

CITY OF CODY
PLANNING, ZONING, AND ADJUSTMENT BOARD
TUESDAY SEPTEMBER 10, 2019
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call meeting to order.
2. Roll Call, excused members
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes of the September 3, 2019 regular meeting.
5. BUSINESS:
 - A. Review a site plan for the Hampton Inn, located at 8 Southfork Road.
 - B. Review the amended preliminary plat and final plat for the Park County School District #6 Beacon Hill minor subdivision. Property is located west of Beacon Hill and north of Sheridan Avenue
 - C. Amend the approved sign for the Cody Country Art League, located at 836 Sheridan Avenue.
6. P & Z Board matters (announcements, comments, etc.)
7. Council Update
8. Staff Items
11. Adjourn

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

City of Cody
Planning, Zoning, and Adjustment
Board Tuesday, September 3, 2019

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, September 3, 2019 at 12:00 pm.

Present: Chairman Kayl Mitchell; Erynne Selk; Buzzy Hassrick; Richard Jones; Sandi Fisher; Stan Wolz; City Attorney Scott Kolpitcke; City Planner Todd Stowell; Council Liaison Glenn Nielson; Administrative Coordinator Bernie Butler.

Absent: Klay Nelson

Kayl Mitchell called the meeting to order at 12:00 pm, followed by the pledge of allegiance.

Buzzy Hassrick made a motion, seconded by Sandi Fisher, to approve the agenda for September 3, 2019. Vote on the motion was unanimous, motion carried.

Stan Wolz made a motion, seconded by Buzzy Hassrick to approve the minutes from the July 30th, 2019 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

A. Todd Stowell presented an architectural district sign review for Nordberg & Lindauer, located at 1241 Sheridan Avenue.

Buzzy Hassrick made a motion, seconded by Erynne Selk to approve the architectural and sign plan for Nordberg & Lindauer. Vote on the motion was unanimous, motion passed.

B. Todd Stowell presented a site plan review for Quality Asphalt shop and office building, located at 172 Blackburn Street.

Richard Jones made a motion, seconded by Buzzy Hassrick to approve the site plan for 172 Blackburn Street, with staff recommendations 1-5 and add a recommendation #6 for the applicant to check with DEQ to see if a hazardous waste permit is needed for their business. Vote on the motion was unanimous, motion carried.

C. Todd Stowell reviewed the final plat for the Overfield 5-lot infill minor subdivision located on 31st Street. Todd went over the status of the preliminary plat conditions.

Erynne Selk made a motion, seconded by Richard Jones to recommend to the City Council the approval of the final plat for the Overfield minor subdivision, with conditions 1-7 in the staff report. Vote on the motion was unanimous, motion carried.

The next meeting will be held on September 10, 2019. Todd Stowell asked the Board member to read the letter on cargo storage units and discuss this at a future meeting.

Erynne Selk 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 Kayl Mitchell adjourned the meeting at 12:34.

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	SEPTEMBER 10, 2019	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY PLAT OF THE BEACON HILL MINOR SUBDIVISION— A 3-LOT SUBDIVISION. SUB 2018-04	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

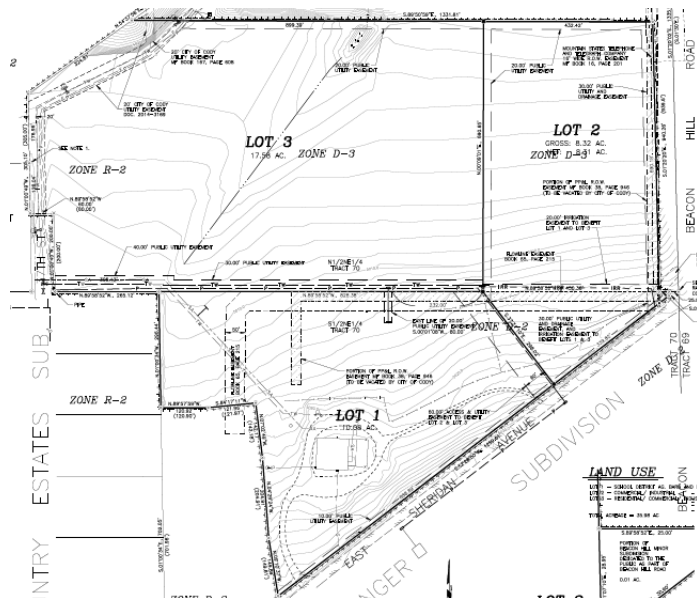
PROJECT OVERVIEW

The Planning and Zoning Board reviewed a preliminary plat for this property on May 14, 2019. The proposal has been revised and an amended preliminary plat submitted. The final plat is also submitted for review.

