

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, MAY 22, 2018  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call to Order by Chairman, Heidi Rasmussen
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the May 8, 2018 regular meeting.
6. NEW BUSINESS:
  - A. Downtown Architectural District Sign Review for Wyoming Trout Guides Fly Shop, located at 1210 Sheridan Avenue.
  - B. Request for a 6-Foot Cedar Privacy Fence in the front yard of 3207 Lame Deer Avenue.
  - C. Conceptual Plat – A 5 lot Minor Subdivision for The Way West, LLC., located northeast of the 12<sup>th</sup> Street and Alger intersection.
7. TABLED ITEM:
  - A. Downtown Architectural District Sign Review for Budget Blinds and Vision Stone & Tile, located 1262 "B" Sheridan Avenue.
8. P & Z Board matters (announcements, comments, etc.)
9. Council Update
10. Staff Items
11. Adjourn

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

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, May 8, 2018**

A meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, May 8, 2018 at 12:00 pm.

Present: Heidi Rasmussen, Chairman; Kayl Mitchell, Erynne Selk, Sandi Fisher, Richard Jones, Buzzy Hassrick, Glenn Nielson, Council Liaison Sandra Kitchen, City Deputy Attorney; Todd Stowell, City Planner; Utana Dye, Engineering Technician II, GISP.

Absent: Curt Dansie

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

Kayl Mitchell made a motion, seconded by Sandi Fisher to approve the agenda for May 8, 2018. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, seconded by Kayl Mitchell, to approve the minutes from the April 24, 2018 meeting, with corrections. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, second by Sandi Fisher to remove the Cody High School restroom expansion and ticket booth off the table. Vote on the motion was unanimous, motion carried.

**NEW BUSINESS:**

A. Todd Stowell presented the updated Landscape and Architectural Review of the Cody High School restroom expansion and ticket booth, noting the new lighting fixtures and paint scheme.

- 1) Erynne Selk made a motion, seconded by Kayl Mitchell, to approve the paint color and the lighting improvements for the Cody High School restroom expansion, subject to the applicant directing at least half of the roof runoff to the grass area north of the building; or presenting a plan to otherwise retain the storm water from the additions on the school property.

Vote on the motion was unanimous. Motion carried.

Sandi Fisher recused herself from the meeting at 12:06 p.m. for a conflict of interest.

Richard Jones entered the meeting at 12:08 p.m.

B. Todd Stowell presented the Downtown Architectural District Sign Review for Daisy Farm Décor and Cody Lodging, located at 1371 Sheridan Avenue.

Buzzy Hassrick made a motion, seconded by Richard Jones to approve the awning and signage for Daisy Farm Décor and Cody Lodging, located at 1371 Sheridan Avenue, subject to the following conditions:

Approve the project as proposed, subject to the following conditions:

- 1) That the lighting fixtures are full cutoff (bulb not extend below bottom) and that lighting levels are not excessive ( $\leq$  to 100-watt incandescent or equivalent).

- 2) That the necessary permission/permit is obtained from WYDOT and a copy provided to the City. Clearance below the awing shall be as specified by WYDOT.

Vote on the motion was unanimous. Motion carried.

Sandi Fisher re-entered the meeting at 12:15 p.m.

C. Todd Stowell presented the Downtown Architectural District Sign Review for Bighorn Design, located at 1355 Sheridan Avenue.

Kayl Mitchell made a motion, seconded by Richard Jones to approve the signage for Bighorn Design, located at 1355 Sheridan Avenue, as proposed. Vote on the motion was unanimous. Motion carried.

D. Todd Stowell presented the Downtown Architectural District Sign Review for the Budget Blinds and Vision Stone & Tile signs, located at 1262 "B" Sheridan Avenue. Discussion occurred whether the applicant should modify the signs to meet applicable size limitations or pursue a special exemption.

Kayl Mitchell made a motion, seconded by Richard Jones to table the 3-foot by 6-foot metal wall signs for Budget Blinds and Vision Stone & Tile, located at 1262 "B" Sheridan Avenue. Vote on the motion was unanimous.

