan, which has the 100-year overflow directed to the ditch along the front of the property.
5. 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 modified approved plans. This includes verification of the assumed infiltration rate, due to the fill material to be placed in the borrow pit.
6. The borrow pit must be filled or graded to provide a maximum 3:1 side slope prior to occupancy of the building.
7. The evergreen trees must be a Colorado blue spruce (or species with a similar growth rate, growth pattern, and cold heartiness, as approved by the Board). The trees must be a minimum of four feet tall, spaced no more than 30 feet apart, provided with a method of irrigation, planted in good soil and at a level so that their
base is no more than 18 inches below the level of the immediately adjacent neighboring property. Timing of installation shall be per the entry corridor ordinance. (Prior to occupancy, unless financial security is provided.)

8. The tree lines must be planted with a native grass seed mix, or otherwise landscaped/rocked to prevent weeds.

9. The river rock and crushed rock areas shall be provided with a quality weed barrier.

10. Obtain a sign permit for any exterior signage. The roof sign is not permitted.

11. Prior to occupancy, provide an easement for the electrical facilities, as needed.

12. Provide the following additional architectural features on the building (as discussed with Board—potential items include masonry or rock veneer wainscot, masonry or rock veneer post bases, open timber gable in canopy).

13. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.

14. Prior to occupancy, provide an as-constructed site plan, drawn to scale, that accurately reflects the placement of the utilities, building, and landscaping.
Mountain Equipment
Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

Plot Plan  No Scale

General Notes and Specifications:

Cody Contractors Inc.
505/16
Table of Contents

110. Elevations
115. Floor Plan
125. Concrete Bracket Layout Plan
126. Concrete Details
130. Typical Section A
135. Typical Section B
140. Header Details
145. Porch Hip Roof Details
150. Skeletal Truss Bracing Details
160. Diagonal Bracing Details
170. Diaphragm Action and Misc. Details
180. Truss Diagrams
Mountain Equipment
Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

Floor Plan Scale: 1/8"=1'0"

General Notes and Specifications:
1. All interior wall framing to adhere to Type V Construction schedule.
2. Restrooms, parking lot, egress pistes, structure and grounds will conform to all ADA requirements.
3. Interior walls to be anchored by Ramset type pins 3 1/2".
4. Building use:
   Office Space: 1200 sq. ft.
   Garage/Shop: 3000 sq. ft.
   Storage (above Office Space): 1200 sq. ft.

Legend:
- 2 X 6 framing 16" OC w/R-19 Fiberglass Batts and 5/8" type X drywall w/12" X 12" spread concrete footing
- 2 X 6 framing 16" OC w/R-19 Fiberglass Batts and 5/8" type X drywall
- 2 X 4 framing 16" OC w/5/8" type X drywall and 12" X 12" spread concrete footing
- 2 X 4 framing 16" OC w/5/8" type X drywall
- All exterior walls as per Cleary Building design plans

Cody Contractors Inc.
5/25/16
Mountain Equipment
Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

Plumbing Plan  Scale: 1/8"=1'0"

General Notes and Specifications:
1. All Restrooms to be ADA compliant including egress paths and openings.
2. All Plumbing fixtures and dispensers are to be ADA compliant where necessary by code and supplied by owner.
3. Water heater shall be a 40 gallon natural gas fired upright tank style.
4. Restroom exhaust fans to be vented to the exterior.
5. Radiant Tube Heaters shall be installed with all clearances as per code

Cody Contractors, Inc.
5/25/16

*NOTE: INSTALLATION OF CLEANOUTS EVERY 100' OF SEWER LINE WITH A 12"X12"X18" PROTECTIVE CONCRETE COLLAR
Mountain Equipment
Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

Electrical Plan Scale: 1/8"=1'

General Notes and Specifications:
1. All electrical work to conform to all local building codes, NEC, and standard practices of the day.
2. Owner will supply all electrical lighting fixtures and trims to be installed.
3. Owner will perform all underground trenching and grading as necessary.
4. All exterior lights to operate on photocell and switch.