The property is owned by Park County School District No. 6 and involves the division of a 36-acre property northwest of the Sheridan Avenue and Beacon Hill Road intersection into three lots. Lot 1 contains the existing FFA barn and is anticipated to contain a new bus storage facility for School District #6. Lots 2 and 3 are currently vacant and are planned to be sold. The revised preliminary plat drawing and the final plat drawing are attached.



The primary change in the proposal was to enlarge the size of Lot 3 by about four acres, decrease the size of Lot 2 by about 3 ½ acres, and decrease the size of Lot 1 by about ½ acre. Doing so reduces the amount of off-site street improvements for Lot 3 and expands the development potential of Lot 3 to spread that cost over a larger development. Other changes address conditions or items noted in the prior review, so that the application is now relatively “clean”.

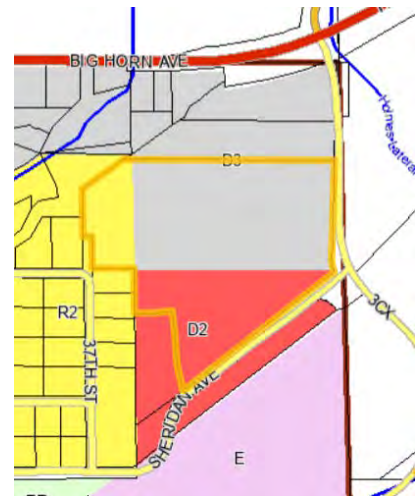


The property is located in three different zoning districts—R-2 (yellow), D-2 (red) and D-3 (gray), as shown on the map below. It is noted that the commercial zones (D-2 and D-3) also allow all forms of residential development. As Lots 2 and 3 are planned to be sold off, it is simply unknown how they may eventually be developed. With Lot 2 being over 8 acres in size and Lot 3 over 17 acres, they both have the potential for substantial development. Improvements for this subdivision are being planned and required based on a relatively moderate level of development on Lots 2 and 3.

As the preliminary plat was previously reviewed in a similar configuration, this staff report will only point out items that are not clearly reflected on the plats themselves, or are out of the ordinary.

Timing of Engineering and Responsibility for Improvements:

Depending on the level of future development there may be additional infrastructure improvements needed, such as looping the water main, and more substantial street improvements. However, to avoid both “overdesigning” and “overbuilding” the infrastructure, the Planning and Zoning Board previously recommended and the City Council authorized a variance so that the street improvements will not be required to be designed or constructed at this time, but delayed until further development is proposed. It is proposed that the same variance continue to apply to the amended configuration. Any looping of the water main would also be delayed and only required if modeling of the water system shows a need or substantial benefit for the proposed developments.



As two of the lots are planned to be sold before future development occurs, it is necessary to outline responsibility for the subdivision improvements. The applicant has provided a development agreement committing the lot owners to specific required subdivision improvements, tied to specific development actions. The language in the draft document, which is attached, has not been 100% finalized but is presented in its current form.

The development agreement addresses installation of the water main, sewer main, underground power, irrigation main, and the street connecting Sheridan Avenue with 37th Street as referenced in the master street plan and the initial review of this subdivision. Easements for the future utilities and the portion of the street that will cross Lot 1 are being established by the plat. Engineering plans for the sewer and water main extensions are being finalized—the prior plans are being updated to extend the mains to the new west boundary of Lot 2. The plans for the sewer and water mains will need to be submitted and then approved by the City and DEQ prior to the mayor signing the final plat.

In addition, there is an agreement between the applicant and the Cody Canal Irrigation District that is in process regarding the irrigation system, which agreement will need to be executed prior to the mayor signing the final plat. Additional paperwork beyond that agreement, relating to a water distribution plan (surface water), is being prepared by the applicant's engineer for submittal to Cody Canal and the State Engineer's office. As with other water right modifications, we are proposing that an agreement with an engineer be in place to complete the paperwork and submit it to the State Engineer's office within one year, but that the water distribution plan does not need to be approved by the State Engineer's office prior to recording the final plat.

Vacation of Unused Power Easement:

Included on the plat is the vacation of an unused power easement, established when the area was served by Rocky Mountain Power. As the Rocky Mountain Power easements in this area were transferred to the City and the easement is now unused due to a new underground power line in a different location, the unused easement is requested to be vacated. The vacation requires Council approval.

