

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, FEBRUARY 28, 2017
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

AGENDA

1. Call to Order by Chairman, Steve Miller
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the February 14, 2017 regular meeting.

8. NEW BUSINESS:
 - A. Public Hearing for the re-zoning of 1625 Alger Avenue (Lot 21, Block 46 Original Town) to General Business D2.
 - B. Re-Zone property at 1625 Alger Avenue (Lot 21, Block 46 Original Town) to General Business D2.
 - C. Site Plan Review for Bomgaars Retail Store, located at 2121 17th Street. Items include a fenced outdoor sales yard north of the building, re-stripping of the parking lot, and landscaping.

9. P&Z Board Matters (announcements, comments, etc.).

10. Council Update:

11. Staff Items: Sign Code interpretation – projecting signs

12. 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, February 14, 2017

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, February 14, 2017 at 12:00 PM.

Present: Steve Miller; Heidi Rasmussen; Richard Jones; Curt Dansie; Kayl Mitchell; Reese Graham; Buzzy Hassrick; Sandy Kitchen, City Deputy Attorney; Todd Stowell, City Planner; Bernie Butler, Administrative Assistant.

Absent: Glenn A. Nielson

Steve Miller called the meeting to order at 12:00 PM, followed by the pledge of allegiance.

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

Heidi Rasmussen made a motion, seconded by Curt Dansie, to approve the minutes for the January 10, 2017 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

A. Todd Stowell presented a site plan review for a 50' by 190', 8-unit storage building for 4C Storage, located at 1913 Big Horn Ave.

Richard Jones made a motion, seconded by Reese Graham, to approve the application with the following recommendations:

1. If the Entry Corridor Overlay boundary is not modified to exclude the building site as planned, the applicant must submit a landscaping plan, or a proper exemption application for consideration. Timing must allow resolution of the issue prior to occupancy of the building.
2. Adjust exterior lights so there is no glare off the premises.
3. That once constructed, the applicant's engineer must provide a certification that the storm water facilities have been constructed as designed prior to occupancy of the building.
4. That the project otherwise comply with the submitted site plan and applicable building, fire, and electrical codes.

Motion passed 7-0.

B. Todd Stowell presented the Development Plan and Preliminary Plat of Trailhead 3 P.U.D., Phase 7, a 62-lot subdivision located west of West Cooper Lane and south of Twin Creek Trail Avenue.

The Public Hearing for the Development Plan and Preliminary Plat of Trailhead 3 P.U.D., Phase 7, began at 12:23 p.m.

There were no comments from the public.

The Public Hearing for the Development Plan and Preliminary Plat of Trailhead 3 P.U.D., Phase 7, was closed at 12:35 p.m.

Curt Dansie made a motion, seconded by Kayl Mitchell, to recommend that the City Council authorize the development plan and preliminary plat for Trailhead 3 P.U.D., Phase 7, subject to the following conditions:

1. The subdivision shall be subject to the same homeowner's association management and covenants as the other common areas in the Trailhead P.U.D. The CC&Rs for this phase shall be submitted with the final plat application.
2. The common areas shall be landscaped in accordance with the landscaping plan within one year of acceptance of the public improvements in the subdivision. After the landscaping of the common areas is completed, the developer will need to quit claim deed the common areas to the HOA.
3. Provide a trail connection in the common area between Lots 7 and 8, to connect Hardpan Avenue and the trail within the Lot 22 common area.
4. Utility fees applicable to the project will be determined with the final plat, and must be paid prior to construction.
5. Construction plans for all subdivision improvements shall be submitted for review with the final plat application, in compliance with all provisions of City of Cody Code, except as modified by the approved development plan.
6. The final plat application shall otherwise contain and comply with the approved development plan and City subdivision ordinance.

Motion passed 7-0.

P & Z Board Matters – none
Council Updates – none

Staff Items – Todd Stowell asked the Board to let him know if anyone was interested in attending the Spring Planning Conference in Riverton, WY. Barbara Dicks, representing the Willow Fence Tea Room, shared information with Board on an upcoming agenda request to rezone the property.

Kayl Mitchell 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, Chairman Miller adjourned the meeting at 12:43 p.m.

Bernie Butler, Administrative Assistant

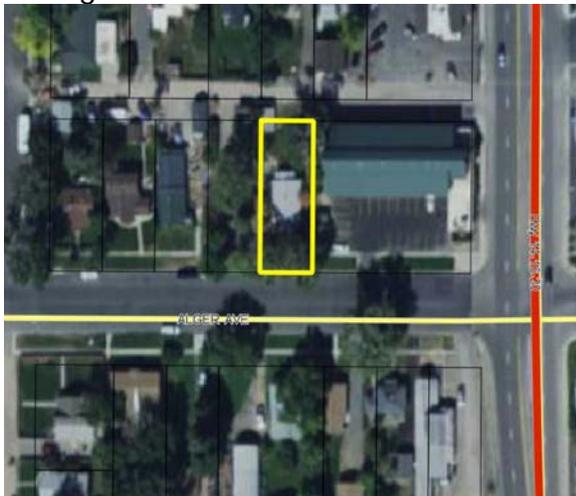
**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	JUNE 9, 2015	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	REQUEST TO REZONE 1625 ALGER AVENUE FROM RESIDENTIAL "B" TO GENERAL BUSINESS (D-2). FILE: ZON 2017-01	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

JJG Investments, LLC, as owner of 1625 Alger Avenue (Lot 21, Block 46 Original Town), has submitted an application to rezone the property from Residential B to General Business (D-2). JJG has an agreement to sell the property to Diane Ballard if the property is rezoned. Diane plans to utilize the property as a short-term rental during the summer months and conduct health support services such as reflexology and massage during the off-season. The subject property is 7,000 square feet in size (50' x 140') and contains a single-family home dated to 1934.