Legend:
- Thermostat
- Overhead door operator outlet
- exhaust fan
- vanity light
- exterior flood lights
- interior garage/shop lights
- exit signs
- smoke detectors
- LED recessed cans

Cody Contractors, Inc.
505016
Mountain Equipment
Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

ADA Parking Plan Scale: 3/32"=1'0"

General Notes and Specifications:
1. All egress paths from parking space shall be minimum 4' wide to entries
2. No Van Accessible parking space shall have all signage, measurements, and stall markings as per ADA requirements
3. Access from the level asphalt ADA stall shall be level with the concrete path of egress to both entries, and shall not exceed 2% slope in all areas

Cody Contractors Inc.
525516

EMPLOYEE COUNT:
- EAST: 2 EMPLOYEES
- WEST: 3 EMPLOYEES

TOTAL COUNT: 5
Mountain Equipment
Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

ADA Restrooms
Scale: 3/4"=1'-0"

General Notes and Specifications:
1. All fixtures to comply with ADA code specifications
2. All grab bars, dispensers, shower seat, measurements, and signage to comply with ADA code specifications
3. All egress and turnaround areas to comply with ADA code specifications

Cody Contractors, Inc.
5/25/16
PROCESS

Section 11-3-1 of the City Code establishes an opportunity for an applicant wanting to subdivide their property to discuss the project with the Planning and Zoning Board prior to submitting a preliminary plat. Effectively, it allows the applicants to get some initial guidance on how the Board views their request before expending significant funds in surveyor and engineer costs.

PROJECT OVERVIEW

Robert and Andrea Cook purchased the property at 1307 32nd Street last year with the intent of adding a third dwelling on the property. The property was last divided through an exempt action in 2003. Lot 9-A contains a manufactured home and Lot 9-B contains a site built home. Their intent is to add a dwelling in the area of proposed Lot 9-C.

The property is zoned Mobile Home F-2. The F-2 zone allows any use permitted in the Residential AA or A districts, as well as mobile homes on independent lots. Any mobile home in this zone is also required to be supported by a “permanent foundation”.

It is the owner’s intent to place a mobile home on the property, which triggers the requirement that it be placed on its own lot. (Note: If this were not the requirement, the F-2 zone would be effectively indistinguishable from the F-1 zone. The F-1 zone is the only zone designed for mobile home parks, which is
the result of allowing multiple mobile homes on the same property.) In an effort to meet this requirement, the applicant is willing to divide the property to provide the lot. (If it were not required, they would not be asking for the subdivision as they intend to continue to own all three lots.) Unfortunately, the property is not able to meet all applicable subdivision and zoning standards for division of the property. Specific standards are noted below, with staff comments in parenthesis. See also the applicant’s letter, as attached.

**Zoning Standards:**
- **Minimum Lot Area:** 6,000 sq. ft. required. Approximately 7,300 sq. ft. provided. (Met.)
- **Minimum Lot Width:** 50 ft. required. All lots will have at least 60 ft. (Met.)
- **Maximum Percentage of Lot Area Covered by Buildings:** 50% (Met.)
- **Access:** “No building or mobile home shall be built or used for residential purposes on any lot unless it has immediate access to an adjacent street.” (Not met. As proposed, Lot 9-C does not have immediate access to an adjacent street. This could be corrected by making Lot 9-C a flag lot with frontage on the 32nd Street cul-de-sac.)

**Setbacks:** Buildings must meet setbacks from new property lines. (Met, based on the applicant’s proposed layout. However, if Lot 9-C is required to be a flag lot with a minimum 20-foot wide “pole”, as mentioned later in this report, then the house on Lot 9-A would be immediately next to the lot line—the required 10-foot side yard setback would not be met.

**Subdivision Ordinance Standards:**
- **Flag Lot:** Defined as, “Any lot with less than 50 ft. of fee simple frontage on a public right of way, unless part of a PUD. Flag lots shall not be allowed in the development of subdivisions and minor subdivisions.” (Not met. Lot 9-B is an existing flag lot. The concern at this time is not with the existing lot configuration, it is with the creation of an additional flag lot. The City’s prohibition on new flag lots combined with the access requirement of the zoning ordinance means that the subdivision ordinance does not contemplate the situation currently proposed—a lot with no direct access, or access through a flag lot. Therefore, the subdivision standards and the proposed situation are effectively mismatched, as evidenced by some of the following standards.)

- **Curb, Gutter, Sidewalk, and Paved Streets:** “Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions...” (Not met. The applicant is requesting a gravel lane, with none of the specified improvements.)