Street Improvement District.

As frontage improvements (curb, gutter, sidewalk, streetlights) are not being required along Beacon Hill Road or Sheridan Avenue, the following section of the subdivision code applies.

Q. Curb, Gutter, Sidewalk, Paved Streets: ...All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat. ...

With the waiver of frontage improvements along Beacon Hill Road and Sheridan Avenue, the standard improvement district language needs to be added to the "Certificate of Owner" on the final plat (applicable to Lots 1 and 2).

Minor Edits:

The following minor edits to the final plat are needed.

1. Include a note referencing that the lot owners are responsible for specific subdivision improvements as outlined in the Beacon Hill Minor Subdivision Development Agreement on file with the City of Cody.
2. Include a note that the owner of Lot 1 agrees to dedicate the 60' access easement as public right-of-way at no cost to the City upon the request of the City.
3. Add the improvement district language noted above.
4. Remove "East" from the Sheridan Avenue label.
5. Correct the legend and perimeter lot corners to show placement of brass caps, as required by City of Cody Code 11-5-1(B)(3).

VARIANCES:

Variances are to be reviewed under the following standard of 11-5-2(B):

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.

As with the initial review, the primary variance would be to delay submittal of street plans and street construction for the street connecting Sheridan Avenue and 37th Street until the time of future subdivision, or development of any lot utilizing the accesses.

A general variance to allow transfer of responsibility for some of the subdivision improvements from the developer to the lot purchasers, as outlined in the development agreement, would also be needed.

A variance would also be granted to the City's alley requirement, as no alleys are proposed at this time.

As with the initial review, staff would recommend that the Board find that the variances noted are found to "*make a greater contribution to the intent and purpose of this title*" than if those improvements were required at this time.

POTENTIAL MOTION:

Recommend that the City Council approve the amended Beacon Hill Minor Subdivision preliminary plat and the Beacon Hill Minor Subdivision final plat, with the following variances, subject to the conditions listed. The intent to vacate the unused electrical easement is also noted.

Subdivision Variances:

1. Variance to delay submittal of street plans and street construction for the street connecting Sheridan Avenue and 37th Street until the time of future subdivision, or development of any lot utilizing the accesses.
2. Variance to allow transfer of responsibility for some of the subdivision improvements from the developer to the lot purchasers, as outlined in the development agreement.
3. A variance to the alley requirement.

Conditions:

1. Provide updated sewer and water plans for City and DEQ approval. The plans must be approved by DEQ prior to the mayor signing the final plat.
2. Complete the agreement with Cody Canal regarding the irrigation improvements prior to the mayor signing the plat. Continue to have your engineer prepare and process the water distribution plan and associated water right documents for submittal to the State Engineer's office within one year of the final plat being recorded.
3. Pay the electrical estimate prior to the mayor signing the final plat.
4. Provide a letter from each telecommunication provider that will serve the lots indicating their requirements and ability to serve the subdivision, prior to the mayor signing the final plat. (Already have natural gas letter.)
5. Finalize and execute the Beacon Hill Minor Subdivision Development Agreement. Any modifications to the current draft will need to be identified and discussed with the City Council.
6. Make the following additions/changes to the final plat:
 - a. Add the standard improvement district language to the "Certificate of Owner". (Applicable to Lots 1 and 2. Optional for Lot 3.)
 - b. Include a note that the lot owners are responsible for specific subdivision improvements as outlined in the Beacon Hill Minor Subdivision Development Agreement on file with the City of Cody.
 - c. Include language in the "Certificate of Owner" that the owner of Lot 1 agrees to dedicate the 60' access easement as public right-of-way at no cost to the City upon the request of the City.
 - d. Remove "East" from the Sheridan Avenue label.
 - e. Correct the legend and perimeter lot corners to show placement of brass caps, as required by City of Cody Code 11-5-1(B)(3).

ATTACHMENTS:

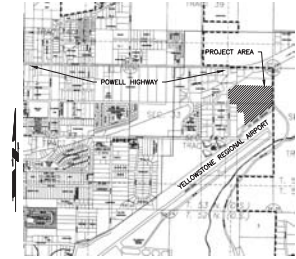
Revised Preliminary Plat

Final Plat

Draft development agreement

(Available but not attached: Deeds and easement documents.)

Township 53 North
Range 101 West



LOCATION MAP
SCALE: 1" = 2000'

CITY PLANNER APPROVAL

THIS BEACON HILL MINOR SUBDIVISION WAS APPROVED BY THE CITY PLANNER OF CODY, WYOMING ON THE ____ DAY OF _____ 20____.