Existing Conditions:



Existing Zoning:



Neighboring Properties:

<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONING</i>
North	Office, chiropractor, house	General Business (D-2) –Pink
East	Antler Inn motel	General Business (D-2)
South	Single-family residences across Alger	Residential B –Green
West	Single-family residence	Residential B

Existing Zoning:

The existing zoning of the property is Residential "B", which allows single-family residences, duplexes, apartments, home businesses, daycare facilities, short term rentals, and a few civic related uses. The planned short-term rental use would not require a rezone. The rezone is to permit the health support services in a structure that is not the home of the health support provider.

PROCEDURE:

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

10-5-1: CITY COUNCIL AUTHORITY: The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing.

The public hearing has been advertised to occur with the Planning and Zoning Board, based on the thought that the Board needs public input in order to make a fully informed recommendation. Notice of the public hearing was published in the *Cody Enterprise* on February 7, 2017 and sent by certified mail to neighbors within 140 feet (plus R/W) on January 30, 2017.

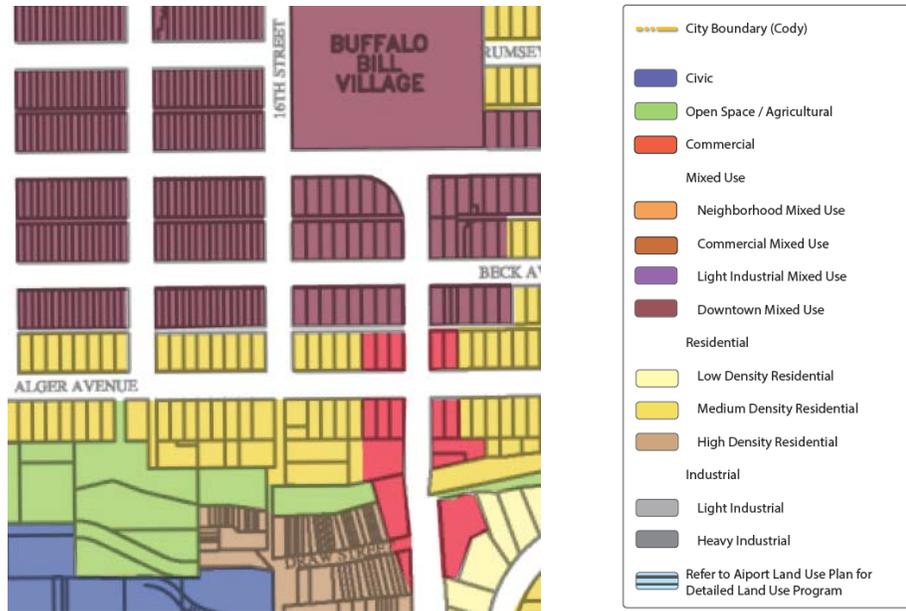
REVIEW CRITERIA:

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

(d) All regulations shall be made:

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

Staff Comment: The City adopted a new comprehensive plan in March of 2014. Per the master plan "*The Future Land Use Map...will be the guide for future zoning and development within the City.*" The portion of the Future Land Use Map for this area is below, which shows the property as medium-density residential and bordering Commercial to the east and Downtown mixed use to the north. However, remember that the boundaries of the land use designations are intended to be flexible. The Master Plan specifically states that, "*the boundaries between land use designation are not rigid and can accommodate reasonable rezone requests that may encroach across boundaries depicted on the map.*"



The Commercial designation on the future land use map effectively corresponds with the General Commercial (D-2) zoning district.

(A) Lessen congestion in the streets;

Staff Comment: There is no significant problem with traffic congestion on Alger Avenue and a rezone of the 7,000-square foot lot is not expected to create significant traffic congestion. It is noted that any “commercial” traffic to or from the site would primarily be through other commercial areas (from 17th Street), and not through the residential areas.

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

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

(C) Promote health and general welfare;

Staff Comment: The zone change would open the opportunity for more jobs, services, and commerce to help meet community needs; thereby contributing to personal and community health and welfare. Whether this can be done without significant impacts to the health or general welfare of persons in the area needs to be discussed. As with many rezone situations, at least a few neighbors are concerned about what potential uses may be established in the future, even though the immediate uses appear to be known.

In the initial discussions about the property, there was a certain uncertainty as to whether D-1 (Limited Business) or D-2 would be the appropriate request. Due to the adjacent commercial properties being D-2, a change to D-2 would simply be an extension of the neighboring zone, so that is how it was advertised.

Upon further analysis, combined with written and verbal comments from neighbors, staff and the potential purchaser (Diane Ballard) have concluded that a rezone to D-1 (Limited Business), rather than D-2 would be adequate.

Some may be concerned that a rezone to D-1 would appear as a spot zone, as there is no immediately adjacent D-1 zoning. Planning Staff does not have that concern, as a single D-1 zoned lot can serve as a suitable transition between more intensive commercial zoning and residential neighborhoods. Serving such a purpose makes the property sufficiently independent to avoid "spot zoning".

Being that the potential purchaser is agreeable to D-1 zoning, the analysis provided herein is based on that zone.

(D) Provide adequate light and air:

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

(E) Prevent the overcrowding of land:

Staff Comment: What constitutes "overcrowding" is subject to personal interpretation. Economics will likely dictate that surface parking will continue to be provided, thereby meaning some of the property will be used for access and parking—and not buildings. In addition, there is a 15-foot buffer and fence requirement for commercial development next to residential zoning that would apply for commercial use of the property (interpreted to be triggered by the health support services, but not short-term rental). The point being, the relatively small size of the property, combined with parking and buffer requirements and the zoning requirements of the D-1 zone limit the scale of development.