- **Street Cross Section:** “The minimum typical street cross section for each type of street shall be as shown on the master street plan.” (Not met. The “smallest” street design in the master plan is for a “Minor Residential Access street”, which has a 24-foot wide asphalt surface, curb and gutter, and sidewalk on one side.)

- **Lot Requirements:** “Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.” (Not sure if met or not, due to confusion of phrase “or have
access to”, which could be interpreted to allow use of a private access easement, although doing such would violate the zoning ordinance language that requires “immediate access” to an adjacent street. In the case of conflict, the more restrictive regulation applies.)

Utilities: Each lot is required to have its own utility service, tied back to the main line. (The extent of changes to the existing situation must be verified. We know water is currently shared between at least two if not three homes—potentially with the neighbor to west as well.)

**BOARD DISCUSSION**
The Board will need to review the request and discuss the situation, acknowledging that this is largely “uncharted territory” in respect to the use of private access easements. In an effort to assist, staff points out the following, in no particular order:

A. The subdivision ordinance specifies the following regarding variances: “If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title, the commission and council may, upon written request and proper justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any such variance will not have the effect of nullifying the intent and purpose of this title.” The stated purpose of the subdivision ordinance is: “It is the intent and purpose of this title to promote orderly and systematic development of lands to the advantage of the subdivider, future property owners and the general population of the city. It shall establish guidelines and minimum standards to assist the subdivider and promote the development of a safe and healthy living environment.”

B. Technically, the variance to the 50-foot frontage requirement is a zoning special exemption. If the proposal goes forward, a special exemption application will need to be submitted with the preliminary plat, and a public hearing held on the matter.

C. The property is too small to qualify for a PUD (Planned Unit Development) without special Board approval. If it were a PUD, the 50-foot frontage requirement would not be applicable. Staff does not believe this subdivision represents the intent of the PUD ordinance option.

D. At a minimum, the access situation would need to meet the adopted fire code standards, which specifies a minimum 20-foot wide, all-weather surface capable of supporting emergency response vehicles (fire trucks). If the access route is looped, it provides the turn-around function required of the fire access road. If it is not
looped, a turn-around (cul-de-sac bulb or T-turnaround) would be needed interior to the subdivision.

E. Maintenance of the access must be discussed. The subdivision ordinance presumes that the streets will be public and therefore maintained by the city. An access that does not meet the public street standard should be maintained by the lot owners. A formal maintenance agreement would need to be created and recorded, which would set up the maintenance program and cost allocations.

F. The request to waive the requirement for alleys is consistent with other minor subdivisions that are located within a larger subdivision that does not contain alleys.

G. Staff is generally uncomfortable about the potential precedent that granting the full request would create. We are not absolutely opposed to the use of private access easements, but believe the topic and appropriate improvement standards needs careful consideration and significant public discussion. It would make staff more comfortable if the discussion were held in the context of an ordinance review, as opposed to a variance request.

H. Street lighting would be required if the access were a public street. Is street lighting expected? There is a streetlight on the other side of the cul-de-sac.

I. The creation of an additional lot means that individual utility services must be provided to each lot. The result is a number of “spaghetti” lines, which causes heartburn to Public Works. For this reason, and the concern of precedent setting regarding access, they would prefer that the home be permitted as an additional unit on the property (no subdivision) and share existing services. However, planning staff sees no option for this to occur for the current proposal (a special exemption is not an option and mobile home parks are not permitted in F-2). That being said, if the proposal were to change to a site-built accessory dwelling unit there would be no need of a subdivision, no variance precedents would be set, and individual utility services would not be needed (water and power would be shared with the main house). The ADU scenario is mentioned to make the point that the option is available.

**OPTIONS**

As the conceptual plat is for guidance only, there is no formal action required. However, sufficient guidance should be provided to give the applicant and staff direction. Effectively, two options appear to exist—denial or a conditional “approval” of the concept.

Potential justification for denial would be that the overall proposal for no frontage and use of a private gravel access is so fundamentally contrary to the current subdivision ordinance that to authorize such would “*have the effect of nullifying the intent and*
purpose of this title”, which is prohibited by the variance language. OR, Depending on applicant’s statements, that the statements fail to demonstrate how the variance is an “extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or to demonstrate ... that variances will make a greater contribution to the intent and purpose of this title.”