BY: _____ ATTEST: _____
CITY PLANNER

CLERK AND RECORDER ACCEPTANCE

THIS BEACON HILL MINOR SUBDIVISION WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK ____ ON THIS ____ DAY OF _____ 20____.

FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____.

PARK COUNTY CLERK
BY: _____ DEPUTY.

CERTIFICATE OF SURVEYOR

I, LYLE J. CASARDO, OF ENGINEERING ASSOCIATES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED UNDER MY DIRECTION BETWEEN SEPTEMBER 13, 2012 AND _____ 20____, AND THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.

LYLE J. CASARDO, PLS 12800
06/14/19

CERTIFICATE OF OWNER

STATE OF WYOMING }
COUNTY OF PARK }
I, _____, OF THE COUNTY OF PARK, STATE OF WYOMING, DO HEREBY CERTIFY THAT I AM OWNER AND PROPRIETOR OF THE LANDS SHOWN HEREON, CONSISTING OF THREE PARCELS OF RECORD; THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED; THAT THIS SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETORS; THAT LOT 15A IS SUBJECT TO ALL COVENANTS, TERMS AND CONDITIONS OF LOT 15 OF THE HOLM HANGER SUBDIVISION, THAT LOTS 1, 2, AND 3 ARE SUBJECT TO ALL COVENANTS, TERMS AND CONDITIONS OF LOT 15 OF THE HOLM HANGER SUBDIVISION; THAT WE HEREBY DECLARE EASEMENTS LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD; ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.

OWNER - PARK COUNTY SCHOOL DISTRICT NO. 6 BY: _____ BOARD CHAIR
STATE OF WYOMING }
COUNTY OF PARK }
THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY _____ THIS ____ DAY OF _____ 20____, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

LEGEND

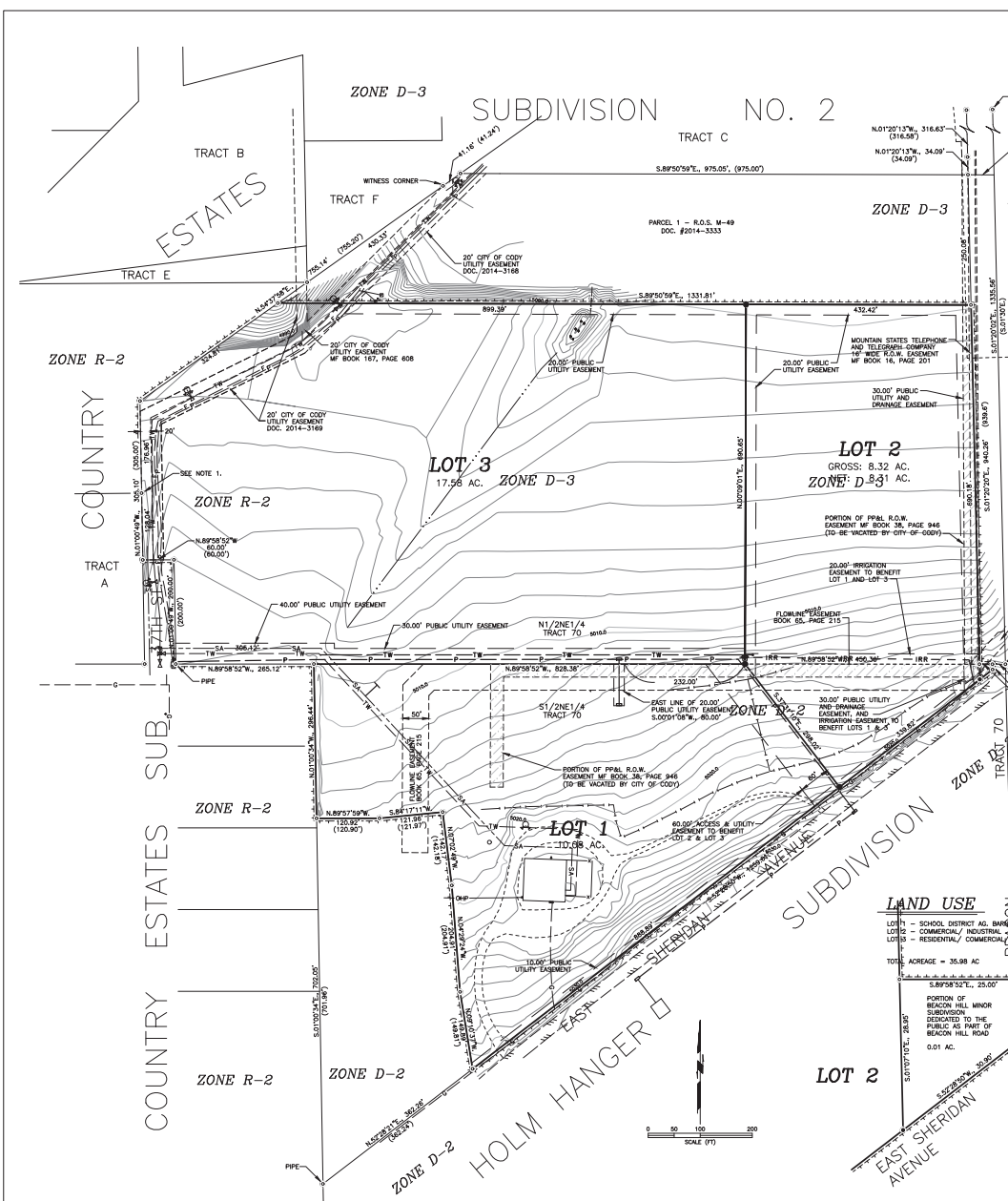
○	FOUND 2" DIA. ALUMINUM CAP ON 1/4" DIA. STEEL BAR UNLESS OTHERWISE NOTED.
●	NOT FOUND 2" DIA. ALUMINUM CAP ON 1/4" DIA. STEEL BAR.
○	BEACON HILL MINOR SUBDIVISION BOUNDARY
○	RIGHT-OF-WAY
○	EXISTING EASEMENT
○	PROPOSED BARRIED POWER
○	PROPOSED BARRIED WATER
○	PROPOSED BARRIED GAS
○	EXISTING BARRIED POWER
○	EXISTING BARRIED GAS
○	EXISTING BARRIED WATER
○	EXISTING BARRIED SEWER
○	EXISTING BARRIED FIRE
○	EXISTING FIRE HYDRANT
○	EXISTING TREATED WATER SERVICE
○	EXISTING POWER TRANSFORMER
○	EXISTING FIBER OPTIC BOX
○	EXISTING TELEPHONE PEDESTAL
○	PROPOSED MANHOLE
○	EXISTING MANHOLE