(F) Avoid undue concentration of population:

Staff Comment: The property could be utilized for multi-family housing in the present Residential B zone, as well as the D-1 zone. However, parking requirements (2 per 2-bedroom unit) would severely limit the number of potential units.

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

Staff Comment: Transportation access to the property is through a commercially zoned area, directly from a state highway, so the transportation situation is very suitable for accommodating traffic. Water and sewer main lines are to the property. Single-phase electrical service is immediately available. The existing building is connected to all typical utilities. Commercial zoning typically does not increase demand for schools or parks.

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

Staff Comment: While the planned use provides some level of comfort to the neighbors, it is necessary to consider what other uses would have a potential of being conducted on the property under the new D-1 zone. The D-1 zone is less intensive

than the D-2 zone initially contemplated. For example, D-1 does not permit the more intense retail uses like drive-thrus, restaurants, hotels, auto repair, banks, public entertainment venues, and vehicle sales lots. It does however permit most kinds of retail and offices, as well as the contemplated short-term rental and "health studio", which is interpreted to cover the planned reflexology and massage business. The D-1 zone also limits hours of operation to between 6 a.m. and 10 p.m.

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

Staff Comment: The initial contemplated uses, combined with the 15-foot buffer and fence requirement for the commercial activities, will provide some protection to the adjacent residential use. It is noted that any new structures or redevelopment of the property would be subject to Planning and Zoning Board review, with the intent of ensuring suitable consideration of the neighboring residence, as well as compliance with applicable parking and development standards.

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

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

OTHER:

Significant Changes:

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

The property appears to have been located in a residential zone since the time zoning was created in Cody. The motel on the adjacent commercial property was apparently built in 1995, and apparently a smaller hotel existed prior to that time. No other large scale changes have occurred to the immediate area. However, as a city the population, as well as well as the demand for services and commercial activity, has more than doubled.

Proximity to Like Zoning:

The subject property is directly next to other commercial zoning, as opposed to an isolated location.

Public Hearing:

Please note that this staff report was prepared without the benefit of the information that will be provided at the public hearing. All public comments need to be considered. Thus far, of the 17 lot owners in the notice area, the city has received seven (7)

responses of "no objection" and one indicating "objection". Some of the no objections noted the lack of parking. Another letter of "objection" was received from a person on the other end of Alger (2,600' to the west). Copies of all responses are attached. The following map shows "no objection" as green, "objection" as pink, and no written response as white.



ATTACHMENTS:

Application materials, public comments.

ALTERNATIVES:

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

RECOMMENDATION:

The Planning and Zoning Board will need to provide a recommendation to the City Council. Based on the information provided thus far, staff would recommend a rezone to Limited Business (D-1).

JJG Investments LLC
Josh, Jessica and Gordie Allison

January 25, 2017

City of Cody
Council and Planning and Zoning Board
PO Box 2200
Cody, WY 82414

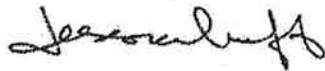
Dear Cody City Council and Planning and Zoning Board,

We are requesting a zone change for 1625 Alger Avenue, from "B" Residential to "D-2" General Business.

Rusty and Diane Ballard plan to purchase this property. They plan to rent the home to travelers as a vacation rental during the summer months. On the off-season, they plan to offer health support services such as reflexology and massage. This type of health support business will easily fit in with the many neighboring "D-2" businesses and will be very low impact to nearby "B" residences.

Thank you for your consideration.

Best Regards,



Josh, Jessica and Gordie Allison

McGee
1102 Alger Ave. ←
Cody, Wy 82414

2-15-17

Dear Planning and Zoning Board Members,

I am writing to oppose the proposed zone request from JJG Investment for 1625 Alger Ave. (Lot 21, block 46 Original Town), As I understand the request, it is to change to a D2 (General Business).

Alger Ave. is one of the oldest streets in Cody and is worthy and historical to keep as is. I realize this property is beside a motel and across the street from a thrift store – thus a commercial mindset is established. It is also near the Greybull Highway. Rezoning this property will increase traffic, parking and impact property value.

Zones are there for a reason – to keep downtowns commercial and to keep our residential\neighborhoods viable and safe. First one house is rezoned, then in a few years, the next door neighbor's house is rezoned, then in a few more years, the next door neighbor's house is rezoned and on and on until the entire street is Commercial. This is how it begins. It's a morph! I have seen this happen on Beck Ave. over the course of the past 40 years or so. It has been painful and tragic to watch this transition.

We have just gone through a rezoning phase (again) in Cody. Those of us who are vigilant and dedicated to keeping our residential neighborhoods as is are constantly on the alert. There are many other properties in Cody that are already zoned D2. Perhaps the petitioner should consider one of these properties, rather than change Alger Ave. further.

To reiterate and state strongly, I oppose the zone change as requested for 1625 Alger Ave. I am hoping you will see this request in the eyes of a neighbor. You live in these neighborhoods too. For future families and neighbors, please be proactive!

Thank you for the opportunity to express my concerns.

 Sincerely,
Maryann McGee
42 years on Alger Ave.

RECEIVED

FEB 17 2017

CITY OF CODY

Letter to Neighboring Properties within 140 Feet

Please return this letter by: February 21, 2017

Date: January 30, 2017

RE: **ZONE CHANGE REQUEST**

Applicant Name(s): JJG Investments, LLC Contact (Diane Ballard) Phone #: (307) 272-8744

Address/Location & Legal Description: 1625 Alger Avenue, Cody (Lot 21, Block 46, Original Town)

Description of Request: Rezone the subject property from Residential B to General Business (D-2)

A Public Hearing will be held before the Planning and Zoning Board at their regularly scheduled meeting on Tuesday, February 28, 2017 at 12:00 p.m. (noon) in the City Hall Council Chambers at 1338 Rumsey Avenue, Cody, WY.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of 1626 ALGER AVE Cody
(Address or Legal Description of property)

I have NO OBJECTION to the zone change.

