

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
WEDNESDAY, AUGUST 8, 2017  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

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 July 25, 2017 regular meeting.
  
6. NEW BUSINESS:
  - A. Downtown Architectural District Sign Review – Yellowstone Out West, located at 1225 Sheridan Avenue.
  - B. Public Hearing for a Conditional Use Permit, for an Auto Detailing Shop, located at 1714 32nd Street.
  - C. Conditional Use Review – Operate an Auto Detailing Shop, located at 1714 32<sup>nd</sup> Street, within an existing garage.
  - D. Minor Subdivision – McCue Subdivision, a 2 lot subdivision, located at 3201 Reesy Road, which is outside of City limits, but within the one mile area of joint subdivision review.
  
7. P&Z Board Matters (announcements, comments, etc.).
  
8. Council Update:
  
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, July 25, 2017**

A meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, July 25, 2017 at 12:00 pm.

Present: Steve Miller, Chairman, Kayl Mitchell, Heidi Rasmussen, Richard Jones, Buzzy Hassrick, Karen Ballinger, Council Liaison, Sandra Kitchen City Deputy Attorney, Todd Stowell, City Planner; Bernie Butler, Administrative Assistant.

Absent: Curt Dansie, Reese Graham, Glenn A. Nielson

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

Richard Jones made a motion, seconded by Kayl Mitchell, to approve the agenda for July 25, 2017, with one change. Item 6 A under New Business, should say "Tabled" instead of "Continued". Vote on the motion was unanimous, motion carried.

Kayl Mitchell made a motion, seconded by Heidi Rasmussen, to approve the minutes for the July 5, 2017 meeting. Vote on the motion was unanimous, motion carried.

Richard Jones made a motion, seconded by Buzzy Hassrick, to remove Item 6 A (Site Plan Review for a new steel building, located at 183 Blackburn Avenue) from the table. Vote on the motion was unanimous, motion carried.

**TABLED ITEM:**

A. Todd Stowell presented a Site Plan Review for a new steel building (6000 sq. ft.) located at 183 Blackburn Avenue.

The applicant stated he may use the 2418 G Street address instead of 183 Blackburn Avenue. Todd Stowell said that it could be addressed off of G Street since it is a corner lot. The address will be assigned with the building permit.

Richard Jones, seconded by Heidi Rasmussen to approve the site plan application for a new steel building, located at 2418 G Street, with the following recommendations:

1. The applicant must provide an updated site plan in conjunction with, or prior to, the building permit. The site plan must include ADA parking, access, and signage details; dimensioned parking spaces with wheel stops; surfacing details; the routes of all utility service lines; and, truck unloading area if needed. Staff is authorized to review the updated plan for compliance.
2. All exterior lighting must be full cut-off style, and modest in intensity.
3. The applicant will have an architectural entry way to the building.

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

Vote on the motion was unanimous, motion carried.

#### NEW BUSINESS:

B. The Public Hearing for a Special Exemption to the minimum dwelling size, located at 1514 18<sup>th</sup> Street. began at 12:11 p.m.

There were no comments from the public.

The Public Hearing for a Special Exemption to the minimum dwelling size, located at 1514 18<sup>th</sup> Street. was closed at 12:12 p.m. with no additional public comments submitted.

C. Todd Stowell presented a Special Exemption to the minimum dwelling size, to construct a 460 square foot (22' x 21') dwelling, located at 1514 18<sup>th</sup> Street, within an existing 924 square foot garage.

Richard Jones made a motion, seconded by Kayl Mitchell, to approve the Special Exemption, that has met Review Criteria (a) through (f) on the Staff Report, to allow construction of a 460-square foot dwelling within the existing garage at 1514 18<sup>th</sup> Street, as proposed, subject to the following recommendations:

1. Application for a building permit, and compliance with all applicable building and fire codes.
2. Applicable utility fees are to be paid at the time of building permit.

Vote on the motion was unanimous, motion carried.

D. Todd Stowell presented a Minor Subdivision, preliminary plat review, for the Holm View Addition No. 6, a 2 lot subdivision, located at 2901 Sheridan Avenue.

Buzzy Hassrick made a motion, seconded by Heidi Rasmussen, to approve the Holm View Addition No. 6 Minor Subdivision, subject to the following conditions:

1. Pay applicable utility fees (Minimum two, ¾" water tap fees) prior to the mayor signing the final plat.
2. Remove Note 8.
3. Include the Future Road Improvement District language of 11-4-2(Q) on the final plat in the Owner's Certificate, committing Lot 2 to participate in any future improvement district for Cougar Avenue.
4. Place the following notes on the final plat:
  - a. The owner of Lot 2 is responsible for construction of Cougar Avenue along the lot frontage to a half street standard, with a minimum 24-foot wide asphalt width, plus curb, gutter, streetlights, and storm water system. Construction shall be in accordance with the engineered plans for Cougar Avenue now held by the City. This construction of Cougar

Avenue shall occur upon further development of the property with anything more than a single-family residence and related accessory buildings, and be completed prior to occupancy of such development. In lieu of direct construction, the owner of Lot 2 may participate proportionally in any project that includes full construction of Cougar Avenue along the property frontage to City standards. This note shall not preclude the City from constructing or participating in the construction of Cougar Avenue with other sources of funding.