P & Z Board Matters – None

Council Updates – None

Staff Items – None

Kayl Mitchell made a motion, seconded by Sandi Fisher, to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the Board, Chairman Heidi Rasmussen adjourned the meeting at 12:27 p.m.

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Utana Dye, Engineering Technician II, GISP

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

<b>MEETING DATE:</b>	MAY 22, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	DOWNTOWN ARCHITECTURAL DISTRICT SIGN REVIEW: WYOMING TROUT GUIDES FLY SHOP. SGN 2018-11	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Wyoming Trout Guides has moved into 1210 Sheridan Avenue and has submitted an application to replace the existing awning canvas with a new blue canvas that would have signs on the ends and front, as depicted below.



EXISTING AWNING

Proposed:



PHOTO RENDERING NO SCALE

**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 allows individual awning signs of up to 25 square feet, and a total of 50 square feet of signage on the awning. The proposed front awning sign is approximately 17.5 square feet and each end sign is approximately 9 square feet, for a total of 35.5 square feet.

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. The awning is already existing and the signs have been professionally designed. The awning and sign designs do not disrupt or detract from any historical features on the building itself. The awning signs will meet applicable code requirements for size and location.

**ALTERNATIVES:**

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

**RECOMMENDATIONS:**

Approve the awning signs as proposed.



EXISTING AWNING

**DESIGN**  As Designed  
 Approval for Production  With Changes

X  
 Client Signature \_\_\_\_\_

Sales \_\_\_\_\_

DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

PHOTO RENDERING NO SCALE



This design is the property of Sign Products Inc. and all rights to its use or reproduction are reserved	
DESIGNER	TP
DESIGN #	18939-1B
SALES	MIKE N.
DATE	05-14-18
SCALE	SHOWN
CLIENT	WY TROUT GUIDE FLY SHOP CODY, WY
<b>SIGN PRODUCTS, INC.</b> 1425 MONAD, BILLINGS, MT 59104 Phone: (406) 252-6348 Fax: (406) 252-6654	

**A** RECOVER ONE EXISTING BUILDING AWNING. REMOVE EXISTING FRAME FROM BUILDING AND BRING INTO SHOP. RECOVER WITH NEW SUNBRELLA #4626 NAVY FABRIC AWNING MATERIAL. BLUE E-Z LACE TIE BAND WITH WHITE BINDING CORD. ENAMEL PAINT FINISH GRAPHICS ON FRONT AND RIGHT SIDE OF AWNING. RE-INSTALL AWNING BACK TO BUILDING AFTER RECOVER.

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

<b>MEETING DATE:</b>	MAY 22, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	REQUEST FOR 6-FOOT CEDAR PRIVACY FENCE IN FRONT YARD OF 3207 LAME DEER AVENUE	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

Layne and Lette Stewart have purchased the lot behind their current residence at 3208 Twin Creek Trail Avenue and would like to install a 6-foot cedar privacy fence as shown on the drawing below in red. The portion of their fence that runs along Lame Deer Avenue (the street to south) is technically within the front yard of the lot (Lot P7-50). To have a six-foot fence within the front yard area requires an exception to the fence height requirements, which they are requesting.



**REVIEW PROCEDURE:**

Section 9-4-1(E)(2) of the City of Cody Code states that the Planning and Zoning Board may approve a fence taller than that specified (3-foot maximum height for solid fence in front yard) when the additional height will not have any adverse impacts to neighboring properties or the public health and safety.

The dashed line along Lame Deer Avenue is a 10-foot wide utility easement that contains power, telecommunication, and natural gas lines. The west portion of the easement would be outside the fence and contains some utility boxes. To maintain access to the utility easement the fence panels at each end of the easement would be removable. As the utility boxes themselves are not in that area, that portion of the easement would only need to be accessed if the conduits broke, or a new utility were to be



installed. Given the situation, Public Works is agreeable to the location and method of fencing across and along the utility easement.

It is noted that the property line is about one foot behind the sidewalk. Keeping the fence within the property boundary is required and will provide some "shoulder room" for those using the sidewalk.