Name: William J. Post

Comments: _____

I OBJECT to the zone change:

Name: William J. Post

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Please return to:

City of Cody
Attention: Community Development Department
PO Box 2200
Cody, WY 82414

Letter to Neighboring Properties within 140 Feet

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Date: January 30, 2017

RE: **ZONE CHANGE REQUEST**

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(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of 1608 Alger Ave.
(Address or Legal Description of property)

I have **NO OBJECTION** to the zone change.

Name: Bill + Penny Blake

Comments: Parking could become an issue in the future with the several rental properties next door to the west + rear of the property.

I **OBJECT** to the zone change:

Name: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: blakesportraitstudio@gmail.com

Please return to:

City of Cody
Attention: Community Development Department
PO Box 2200
Cody, WY 82414

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Date: January 30, 2017

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Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of 1634 Alger Avenue, Cody, Wyoming
(Address or Legal Description of property) (Lot 21, Block 46 Original Town)

I have **NO OBJECTION** to the zone change.

Name: Linda Lynch Johnson

Comments: This change will improve the value of my property.

I **OBJECT** to the zone change:

Name: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: lljohnson@bresnan.net

Please return to:

City of Cody
Attention: Community Development Department
PO Box 2200
Cody, WY 82414

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Please return this letter by: February 21, 2017

Date: January 30, 2017

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(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of 1613 Alger
(Address or Legal Description of property)

I have **NO OBJECTION** to the zone change.

Name: L. Gary STINSON

Comments: _____

I **OBJECT** to the zone change:

Name: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Please return to:

City of Cody
Attention: Community Development Department
PO Box 2200
Cody, WY 82414

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(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of Nieters Rentals LLC 1206-1214 16th ST
(Address or Legal Description of property)

I have **NO OBJECTION** to the zone change.

Name: Tim Nieters Nieters Rentals LLC

Comments: _____

I **OBJECT** to the zone change:

Name: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Please return to:

City of Cody
Attention: Community Development Department
PO Box 2200
Cody, WY 82414

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(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of 1614 Alger Ave
(Address or Legal Description of property)

I have NO OBJECTION to the zone change.

Name: Sharon F Porter

Comments: _____

I OBJECT to the zone change:

Name: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Please return to:

City of Cody
Attention: Community Development Department
PO Box 2200
Cody, WY 82414

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Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of 1201 17th St. Cody WY 82414 (Hong Kong Restaurant)
(Address or Legal Description of property)

I have **NO OBJECTION** to the zone change.

Name: STEVEN LAM & Annice LAM

Comments: _____

I **OBJECT** to the zone change:

Name: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Please return to:

City of Cody
Attention: Community Development Department
PO Box 2200
Cody, WY 82414

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Dear Board Members:

I am familiar with the proposal by JJG Investments to rezone the property noted to General Business (D-2).

I am the legal owner of _____
(Address or Legal Description of property)

I have **NO OBJECTION** to the zone change.

Name: William Holly, Big Bear motel LLC

Comments: 1638 Alger Ave Cody, WY 82414

I **OBJECT** to the zone change:

Name: _____

Reason for Objection: _____

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Please return to:

City of Cody
Attention: Community Development Department
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Cody, WY 82414

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

MEETING DATE:	FEBRUARY 28, 2017	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: BOMGAARS OUTDOOR SALES AREA AND LANDSCAPING PLAN FILE: SPR 2017-04	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

The property at 2121 17th Street that was the former location of Kmart has been purchased by Bomgaars, which company operates 81 stores in the central states region. Bomgaars has submitted an application to add a fenced outdoor sales area, measuring 90 feet by 220 feet, to the north side of the building. The outdoor sales area would contain farm and ranch, garden, landscaping, and similar supplies. In addition, a new landscaping plan for the property has been submitted for approval. The plans are attached.

REVIEW CRITERIA:

The property is located in the General Business (D-2) zoning district, which permits various types of retail and commercial facilities. It is also within the Entry Corridor Overlay District, which has specific requirements to provide landscaping when uses are established or expanded.

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.

STAFF COMMENTS:

The subject property contains the 54,866 square-foot building formerly occupied by Kmart, as well as a Rocky Mountain Mudd coffee stand. The surrounding area is as follows:



<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONE</i>
North	Hotel and duplexes across Meadow Lane Avenue.	D-2 Residential 'A' west of 16 th St.
East	McDonalds. Hotel across highway.	D-2
South	Strip mall.	D-2
West	Vacant.	D-2

Site Plan/ Architecture:

The proposed fencing that would form the outdoor sales yard is standard 6-foot chain link, with 20-foot wide gates on the east and west ends, to allow through traffic. There is no barb-wire extension on top of the fence. To give an idea of what the outdoor sales yard may look like, here are a few Google street view shots of other Bomgaars locations:



It is noted that the apparent business model of Bomgaars in to purchase vacant big-box stores, such as former Kmart and ALCO stores. The point being, they have to work with what is already there, which somewhat limits options.