If the Board finds sufficient justification to go towards a recommendation for conditional “approval” (actual approval would be at the preliminary plat/special exemption stage), staff would suggest the following minimum standards:

1. Provide a minimum 20-foot wide access easement for the access; which must be configured in a complete loop, or with a turn-around meeting the dimensions of Appendix D of the International Fire Code. (Note: If the Board wants Lot 9-C to have frontage, Lot 9-C must be reconfigured as a flag lot and the access configuration must be looped.)
2. Require Lot 9-C to maintain a minimum 10(?)-foot front setback from the access easement.
3. The entire access easement must be constructed with a minimum 20-foot wide paved roadway constructed to the same specifications (compaction, base, and asphalt thickness) as a City street.
4. Provide a maintenance agreement to be recorded with the plat that establishes a program and assessments for maintenance of the access.
5. Provide a storm water retention plan to address storm water runoff from the access road.
6. All three lots must have individual utility services.
7. Run the utility services in a way that avoids or minimizes the use of the public right-of-way and the City utility easement on the southwest side of the property.
8. Submit a special exemption application to reduce/waive the 50-foot minimum frontage requirement. If the 20-foot wide “pole” is required for Lot 9-C, a special exemption to the side yard setback requirement would also be needed.

Other Information:
9. Plan on piping the irrigation ditch that runs along the west and north sides of the property (McMillin ditch), unless prohibited by the ditch company.
10. Electrical service for Lot 9-C will come from the pole at its NE corner. The transformer may need to be upsized, which cost would be that of the developer.
11. The fees for the electrical transformer upgrade and the water taps are to be paid as part of the subdivision process.
12. All subdivision improvements are to be completed before a building permit can be issued for development of the vacant lot (9-C).

ATTACHMENTS
Conceptual drawing
Variance request letter
PLANNING, ZONING AND ADJUSTMENT BOARD
MINOR SUBDIVISION APPLICATION
(5 lots or less and no new streets, sewer or water mains)

Owner's Name: Robert Cook and Andrea Cook
Mailing Address: #1 North Forty Trail, Powell, WY 82435
Phone: (307) 645-3193 Email: rob@cookbrothers.org
Cell: (307) 272-1360 Email: anade@cookbrothers.com
Project Address: 1307 32nd Street, Cody, WY 82414
Zoning District:
Surveying/Engineering Company: Contact Name:
Phone: Email:

Brief Description of Subdivision Proposal and Proposed Use of Lots:
Fr. 2 Zoning, 2 units on property, propose to add a third unit - create a "lot 9-c" of 1,300 sq. ft.

Signature of Property Owner: Robert Cook 14 June 2016

APPLICABLE STANDARDS:
Please refer to the city’s subdivision regulations (Title 11), zoning ordinance (Title 10), and street master plan for applicable design standards, improvement requirements, and lot size requirements. The documents are available in the Community Development Department or the City website under the “Municipal Code” link: www.cityofcody-wy.gov

APPLICATION MATERIALS:
Applicants are encouraged to arrange a pre-application meeting with staff to ensure a complete submittal. An incomplete application may result in additional fees and delays in processing. The following items are to be submitted with the application.

FEE: Each minor subdivision is to be accompanied by a one-time $150.00 review fee, payable at the time of initial application. Payment may be made by cash, check, or credit card (Visa, MasterCard, Discover). Note: Utility Fees (water tap fee, electrical fees, etc.) may be applicable, payable prior to recording of the final plat.

COPIES:
☐ Twelve (12) paper copies* of the application materials; AND,
☐ A digital copy (PDF) of each document.

* For complex projects, or if the applicant wishes, submit only two full-size paper copies and the electronic copy for staff review and wait until staff review is complete before providing the 12 copies for the Planning and Zoning meeting. This allows for corrections and changes to the plans before the 12 copies are printed. The 12 copies and an updated PDF will need to be submitted well before the Planning and Zoning meeting, as coordinated with staff.