It is also noted that the lot is not at a street intersection, so sight distance at an intersection is not an issue. The 10-foot fence setback on the west side allows sufficient driveway sight distance for the neighbor to the west. The angled property line on the east side of the lot will cause any driveway on the adjacent lot to be 15+ feet from the common property line (assuming the house is oriented parallel with the street). Since the direction of traffic in the closet lane is from the east, the reduction of sight distance to the west is not a major factor for a car backing up out of the lot to the east.



The review process requires the applicant to notify owners of the adjacent lots of the request and allow them up to ten (10) days to provide comments. The applicant intends to have written responses from the neighbors by the meeting.

**ALTERNATIVES:**

Approve or deny the 6-foot tall fence in the front yard of Lot P7-50, as requested and depicted in the drawing.

**RECOMMENDATION:**

Staff believes that the circumstances are such that the request can be granted, provided if a house is ever built on the lot, the fence would need to be removed from the front yard area.

(If neighbor permission is not obtained prior to the meeting, and the Board is otherwise agreeable to the request, the Board will either have to table the matter, or they could approve it subject to obtaining neighbor permission prior to installation of the fence in the front yard setback.)

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

<b>MEETING DATE:</b>	MAY 22, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	CONCEPTUAL PLAT—A 5-LOT MINOR SUBDIVISION FOR THE WAY WEST LLC. SUB 2018-02	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	X

**PROCESS**

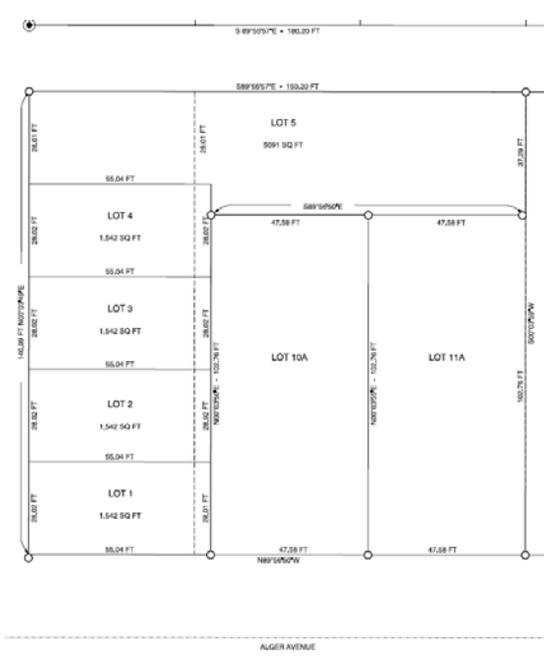
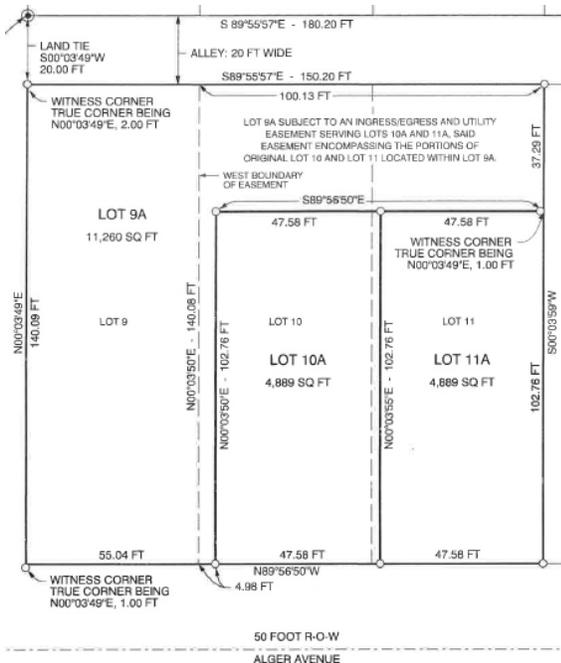
Section 11-3-1 of the City Code establishes an opportunity for an applicant wanting to subdivide their property to discuss the project with the Planning and Zoning Board prior to submitting a preliminary plat. Effectively, it allows the applicants to get some initial guidance on how the Board views their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

**PROJECT OVERVIEW**

The property is located northeast of the 12<sup>th</sup> Street and Alger Avenue intersection. It was recently involved in a boundary line adjustment that reconfigured three lots into the configuration shown below. The proposal is to divide the west lot (9A) into five buildable lots, and perhaps one common area tract (the east portion of Lot 5 that is encumbered by the access and utility easement.)