Access and Parking:

No changes to access or parking are proposed or expected. More than the minimum number of parking spaces are provided. The existing parking spaces will be repainted where they are. It is noted that the standard parking spaces and aisle widths comply with the City's dimensional requirements. However, the ADA spaces do not meet current code, as current code requires: ADA unloading areas in angled parking to always be on the passenger side; and a layout that does not require a handicapped person to go around the back of another person's vehicle to get to the ADA access route (usually met by providing a 3-foot wide pathway at the front of the vehicle). It is also noted that seven ADA parking spaces are shown where only six are required. As the plan is to simply repaint the spaces, they are not required to be modified to meet current code. However, the applicant may want to consider modifying the spaces, which would involve minor striping changes and moving the ADA sign posts. If reconfiguration is desired, simply work with the Community Development Department on the layout and signage.

To mention another pre-existing situation, the applicant may want to reconstruct the north driveway, as presently, low-clearance vehicles (about anything not a pickup or SUV) and vehicles with trailers often bottom out/ scrape the pavement when they use that entrance.

Storm Water Plan:

There is no increase in impervious surface, or changes in grade, so no modifications to the existing storm water system are required.

Utility Services

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

Signage

A separate sign package was submitted and has been granted zoning authorization. A building permit is needed for the installations.

Setbacks/Buffer

No zoning setbacks or buffers are required for this project.

Landscaping

The main landscaping area, which would be along the highway, is proposed to contain a total of 64 plants, including perennial flowers, groundcovers, shrubs, and decorative grasses placed in a bed of 2-4" sized river rock. Ten landscape boulders would also be

installed. Due to a lack of water out in that area, the applicant plans to water by hand.

Two smaller landscape areas would be located at the north entrance, but would only contain the river rock. All landscape areas would have a quality weed mat.

Interpretation of the landscaping requirements to this property is not as clear as staff would wish. If the landscaping is viewed as establishing new landscape areas, application of the entry corridor overlay requirements would mean 3,218 square feet of landscaping is triggered by the expanded sales area, and $\frac{3}{4}$ of that would need to be within the property. Refer to Section 10-17-5 of the City of Cody code for the full landscaping requirements. (15,380 sq. ft. increase in sales area and 54,866 existing sales area/building= 28% increase. 5% of 229,605 sq. ft. property is 11,480 sq. ft. and 28% proportional compliance = 3,218 sq. ft. of landscaping triggered by sales area expansion.) The applicant proposes 8,440 square feet of landscaped area, which is more than double the area required, but almost none of that is within the property.

Alternatively, it could be argued that the applicant is simply wanting to rejuvenate former landscaping areas, which in total provide the 5% of landscaping required by the entry corridor overlay ordinance (well almost—just 40 square feet short), but the areas unfortunately do not meet the requirement to be at least $\frac{3}{4}$ within the property.

Without getting too complicated, effectively the issue relates to former landscape areas that have been allowed to deteriorate, and/or had plant material removed, a number of years then pass and the applicant wishes to use re-landscape those areas to satisfy the current entry corridor landscaping requirements, although they may be almost entirely in the street right-of-way instead of within the applicant's property. In practice the property owner should have been required to maintain those former landscape areas, pursuant to city code, and they would not have been allowed to deteriorate.

Provided the Board agrees that this situation is simply a rejuvenation of the former landscape areas, only 40 square feet of landscaping beyond what is planned would be required. Although several options are available, the simplest method would be to install the 40 sq. ft. around the freestanding sign base, which will be within the property and at the north end of the landscaping in the highway right-of-way.

Any landscaping within the right of way further requires an encroachment permit from WYDOT or public works, as applicable.

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. Provide an additional 40 square feet of landscaping, which must be within the property.
2. Obtain the necessary encroachment permits for installing the landscaping in the Meadow Lane Avenue and Highway 14/20 rights-of-way.
3. Obtain a fence permit for installation of the 6-foot fence that will form the outdoor sales yard.
4. Otherwise comply with the submitted site plan and project description.



February 16, 2017

Mr. Todd Stowell
City of Cody
Planning & Zoning
PO Box 2200
Cody, WY 82414

Subject: **Bomgaars Retail Store – Lot 7 Beck Lake Plaza Subdivision**

Dear Todd:

We recently submitted our Commercial Site Development Application for your consideration. Please refer to the enclosed site plan, which shows our proposed improvements:

1. Removal of 100 LF of existing chain link fence and installation of 375 LF of new 6' high chain link fence with two cantilevered 20' wide gates on the east and west sides of the fence. Gail Construction will submit a fence permit to construct this fence.
2. Restriping of the parking lot (all spaces 10' x 20'). Proposed spaces – 7 handicap (two van accessible) and 185 regular parking spaces (1 space per 300 sf retail) – more than the required 174 regular spaces and 6 handicap spaces.
3. Interior building construction will be completed by Gail Construction.
4. Sign application/permit will be submitted at a later date.

We are excited about filling this location and providing this retail service to the residents of Cody, Park County, and traveling visitors. We understand that this location is within the City's Entry Corridor Overlay District and as such, is a main gateway to the City of Cody. We wish to provide a store entry that is pleasing to the eye, but also easy to maintain. After review of the building property, there is no existing irrigation system whatsoever. The water supply is located in the southeast portion of the building and there is only one hose bib located in the existing garden center. Providing any type of irrigation system would require a significant and very expensive undertaking under existing pavement.