Conceptual Plan Information: (A Conceptual Plan review is recommended when guidance is needed for subdivision design.)
☐ Map at a scale of not less than 1” = 500’.
☐ Include subject property and properties within ¼ mile.
☐ Show existing streets, highways, natural drainage courses and other major or natural or manmade features.
☐ Show major use areas for residential, commercial, industrial and public purposes.
☐ Note any zoning changes, special exemptions, or variances to be requested.
☐ Proposed lot sizes and intended type of use(s).
☐ Note any specific requirements or parts of the conceptual plan that you wish to discuss with the Planning and Zoning Board.

Preliminary Plat Application Materials (see also City of Cody Code 11-3-2):

☐ Preliminary Plat Components:
  ☐ Include all lands to be divided. (All of parent parcel.)
  ☐ Proposed name of minor subdivision. (Cannot duplicate any existing subdivision within Park County.)
  ☐ Subdivision location and boundary with bearings and distances, tied to an official government survey.
Names and address of the subdivider and the designer of the subdivision (WY licensed PE or LS).

Date of preparation.

Scale of drawing, which is to be not less than 1” = 100’.

North Arrow.

Total acreage of subdivision.

All lands within and immediately adjacent to (up to 200’) the subdivision, with the names of the owners of record noted.

Proposed locations and dimensions of easements and lot lines.

Existing and proposed contour lines.

Any areas subject to flooding, wetlands.

Lot designations (numbered consecutively) and lot sizes.

Proposed area, if any, for uses other than single-family residential (e.g. multi-family residential, commercial, industrial, common areas, pathways, etc.).

Zoning of subdivision property and adjacent areas.

Identify and label any adjacent subdivisions.

Existing utility information, including type, location, size, material (if known), approx. depth of bury, and service locations for utilities within and adjacent to the subdivision.

Preliminary utility service plan, including proposed type of services, location, size, material, approx. depth of bury.

24” x 36” preliminary plat drawing. (Note: 11 of the 12 copies for the P&Z meeting may be size 11”x17” if still clearly legible.)

**Supplemental Materials (one copy only)**

- Warranty Deed and/or copy of current title report (not older than 6 months) showing applicant as owner.
- Copies of all easements and rights-of-ways of record.
  (Note: A subdivision guarantee from a title company, with all referenced easements and right-of-way documents attached, is the preferred method of providing the two items above.)
- Requests for any variances to the subdivision or zoning regulations.
- Identify the planned method of complying with raw water requirements. (Install distribution system, or agreement for transfer of water rights to the city.)
- CD, email, or other electronic submittal of all digital files of the application materials.

**Final Plat Application Materials (see also City of Cody Code 11-3-3):**

**Final Plat Components:**

- Final plat drawing at a scale of not less than 1”=100’.
- Two, 24” x 36” reproducible mylars meeting the requirements of the County Clerk for filing. (Paper copies are acceptable for application, with the mylars printed after approval.)
- Name of subdivision.
- Date of preparation.
- North arrow and scale.
- Legal description of the property to be subdivided.
- Primary control points, or ties to control points, and basis of bearing.
- Tract boundary lines, right-of-way lines, easements, and lot lines with accurate dimensions and bearings.
- Curve data for curved street alignment and lot lines (central angle, bearing, arch length/chord length, curve radius).
- Right-of-way widths for each street, alley or other right-of-way bordering the plat.
- Names of Streets.
- Location, dimensions and purpose of any easements.
- Number to identify each lot.
- Location and description of all monuments and property corners.
- Owner’s Certificate/Dedication Statement.
- If applicable, agreement to support and participate in a future improvement district.
- Certificate of surveyor or engineer certifying to the accuracy of the survey and plat.
- Certificate for recommendation of approval by the commission, certificate of approval by the council.
- Vicinity map at a scale of not more than 1” = 500’ and extending at least ¼ mile beyond subdivision.

**Supplemental Materials**

- All materials necessary to demonstrate compliance with the conditions of preliminary plat approval.
- Statement from the state engineers office regarding surface water rights; and, if surface water rights exist for the property, submit either an agreement to transfer water rights to the city, or plans for an irrigation system to utilize those water rights.
- Utility company statements. (Letters or agreements indicating method and responsibility for utility installation.)
Any utility fees required by utility providers are to be paid prior to signing and recording of the Final Plat. (Typically water tap fees and electrical fees.)