Existing:

Proposed:



View along 12<sup>th</sup> Street from alley, looking south:



The property is zoned General Business (D-2) and presently contains a former residential building that has been used for storage, and a commercial building (A.A. meeting location). A garage is located in the east portion of proposed Lot 5. The zoning would allow residential or commercial use of the proposed lots, provided applicable requirements are met. The current plan is apparently to utilize all five lots for residential use (townhouses).

**Topics:**

**Timing of Demolition:**

As it would violate building/fire codes to place a property line through an open area of an existing building, both the storage building and commercial building would need to be removed before the property line is established through those buildings. It is noted that the subdivision could be phased to correspond to the demolition of the associated building. If phasing of the lots is proposed, the applicant would need to outline the sequence in the application.

**Zoning Standards:**

The D-2 zoning district does not have any zoning standards for building setbacks, building height, minimum lot area, minimum lot width, or maximum lot coverage. As there is no adjacent residential zoning, there is no buffer requirement. Under current standards, a site plan review by the Planning and Zoning Board would be required prior to issuance of building permits. The property is just outside of the downtown architectural district.

**Subdivision Ordinance Standards:**

**Frontage:**

The subdivision ordinance requires each lot to have street frontage and specifies that 50 feet is apparently the minimum amount (anything less falls within the definition of a

flag lot). While the zoning ordinance was amended last year to clearly allow less street frontage in the residential districts, the subdivision ordinance has not yet been amended. A variance to the 50-foot frontage standard is requested to allow the 28-foot lot widths shown. For comparison, it is noted that all of main street and much of downtown is composed of lots with only 25 feet of street frontage. Also, the R-4 multi-family zoning district allows a minimum lot width of 20 feet for an interior lot and 30 feet for a corner lot, when the access, sight distance, and parking situations are acceptable, as appears to be the case here. However, anything less than 50 feet technically needs a variance.

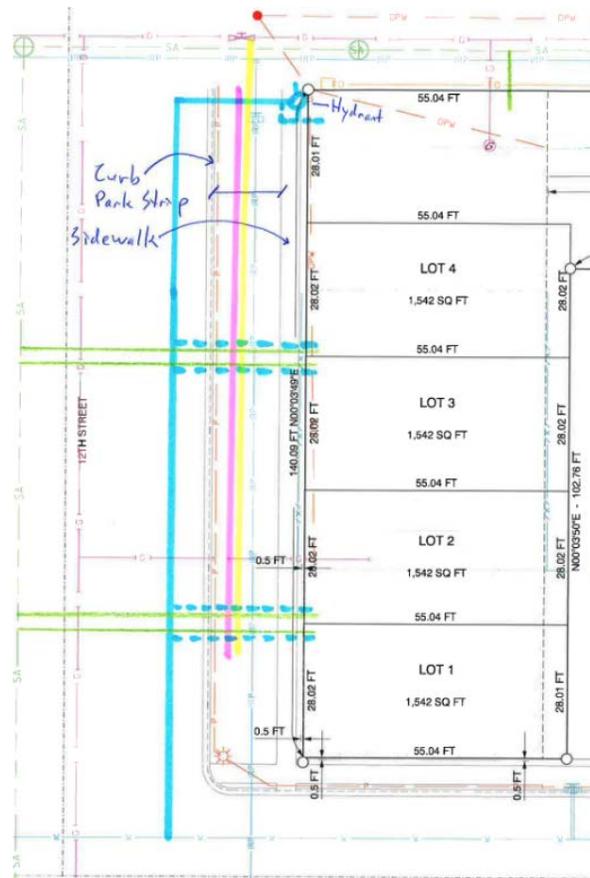
Staff supports the lot width requested. It is noted that the D-2 zone would allow even more compact dwellings than proposed if the property was not being divided, or if the development was done through the condominium process. Also, the property is in a downtown commercial location, where density and redevelopment is encouraged.