NOTE

- FOUND 2" DIAMETER ALUMINUM CAP ON 5/8" DIA. STEEL BAR 0.17' NORTH OF LINE.
- FOUND 2" DIAMETER ALUMINUM CAP ON 5/8" DIA. STEEL BAR 0.21' EAST OF LINE.
- BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
- TOTAL GROSS SUBDIVISION ACRES = 35.98 ACRES; TOTAL NET SUBDIVISION ACRES EXCLUDING STATE, COUNTY, AND PUBLIC RIGHTS-OF-WAY = 35.96 ACRES.
- TOTAL BARRIED POWER EXTENSION LOCATION WILL BE DETERMINED IN CONSTRUCTION WITH NEW BUS BARN SITE PLAN.
- NO FLOOD AREAS OR WETLANDS OBSERVED ON SITE.

VARIANCES REQUESTED

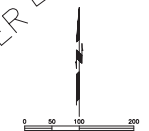
- VARIANCE TO DELAY SUBMITTAL OF STREET PLANS AND STREET CONSTRUCTION UNTIL THE TIME OF FUTURE SUBDIVISION OF LOTS 2 AND 3, OR UNTIL THE TIME OF DEVELOPMENT OF ANY LOT UTILIZING THE 37TH STREET ACCESS OR EASEMENT.
- NO ALLEYS ARE REQUIRED FOR THIS SUBDIVISION.



LAND USE
LOT 1 - SCHOOL DISTRICT AC. BARR. AND BUS BARN
LOT 2 - COMMERCIAL/INDUSTRIAL
LOT 3 - RESIDENTIAL/COMMERCIAL/INDUSTRIAL

TOTAL ACRES = 35.98 AC

PORTION OF BEACON HILL MINOR SUBDIVISION DEDICATED TO THE PUBLIC AS PART OF BEACON HILL ROAD 0.01 AC.