**After Final Plat Approval by the City Council**

☐ Electronic copy of the final plat:  
Prior to recording the Final Plat, electronic media shall be provided in AutoCad.dwg or AutoCad.dxf format, which contains the physical features of the survey for this development. The drawing shall be referenced to a known coordinate system. A Projection (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. The drawings must include either a data dictionary to explain the layers, or a self-explanatory layering system.

☐ Submit two mylar copies of the final plat, signed by the owner and surveyor. The mylars will be signed by the P&Z Chairperson and the Mayor, and returned to the owner’s representative for filing at the courthouse. Both copies are to have the recording information completed. The County will keep one mylar and the other is to be returned to the city.

**PROCESS SUMMARY**

1. The owner, or representative, submits all of the required information as outlined on the application to the Community Development Department. If you choose to submit a conceptual plat it will only receive comments from the P&Z Board, it will not go before the City Council.

2. The Community Development Department staff distributes your plans to all divisions for review (electric division, water, wastewater, sanitation, streets and engineering staff).

3. The Community Development Department provides a response to your request within 4 weeks of your submittal. Each phase of development is reviewed (i.e. conceptual, preliminary and final plats.)

4. If necessary, the Community Development Department sets up a meeting between the owner, or representative, with appropriate city staff to review the project and address any questions or ambiguity.

5. Your proposal for a preliminary or final plat is added to a Planning and Zoning Board meeting agenda, where the proposal will be reviewed and a recommendation made to be sent to City Council.

6. The proposal is presented to City Council for review, for the Preliminary and/or Final Plat phases of development.

7. After a final plat is approved, the applicant has 100 days to pay any utility fees and record the plat at the courthouse. After recording the lots may be sold or transferred.

**2016 SCHEDULE**

(Occasionally, exceptions to the submittal deadline may be made when workload and schedules allow.)

<table>
<thead>
<tr>
<th>Two P&amp;Z Meetings Per Month, Tuesday, 12:00 p.m. City Council Chambers</th>
<th>P&amp;Z Application Submittal Deadline</th>
<th>P&amp;Z Meeting Date</th>
<th>Next Council Meeting (Potential, if P&amp;Z review is done in 1 meeting)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Meeting in January</td>
<td>12/15</td>
<td>1/12</td>
<td>1/19</td>
</tr>
<tr>
<td>2nd Meeting in January</td>
<td>12/29</td>
<td>1/26</td>
<td>2/2</td>
</tr>
<tr>
<td>1st Meeting in February</td>
<td>1/12</td>
<td>2/9</td>
<td>2/16</td>
</tr>
<tr>
<td>2nd Meeting in February</td>
<td>1/26</td>
<td>2/23</td>
<td>3/2</td>
</tr>
<tr>
<td>1st Meeting in March</td>
<td>2/9</td>
<td>3/8</td>
<td>3/15</td>
</tr>
<tr>
<td>2nd Meeting in March</td>
<td>2/23</td>
<td>3/22</td>
<td>4/5</td>
</tr>
<tr>
<td>1st Meeting in April</td>
<td>3/15</td>
<td>4/12</td>
<td>4/19</td>
</tr>
<tr>
<td>2nd Meeting in April</td>
<td>3/29</td>
<td>4/26</td>
<td>5/3</td>
</tr>
<tr>
<td>1st Meeting in May</td>
<td>4/12</td>
<td>5/10</td>
<td>5/17</td>
</tr>
<tr>
<td>2nd Meeting in May</td>
<td>4/26</td>
<td>5/24</td>
<td>6/7</td>
</tr>
<tr>
<td>1st Meeting in June</td>
<td>5/17</td>
<td>6/14</td>
<td>6/21</td>
</tr>
<tr>
<td>2nd Meeting in June</td>
<td>5/31</td>
<td>6/28</td>
<td>7/5</td>
</tr>
<tr>
<td>1st Meeting in July</td>
<td>6/14</td>
<td>7/12</td>
<td>7/19</td>
</tr>
<tr>
<td>2nd Meeting in July</td>
<td>6/28</td>
<td>7/26</td>
<td>8/2</td>
</tr>
<tr>
<td>1st Meeting in August</td>
<td>7/12</td>
<td>8/9</td>
<td>8/16</td>
</tr>
<tr>
<td>2nd Meeting in August</td>
<td>7/26</td>
<td>8/23</td>
<td>9/6</td>
</tr>
<tr>
<td>1st Meeting in September</td>
<td>8/16</td>
<td>9/13</td>
<td>9/20</td>
</tr>
<tr>
<td>2nd Meeting in September</td>
<td>8/30</td>
<td>9/27</td>
<td>10/4</td>
</tr>
<tr>
<td>1st Meeting in October</td>
<td>9/13</td>
<td>10/11</td>
<td>10/18</td>
</tr>
<tr>
<td>2nd Meeting in October</td>
<td>9/27</td>
<td>10/25</td>
<td>11/1</td>
</tr>
<tr>
<td>1st Meeting in November</td>
<td>10/11</td>
<td>11/8</td>
<td>11/15</td>
</tr>
<tr>
<td>2nd Meeting in November</td>
<td>10/25</td>
<td>11/22</td>
<td>12/6</td>
</tr>
<tr>
<td>1st Meeting in December</td>
<td>11/15</td>
<td>12/13</td>
<td>12/20</td>
</tr>
<tr>
<td>2nd Meeting in December</td>
<td>11/29</td>
<td>12/27</td>
<td>1/3</td>
</tr>
</tbody>
</table>
TO: Cody Planning, Zoning and Adjustment Board
FROM: Rob and Ande Cook, owners of 1307 32nd Street
RE: Minor Subdivision Application and Variance request
DATE: June 14, 2016