*Lot Requirements:* "Every lot shall abut upon or have access to an approved street or an approved cul-de-sac." Technically, this could be interpreted to only apply to a buildable lot—not common area tracts. If the applicant wanted to place the east portion of Lot 5 in a separate common area tract, that would be an option. The ownership of that area would need to be determined—common ownership would likely make the most sense for the intended use as a common parking area.

*Curb, Gutter, Sidewalk, Streetlights, and Paved Streets:* The proposed lots have all of those frontage items already in place. What is disturbed by construction would need to be repaired/replaced.

*Utilities:* Each lot is required to have its own utility services, tied back to the main lines. The applicant has not yet provided a utility plan for the lots. Staff put together the following layout to the right as a possible option. (Green=sewer, Blue=water, Pink=power, Yellow=gas.) Additional engineering is needed and will need to be submitted with the preliminary plat application.

*Alleys:*  
The subdivision would not have a "rear" alley. A variance to the standard would be needed.



### Parking:

While parking is usually not a topic discussed at the subdivision stage, this would be the exception. If each lot is used for a townhouse, the standard requirement is for two, off-street parking spaces on each lot. (There is no "grandfather" discussion here because those rights will be lost when the existing buildings are demolished.) A formal parking agreement would allow use of a common parking area (east portion of Lot 5). However, adjacent Lots 10A and 11A have a right of access across that area and unless the parking agreement includes them and clarifies parking rights, I don't think the subdivider can claim all eight spaces shown on the site plan. Realistically, the difference between the number of spaces in the common parking area and the number needed could typically be accommodated by the eleven on-street spaces along 12<sup>th</sup> Street frontage. However, to "count" any of those spaces towards meeting the parking needs for the development would require a special exemption. I bring it up now to get feedback from the Board if they would be open to such a special exemption. The spaces would not be "reserved" for the lots but would be recognized as being available to help meet parking demand in the area.

### **BOARD DISCUSSION**

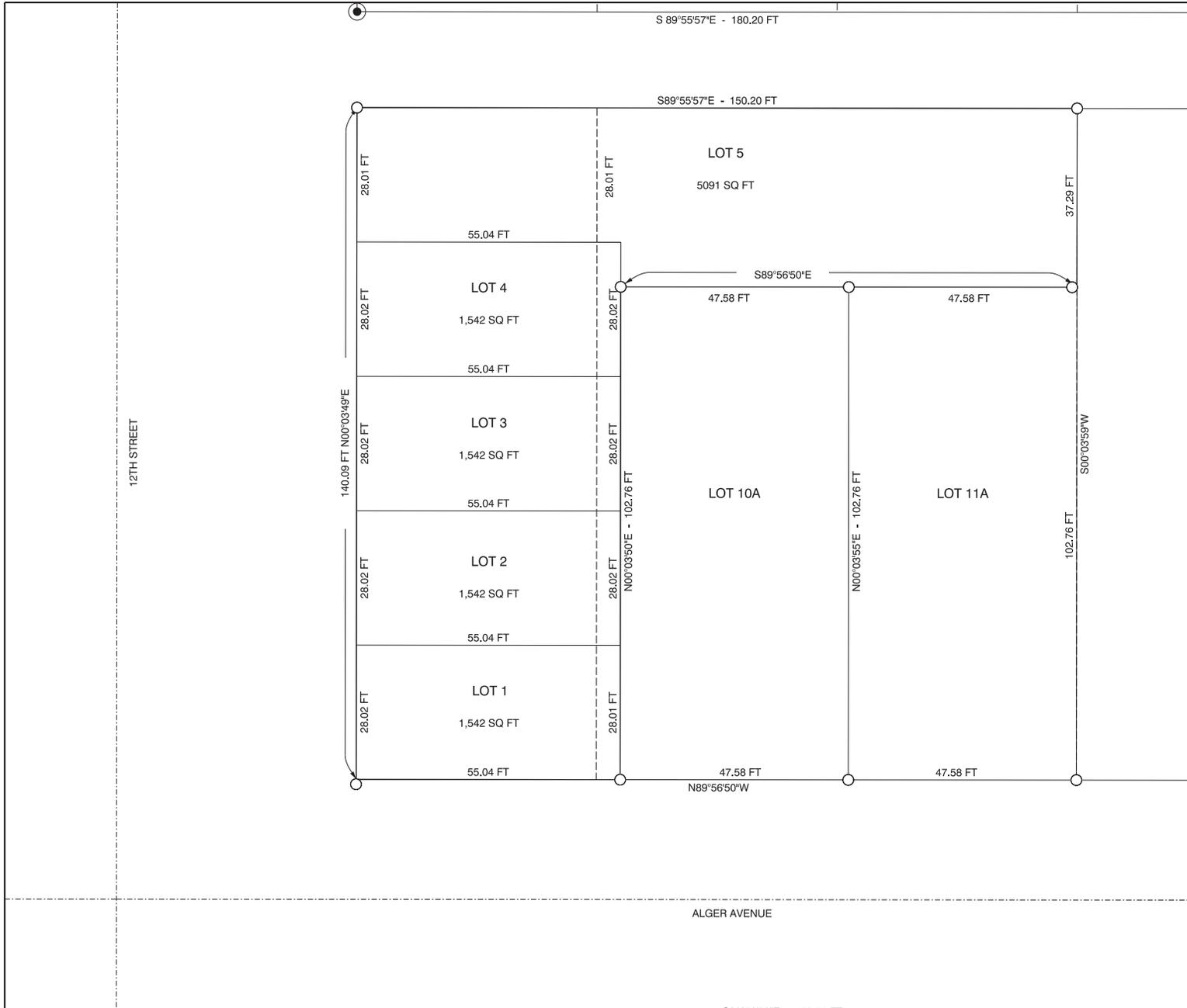
The subdivision ordinance specifies the following regarding variances: *"If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar 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."*