To further complicate the issue, all of the areas which could be landscaped are within either WYDOT or City right-of-way. WYDOT has specific restrictions relating to any type of landscaping or irrigation within their right-of-way (ROW). Below is a summary of the square footages in various areas on the property:

Expanded Outdoor Retail/Exterior Storage Area on North Side

Current developed area on north side of building (shed, concrete, fenced area) – 4,420 sf

Area enclosed with new 90' x 220' fence – 19,800 sf

Net new outdoor retail/storage area – 19,800 sf – 4,420 sf = 15,380 sf

bomgaars

Proposed Landscaped Areas

Area within WYDOT ROW – 6,560 sf

The area within WYDOT ROW is the most visible to the traveling public. Any work in this area also requires Landscape Agreement to be permitted through WYDOT. The work included in this area is as follows:

1. Remove all existing rock and other materials and scarify ground.
2. Install weed mat in entire area.
3. Install 2" to 4" diameter river rock.
4. Occasional 2' diameter boulders will be placed to provide dimension (subject to WYDOT approval).
5. Install plant materials per the enclosed landscaping drawing, including details of plant materials. Topsoil and mulch will be provided as needed.
6. The plant materials selected are xeriscape requiring minimal watering. Bomgaars owns portable water equipment and will be able to hand water this area. We will ensure that this area maintains a pleasant appearance and that the plants are well maintained.
7. This proposal will require WYDOT approval and a WYDOT Landscape Agreement, which we would like to submit as soon as possible to avoid delay in their processing.

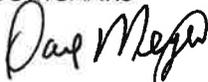
Area between curb/gutter and pavement on Meadow Lane (generally City ROW) - 940 sf x 2 = 1,880 sf

The area adjacent to Meadow Lane will be landscaped with 2" to 4" diameter river rock over weed mat from the entry to the McDonald's property on the east and for the same distance (100') to the west. Occasional 2' diameter boulders will be placed to provide dimension to the entry.

We are proposing to improve 8,440 sf of area at both of our entries, which is more than double the City's required square footage. The estimated costs to complete this work is \$15,000 – this does not include our cost to hand water this area. We have estimated hand watering three times a week for the first summer, with spring and fall cleanups and pulling weeds as needed. Future years should require less watering once plants are established.

We hope these proposed improvements meet with the City of Cody's P&Z approval. Our company takes great pride in the appearance of our stores, and we look forward to a long relationship with the City of Cody and its residents. Please do not hesitate to contact me at 712-898-5114 if you need any additional information.

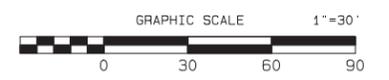
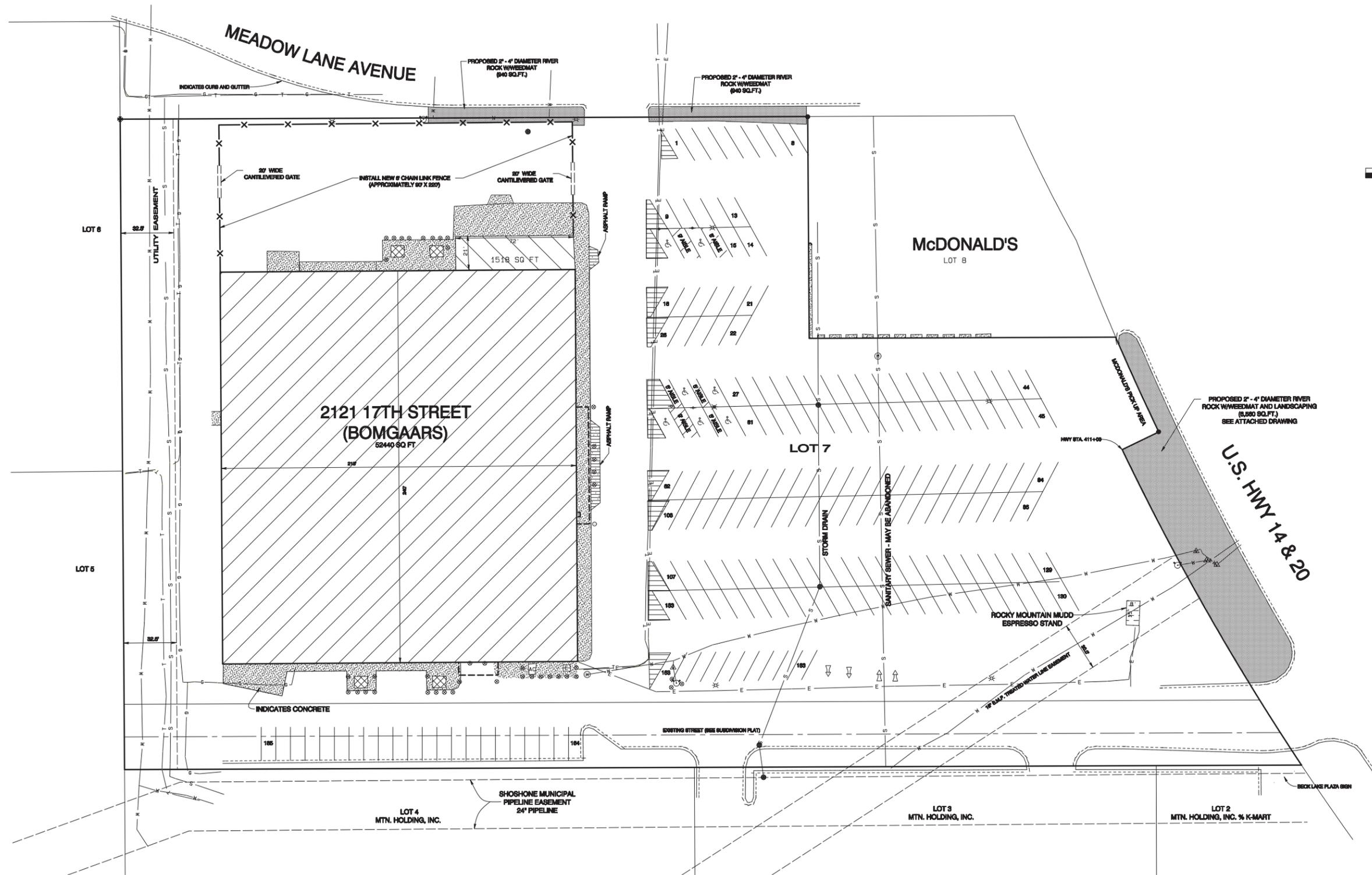
Sincerely,
BOMGAARS