PREPARED BY: ENGINEERING ASSOCIATES & SURVEYORS
 CONSULTING ENGINEERS & SURVEYORS
 902 13TH STREET
 CODY, WYOMING 82414

PRELIMINARY PLAT-REV.
BEACON HILL MINOR
SUBDIVISION

LOCATED IN
LOT 15A, HOLM HANGER SUBDIVISION, CITY OF CODY,
RESURVEY T.53N., R.101W., 6TH P.M.,
PARK COUNTY, WYOMING

PREPARED FOR: PARK COUNTY SCHOOL DISTRICT NO. 6
919 CODY AVENUE
CODY, WYOMING 82414

PREPARED BY: ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
902 13TH STREET
CODY, WYOMING 82414



LPU/KNB REV. AUGUST 22, 2019 RAO P:\2019\19011.01
F.B. NO. 941

Beacon Hill Minor Subdivision

Development Agreement

Park County School District No. 6 hereby presents the following commitment to the City of Cody, which in consideration of approval of the final plat of the Beacon Hill Minor Subdivision shall be binding on Park County School District No. 6 and the purchasers of any lot within the Beacon Hill Minor Subdivision.

1. Purchaser of Lot 2 will be required to install the sewer main line from the NW corner of Lot 3 to the NW corner of Lot 2, as specified in the engineering plans approved by DEQ and on file with the City, prior to or in conjunction with any development of Lot 2, or upon approval of any development of Lot 3 that will utilize that sewer main line, whichever occurs first.
2. Purchaser of Lot 2 will be required to complete the installation of an 8-inch city water line from the bend near the NW corner of Lot 1 to Lot 2, as specified in the engineering plans approved by DEQ and on file with the City, prior to or in conjunction with any development of Lot 2, or upon approval of any development of Lot 1 that will utilize that water main line, whichever occurs first.
3. Three phase power for Lot 2 will be available at the SW corner of Lot 2. PCSD#6 will be responsible for extending underground power to the SW corner of Lot 2 upon approval of any development that will utilize that extension. The city electrical division has required that this power distribution be looped by extending the underground power line to the proposed electrical line at the planned Shoshone Municipal Pipeline building across Sheridan Avenue from Lot 1. PCSD#6 is responsible for installation of the power loop at the time the City installs power to the planned Shoshone Municipal Pipeline Pump Station, but not prior to approval of any development on property within the Beacon Hill minor subdivision.
4. Pursuant to Cody Canal regulations, future irrigation must be through a sprinkler system. Flood irrigation within the subdivision shall cease once either Lot 2 or Lot 3 sells. The owners of Lots 2 and 3 will be responsible for installation of piped irrigation water delivery from the head-gate located at the NE corner of the airport property to the intersection of Lots 1, 2, and 3. The cost sharing will be as follows: Lot 2 @ 50%, Lot 3 @ 50%. Piping will be installed at the earliest request of either Lot 2 or Lot 3 owners. The design will be approved by Cody Canal and the State Engineer's office prior to construction.

5. Lot 3 is responsible to construct a public street from the intersection of 37th Street and Cherokee Road, through the subdivision, to Sheridan Avenue. Street design shall include storm water retention for runoff from the street and otherwise meet City standards, as verified by a licensed engineer and submittal of all documents pursuant to section 11-5-1(A) of the subdivision ordinance. Any right-of-way needed for construction of the street improvements across Lot 1 or 3 shall be dedicated to the City upon request.

As the size and design of the street is dependent upon the layout and level of development planned for Lot 3, the City has allowed for a delay in submittal of the street plans and street construction until the time Lot 3 is further subdivided, or until the development of any existing lot utilizing the street. The specific timing of street construction, including any phasing, shall be determined through the review process for the future development (subdivision or zoning review). The street improvements shall be based on the local access street standard, unless determined otherwise by the City Council.

6. The Lot 3 purchaser is responsible for any modifications to the existing drainage facilities as a result of the street construction.

(Signed, dated and notarized by Park County School District No. 6. Add notary block.)

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

MEETING DATE:	SEPTEMBER 10, 2019	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	DOWNTOWN ARCHITECTURAL DISTRICT REVIEW: CODY COUNTRY ART LEAGUE SIGN. SGN 2018-30	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

On November 13, 2018 the Board approved a 2-foot by 8-foot wall sign on the west side of the building at 836 Sheridan Avenue for the Cody Country Art League.

The Art League would like to add a sign indicating "Art Gallery/Gift Shop" immediately below the approved sign. The new sign would be half the height of the existing sign. While it would have the same font, it would switch the background color to red and the lettering to light yellow—opposite of the existing.



The amended proposal meets the size and location requirements for the downtown sign district in which it is located.

RECOMMENDATION:

Approve the additional wall sign for the Cody Country Art League as proposed.