### **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.

### **ATTACHMENTS**

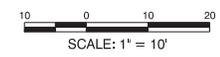
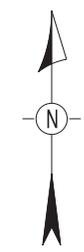
Conceptual drawings



**NOTES**

ZONING:  
 THE LANDS WITHIN THIS SUBDIVISION ARE ZONED D2  
 LANDS TO THE SOUTH AND WEST ARE ZONED R3  
 ALL OTHER ADJACENT LANDS ARE ZONED D2

PROPOSED USE OF LOTS IS FOR RESIDENTIAL TOWN HOMES



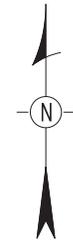
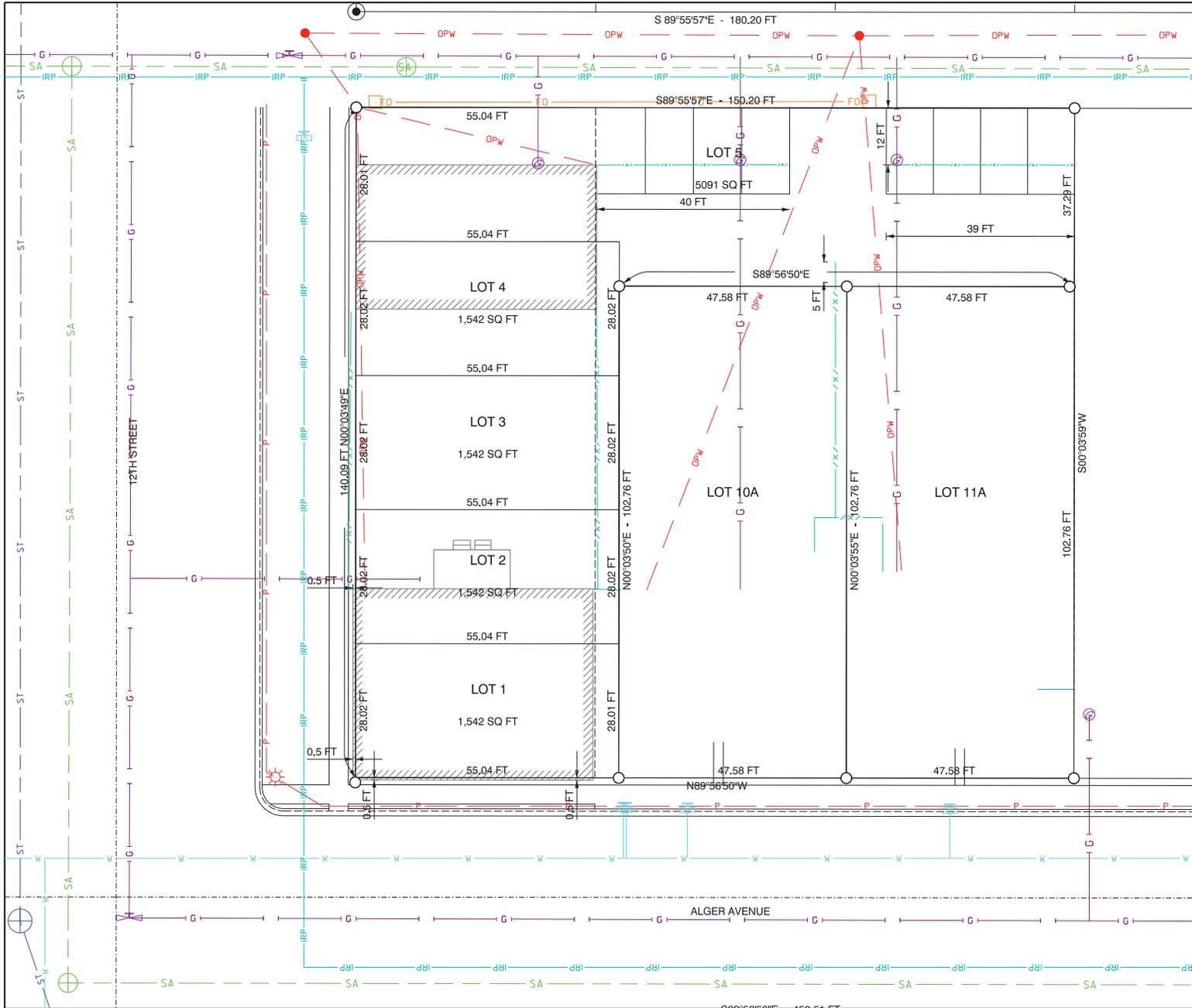
- LEGEND**
- STREET CENTERLINE
  - BOUNDARY LINES
  - SUBDIVISION LOT LINES
  - ADJACENT LOT LINES

**CONCEPTUAL PLAN**

SHOWING PROPOSED SUBDIVISION  
 OF LOT 9A, BLOCK 28,  
 ORIGINAL TOWN OF CODY

LOCATED WITHIN LOT 79,  
 RESURVEY T. 51N., R. 104W., 6TH P.M.,  
 CITY OF CODY, PARK COUNTY, WYOMING

 SAGE CIVIL ENGINEERING AND SURVEYING	2824 BIG HORN AVE. CODY, WY 82414 OFFICE: 307-527-0915 FAX: 307-527-0916	MAY 11, 2018 DRAWN BY: BJF PRJ# 2017-012 FIELD BOOK: 2
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**LEGEND**

- W TREATED WATER
- IRP RAW WATER
- SA SANITARY SEWER
- ST STORM SEWER
- G UNDERGROUND GAS
- P OVERHEAD POWER
- FO FIBER OPTIC
- EDGE OF PAVEMENT
- - - CURB FLOWLINE
- TOP BACK OF CURB
- SIDEWALK
- / x / FENCE LINE
- - - STREET CENTERLINE
- BOUNDARY LINES
- ADJACENT LOT LINES
- LIGHT POLE
- UTILITY POLE
- GAS METER
- GAS VALVE
- WATER CURB STOP
- SEWER MANHOLE

**CONCEPTUAL PLAN - UTILITIES**

SHOWING PROPOSED SUBDIVISION  
OF LOT 9A, BLOCK 28,  
ORIGINAL TOWN OF CODY

LOCATED WITHIN LOT 79,  
RESURVEY T. 51 N., R. 104 W., 6TH P. M.,  
CITY OF CODY, PARK COUNTY, WYOMING

<p>SAGE CIVIL ENGINEERING AND SURVEYING</p>	<p>2824 BIG HORN AVE. CODY, WY 82414</p>	<p>MAY 11, 2018 DRAWN BY: BJF</p>
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