Dave Meyer
Sr. VP, COO

encl: 12 copies of Site Plan, Landscaping Plan and Plant Information

cc: Theresa Gunn, Morrison-Maierle
Doug Gail, Gail Construction
Kendra Morris, Pollen Landscape & Garden Design



LEGEND

- INDICATES REBAR WITH ALUM. CAP FOUND
- INDICATES IRON PIPE W/ SCREW FOUND
- INDICATES CONCRETE FILLED GUARD POST
- INDICATES TELEPHONE BOX T
- INDICATES GAS METER G
- INDICATES OVERHEAD LIGHTING POLE *
- SEWER MANHOLE M
- WATER METER BOX W
- FIRE HYDRANT F
- WATER VALVE V
- STORM DRAIN DROP INLET MH S
- INDICATES WATER LINE PIPELINE W
- INDICATES GAS NATURAL GAS LINE G
- INDICATES SANITARY SEWER S
- INDICATES BURIED TELEPHONE CABLE T
- INDICATES BURIED ELECTRIC CABLE E
- INDICATES FENCE X
- INDICATES GUARD RAIL O
- INDICATES PINE TREE *
- INDICATES VENTILATION UNIT X
- INDICATES SIGNAGE S

- NOTES:**
1. AREA IS ZONED D-2 (GENERAL BUSINESS).
 2. THERE ARE 188 MARKED PARKING SPACES, 7 OF WHICH ARE HANDICAP (2 VAN ACCESSIBLE).
 3. THE BOUNDARY WAS BASED ON RECORD DIMENSIONS AND PREVIOUS SURVEY INFORMATION. THE SCOPE OF WORK ON THIS PROJECT DID NOT INCLUDE BOUNDARY RETRACEMENT. (2001)
 4. LOCATION OF UTILITIES ARE APPROXIMATE, SURVEYED FROM LOCATES PROVIDED BY UTILITY COMPANIES. INFORMATION SHOWN IS FROM A PREVIOUS SURVEY (2001).

SITE PLAN

SHOWING PROPOSED BOMGAARS IMPROVEMENTS

	1408 Bongaars Avenue Cody, WY 82404 Phone: 307.557.8881 Fax: 307.557.8888	NEXT GENERATION PROPERTIES OF NEBRASKA, LLC LOT 7, "BECK LAKE PLAZA" SUBDIVISION WITHIN LOT 62, T. 82 N., R. 101 W., 6TH P.M. CITY OF CODY, PARK COUNTY, WYOMING (RESURVEY)
	FIELD WORK: MVA DRAWN BY: BMM CHECKED BY: TAG	DATE: 02/14/2017 SCALE: 1"=30' PROJ. #: 5898

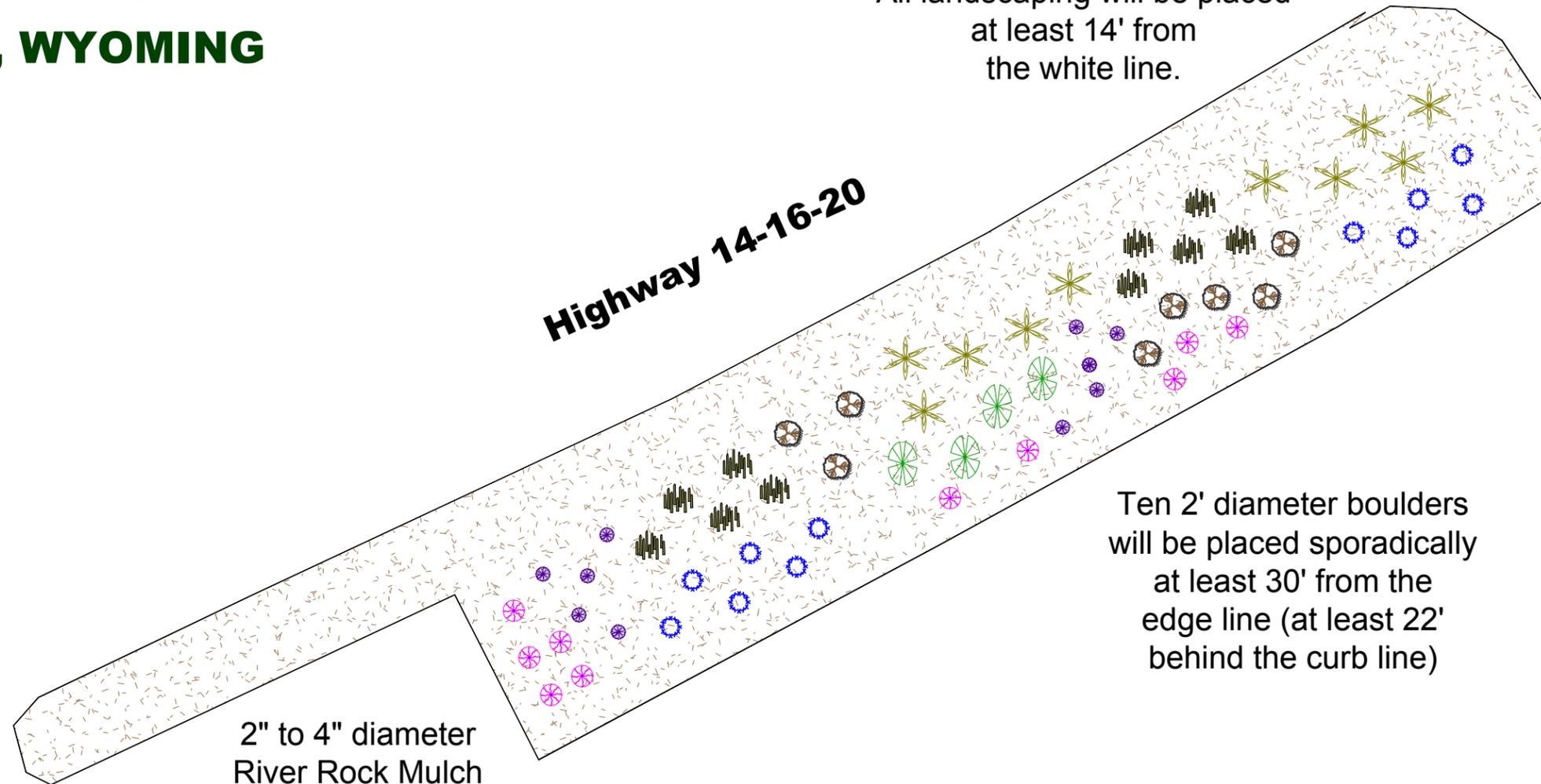
DRAWING NAME: J:\5898 Bongaars\001 Site Plan for City\Terramodel\Bongaars Revised.dwg