Dear Sirs:

As the owners of 1307 32nd Street, we are respectfully petitioning for the following variances to our residential property which is zoned F – 2.

1) Variance relief from the 50’ street frontage requirement (lot is a cul-de-sac pie wedge with only 80” existing frontage).
2) Variance relief to allow non – municipal access road for new unit and fire/emergency vehicles (just enlarging the existing driveway which will also serve the new lot).
3) Variance relief to permit the new, wider 20’ wide access road/driveway to be gravel surface instead of pavement.
4) Variance relief to the requirement for an alley between lots (there are no alleys presently).

We purchased the property with the intention of adding a third residential unit on the property. This third unit would be on its own new lot and will have all its own separate utilities established. The proposed new lot, "Lot 9-C" would consist of approximately 7300 square feet, segregated off of existing Lot 9-B which has 25,559 square feet. After lot 9-C is formed, Lot 9-B will still have 18,246 square feet. So there is abundant available land for all three units.

In the process of establishing this new third unit on Lot 9-C, the existing shared loop driveway will be expanded to a much wider, 20 foot width, to more easily accommodate emergency vehicles while serving both rear lots/units better too.

As the plat illustrates, the lot size is enormous for this neighborhood, so there is plenty of space to meet square foot requirements for three units. The property has already been divided into two parcels, one in front and one in back. The back parcel is very wide and can easily be divided again with access provided to both sub-parcels.

An access easement already exists on the west side of the property with a waterline easement on the east side. That east side easement would be expanded to create the new parcel access.

The access easement to the west is already graveled and that surface with a high quality base would be continued.
All utilities are easily accessible for the proposed parcel with the water easement running up the east side, and a power pole on the property line, and sewer main easily tapped as it crosses our property. We would establish new separate utilities for the new lot.

This minor subdivision will in no way negatively impact the surrounding properties, as most of the lot is not visible from the large cul-de sac. This project will make higher use of the scarce amount of land available in Cody, and add to the housing stock for Cody residents.

Please contact us with any questions or issues.

Thank you for your time and consideration!

Rob and Ande Cook

Our CELL phone numbers are: Rob (307) 272 – 1360 ; Ande (703) 597 – 9062

Our email addresses are: rob@cookbros.org and Ande@cookbros.org
Rocky Mountain Power (Pacific Power), located at 226 W. Yellowstone Avenue, is proposing to expand their storage yard, which triggers landscaping under the Entry Corridor Overlay ordinance.

Note: Additional materials will be presented and discussed at the Board meeting on Tuesday. Initial conceptual drawings are below. An analysis is not provided at this time, as they are still considering alternative layouts and locations.

This is a phased application. At this point, Pacific Power simply wants verification that their landscaping and fence locations are acceptable. If the locations are acceptable, they will prepare and submit a landscape plan while the fence is being constructed.
Black = Existing fence
Blue = Proposed new fence