- b. Utility services have not been provided to the lots. The property owner is responsible for engineering and installing all necessary improvements (main extensions, service extensions, etc.) to provide development of their lot with sewer, water, power and other desired utilities in accordance with the requirements of the utility providers.
- c. The owner of Lot 2 is responsible to pipe the Watkins Ditch Lateral across the lot at such time as the lot is developed with anything more than a single-family residence and related accessory buildings. Construction shall be to the requirements of the Cody Canal Irrigation District.

Vote on the motion was unanimous, motion carried.

P & Z Board Matters – none

Council Updates – none

Staff Items –

Heidi Rasmussen made a motion, seconded by Kayl Mitchell 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 12:45 p.m.

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Bernie Butler, Administrative Assistant

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

<b>MEETING DATE:</b>	AUGUST 8, 2017	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	DOWNTOWN ARCHITECTURAL DISTRICT SIGN REVIEW. YELLOWSTONE OUT WEST SGN 2017-16	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Miron Harush of Yellowstone Out West, located at 1225 Sheridan Avenue, has submitted an application to install a 6-foot by 6-foot wall sign on the building, as depicted below.



**REVIEW CRITERIA:**

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

The sign(s) must also comply with applicable provisions of the sign code.

**STAFF COMMENTS:**

The downtown sign district permits 1.5 square feet of wall sign per linear foot of street frontage. The property has 25 linear feet of street frontage which would allow 37.5 square feet of wall sign. The proposed size is 6 feet by 6 feet to the perimeter. The

cured portion at the top of the sign is apparently included in the six feet, which would mean the sign is less than 36 square feet in size.

The sign company at one time mentioned that the applicant may want to wrap the perimeter of the sign with an LED rope light. The board should ask the applicant if this is part of the proposal, and if so, for details on the rope light.

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. The sign design is of professional construction, and will meet applicable code requirements for size and location.

**ALTERNATIVES:**

Approve the wall sign, with or without making recommendations and suggestions.

**RECOMMENDATIONS:**

Approve the wall sign as proposed.

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

<b>MEETING DATE:</b>	AUGUST 8, 2017	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	CONDITIONAL USE REQUEST FOR LARGE-SCALE HOME OCCUPATION (AUTO DETAILING) IN THE R2-MH ZONE: ANTHONY PEASE, 1714 32 <sup>ND</sup> STREET. CUP 2017-09	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Anthony Pease has submitted a Conditional Use application to operate an auto detailing/washing business within an existing 896 square foot garage at 1734 32<sup>nd</sup> Street. The property is 0.81 acres in size and within the R-2MH (Medium-Low Density Manufactured Home) zoning district, which permits large-scale home occupations through the conditional use permit process. The home occupation is within the "large-scale" category due to its size (over 500 sq. ft.) and location in an accessory building.

Existing Conditions:



**REVIEW PROCEDURE:**

Conditional use requests are considered and determined by the Planning and Zoning Board using the criteria outlined in Section 10-4-1 of the City Code, after holding a public hearing. In addition, there are supplementary development standards for large-scale home occupations, as outlined in Chapter 10-8 of the City Code. Notice of the public hearing was provided as required, at least 10 days prior to the meeting by

publication in the Cody Enterprise (July 27) and mailing to neighboring property owners within 140' (July 24).

**REVIEW CRITERIA:**

The supplemental standards for large-scale home occupations are listed below with staff comment.

- a. *The home occupation must be clearly incidental and accessory to the residential use.*  
Staff Comment: In other words, the property must be a residence first and primarily, and any business activity must be of a nature and level that is secondary. This determination can be based on a combination of factors, such as the size of the buildings, and general level of business activity. In this instance, the garage where the business will be operated is 896 square feet and the property contains two residences—one at 1,606 square feet and the other of similar size. Therefore, the size of the business activity is clearly smaller than that of the residential areas. The level of activity of the business is proposed at 2-3 vehicle details a day, by two people that live in the house next to the garage. Provided the business is conducted as proposed and in compliance with the standards below, it is not expected that the level of activity would appear greater than a typical active residence.
- b. All on-premise work and storage areas must be conducted within the home, garage, or an accessory structure.  
Comment: Met, as proposed. Even the vehicle washing is proposed to occur within the accessory garage, so as to maintain compliance with this requirement.
- c. All on-premise activities related to the home occupation are to be conducted only by members of the household, provided up to two non-resident employees may work on the premises, when authorized through the conditional use permit review.  
Comment: Both persons are members of the household living in the house next to the accessory garage. No non-resident employees are proposed.
- d. No structural alteration or addition may be made to accommodate the home occupation, unless it is made in such a manner that the area would be suitable for typical residential purposes if it were not occupied by the home occupation.  
Comment: No structure alterations are proposed or appear to be required. It is noted that the electrical receptacles in the wash area need to be GFCI protected, weather resistant rated, and provided with water proof covers.
- e. No equipment shall be installed, no products shall be stored, and no activities shall be conducted in the dwelling or attached garage that would violate the fire or building code limitations for a non-rated wooden structure (Construction Type V-B), regardless of the construction type of the dwelling. Any accessory structure used in the home occupation shall meet the fire and building code requirements applicable to its use.