EXHIBIT A

2121 17TH STREET

CODY, WYOMING

White/edge line is approximately 8' from the edge of curb on the highway side.
All landscaping will be placed at least 14' from the white line.



2" to 4" diameter River Rock Mulch with weed mat below will be placed in shaded area throughout

Ten 2' diameter boulders will be placed sporadically at least 30' from the edge line (at least 22' behind the curb line)

Legend		
	Common Name	Qty
Flower, Perennial		
	Catmint	11
	Coneflower, Purple	11
	Penstemon, Hill Country	10
	Yarrow 'Moonshine'	10
Groundcover, Grass		
	little bluestem	4
	reed grass, avalanche	10
Shrub, Evergreen Broadleaf		
	dwarf blue rabbitbrush	8

Design Notes:

Any changes or suggestions are welcome.
If plant substitutions need to be made similar plant material and size need to be chosen with like water and light needs.
Weed mat and rock for mulch are to be used.
Supplemental hand watering will be required.



Coneflower, Purple

Echinacea purpurea



Classification	Flower, Perennial
Height	36" (90 cm)
Width	3' (90 cm)
Color	Deep rose-pink to purple petals, dark centers
Flower Color	Pink, Purple
Flower Season	Summer, Late Summer, Early Fall, Fall
Sun	Full Sun
Soil	Well-drained, especially in winter, fertile
Climate Zones	3,4,5,6,7,8,9,10
Care Information	

Description Vigorous native flowering perennial. Daisy flowers have raised centers, slightly reflexed petals. Leaves are dark green with whitish undersides. Tolerates heat and drought. Grow in border, natural planting, for cutting.

Penstemon, Hill Country

Penstemon triflorus Heller



Classification	Flower, Perennial
Height	36" (90 cm)
Width	
Color	
Flower Color	
Flower Season	
Sun	
Soil	
Climate Zones	5
Care Information	

Description Heller's beardtongue or Hill Country penstemon is 1 1/2-2 ft. tall. Its brilliant red flowers, 2 in. long, are among the most showy of the genus. Pairs of dark-green leaves occur opposite each other along the stem. The two-lipped flowers also occur in pairs. Small bushy stature, intense red color, and largeness of flowers set this penstemon apart from others.

Yarrow 'Moonshine'

Achillea clypeolata



Classification	Flower, Perennial
Height	24" (60 cm)
Width	6' (1.8 m)
Color	
Flower Color	Yellow
Flower Season	Summer, Late Summer, Early Fall, Fall
Sun	Full Sun
Soil	This plant will grow in dry soil. Suitable soil is well-drained/lo
Climate Zones	3,4,5,6,7,8
Care Information	Little to moderate water.

Description Fern-like foliage can be found on this clumping perennial, named after Achilles, the hero of Greek mythology, who is said to have known of its wound-healing qualities. Moonshine has bright yellow flowerheads over silvery foliage. Great for cut flower arrangements, grows to 2' high.

Catmint

Nepeta



Classification	Flower, Perennial
Height	36" (90 cm)
Width	3' (90 cm)
Color	Light silvery green leaves
Flower Color	Blue
Flower Season	Spring, Summer
Sun	Full Sun, Light Shade
Soil	Adaptable. Average moisture, well-drained.
Climate Zones	4,5,6,7,8
Care Information	

Description Catmint, or Nepeta, is a lovely perennial - scruffy, scented, much loved by cats and gardeners. It's easy to propagate and equally easy to rip out if you get sick of it. And if you remember to trim it back you'll get a second flowering.

dwarf blue rabbitbrush



Classification	Shrub, Evergreen Broadleaf
Height	24" (60 cm)
Width	24"
Color	
Flower Color	
Flower Season	
Sun	
Soil	
Climate Zones	3,4,5,6
Care Information	

Description

little bluestem



Classification	Groundcover, Grass
Height	24" (60 cm)
Width	24"
Color	
Flower Color	
Flower Season	
Sun	
Soil	
Climate Zones	3,4,5,6
Care Information	

Description

reed grass, avalanche



Classification	Groundcover, Grass
Height	24" (60 cm)
Width	36"
Color	
Flower Color	
Flower Season	
Sun	
Soil	
Climate Zones	3,4,5,6
Care Information	Variegated Feather Reed Grass with white center of leaf. Shorter than Overdam Reed Grass.

Description