Comment: Met.

- f. No offensive noise, vibration, smoke, dust, odor, glare, electrical interference, or other detriments to neighboring properties or dwelling units shall be produced.  
Comment: While the business would utilize some noise generating equipment (vacuums, buffers), they will be used inside the building. Provided the doors remain closed during such activities, no significant noise impacts are expected.
- g. There shall be no exterior indication of the home occupation, other than those indications complying with #h through #l below.
- h. No more than a total of four vehicles/trailers associated with the home occupation (including employee vehicles) shall be at the premises at any time.  
Comment: Proposal is for 2-3 vehicles per day.
- i. Any vehicle or trailer associated with the home occupation that is not a typical passenger car or pickup must be parked off-street. Furthermore, vehicles and trailers are not to occupy any area within the front yard that is not designed for parking (e.g. no parking on the front lawn).  
Comment: Met. Parking of customer vehicles will occur in an existing parking area north of the building.
- j. The combined number of customer and employee visits to the property shall not typically exceed eight (8) per day, and they shall not typically occur earlier than 7:00 a.m., nor later than 7:00 p.m. For calculation purposes, each customer or employee visit shall count as one visit. In situations where a person is dropped off and later picked up, it shall count as only one visit, as the customer is the person visiting, not the one dropping off and picking up (e.g. a parent dropping off a child at music lessons and later picking them up).  
Comment: Applicant is willing to comply with hours of operation. Customer visits are expected at 2-3 per day.
- k. On-street parking that is available along the property frontage may be authorized to satisfy needed customer/visitor parking, when such will not create a significant safety concern. If more customer/visitor parking is needed than can be provided along the property frontage, it must be provided on site.  
Comment: Adequate on-site parking is provided.
- l. Signage must comply with the provisions set forth in City of Cody sign code.  
Comment: The sign code allows a "home occupation" wall sign of up to 150 square inches and a "nonresidential" freestanding sign of 6 square feet.

Other: Certain uses are not permitted as large-scale home occupations. Auto detailing/washing is not on that list.

CONDITIONAL USE CRITERIA:

The conditional use standards of review are found in Section 10-14-1(D) of the City of Cody Code, and are listed below, with staff comments provided. The Board has authority to approve, impose conditions on, or deny conditional use applications. The Board is to base its determination upon the following considerations.

1. *Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?*

Comment: Yes. The .81-acre size of the property easily allows for compliance with applicable development regulations, including area for the necessary customer parking.

2. *Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?*

Comment: Neighbor comment is often an indicator of compatibility, and also serves to identify specific issues that may need mitigated.

As of the time of the staff report, three neighbors have submitted written comments—all of which indicate “no objection”. The map indicates the location of the responses, with green indicating no objection and white no response. Comments at the public hearing will also need to be considered.



3. *Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?*

Comment: As noted in the home occupation standards, no excessive traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts are expected due to the primary business activity occurring indoors.

4. *Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, storm water facilities, and sidewalks/pathways?*

Comment: Yes. All standard utilities and public facilities are available.

5. *Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?*

Comment: No such additional costs are anticipated, subject to the following. The applicant has mentioned a future plan to drain the wash water into the city sewer system. An oil/sand trap would be needed in that system to avoid additional costs and impacts to the City sewer system. The applicant is aware of the requirement and intends to provide the oil/sand trap.

6. *Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?*

Comment: No such features exist on or immediately near the property.

7. *Is the proposed use consistent with the applicable provisions of the Cody Master Plan?*

Principle 3.1.m of the master plan is to "Allow opportunities for in-home businesses in residential neighborhoods, as long as the business is consistent with residential uses and the character of the neighborhood, and adequate parking is available."

**ATTACHMENTS:**

Applicant's narrative.

**ALTERNATIVES:**

Approve, deny, or approve with conditions.

**RECOMMENDATION:**

(Note: Comments from the public hearing also need to be considered.)

It is recommended that the Planning and Zoning Board authorize the vehicle detailing/washing large-scale home occupation requested by Anthony Pease, subject to ongoing compliance with the home occupation standards and any updates to the electrical receptacles in the building required by the building official.

TO The Planning and Zoning Board of CODY,

My name is Anthony Pease, my whole life I have enjoyed cleaning and restoring vehicles to Good as New. The last 5 years I have committed to taking it to the next level.

With the location, I would use the shop around 889-900 sq ft, to wash and clean cars inside. That is all.

We want to be professionals, I want to do this the right way.

We will comply with all the requirements asked of us.

We will have it be by Appointment only, low traffic, no outside noise, a peaceful environment.

Thank you for your time. If you have any other questions I will be present at the hearing

- Anthony Pease.