

CITY OF CODY
PLANNING, ZONING, AND ADJUSTMENT BOARD
TUESDAY NOVEMBER 26, 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 November 12, 2019 regular meeting.
5. BUSINESS:
 - A. Review a site plan for Wyoming Legacy Meats, located at 74 Road 2AB.
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, November 12, 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, November 12, 2019 at 12:00 pm.

Present: Chairman Kayl Mitchell; Buzzy Hassrick; Richard Jones; Sandi Fisher; Stan Wolz; Erynne Selk; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Administrative Coordinator Bernie Butler

Absent: Klay Nelson, Council Liaison Glenn Nielson

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

Richard Jones made a motion, seconded by Sandi Fisher to approve the agenda for November 12, 2019. Vote on the motion was unanimous, motion carried.

Stan Wolz made a motion, seconded by Richard Jones to approve the minutes from the October 22, 2019 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

A. Todd Stowell presented a Downtown Architectural review for two identical awnings located on the front of 1138 and 1144 12th Street.

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

B. A Public Hearing for a Special Exemption request for the new signs at Walmart, located at 321 Yellowstone Avenue was opened at 12:03 p.m.

There were no comments from the public. The Public Hearing was closed at 12:04 p.m.

C. Todd Stowell reviewed a special exemption request for the new signs at Walmart, located at 321 Yellowstone Avenue.

Erynne Selk made a motion, seconded by Richard Jones to adopt findings 1-4 in the staff report and approve the special exemption for the Walmart signs. Vote on the motion was unanimous, motion carried.

D. Todd Stowell reviewed a commercial site plan for the State Farm Agency, located at 1420 Stampede Avenue.

Richard Jones made a motion, seconded by Buzzy Hassrick to approve the site plan for State Farm Agency with conditions 1-8 in the staff report. Vote on the motion was unanimous, motion passed.

E. Todd Stowell reviewed a 2-lot minor subdivision for HGI Properties located at 1923 Big Horn Avenue. Rob Overfield from Engineering Associated answered questions from the Board. There was a discussion on the entry access off of Big Horn Avenue. The applicant owns the property

where the Bobcat building is located. The Carquest entry is next to the Bobcat entry. The Board requested the applicant investigate a possible shared entry to both properties.

Erynne Selk made a motion seconded by Buzzy Hassrick to table this item until the shared access is investigated and an update preliminary plat is submitted. Vote on the motion was unanimous.

P & Z Board Matters – none

Council Updates – none

Staff Items – none

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 12:46

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	NOVEMBER 26, 2019	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: ADDITION TO WYOMING LEGACY MEATS SPR 2019-20	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Schmidt Realty Investments, LLC has submitted an application to construct a 1,296 square foot (36' by 36') addition to the Wyoming Legacy Meats building at 74 Road 2AB. The addition would be used as a production area—meat cutting, processing, and packaging. The site plan, floor plan, and building elevations are attached.



Existing Conditions:



REVIEW CRITERIA:

The property is located within the Heavy Industrial (HI) zoning district, which permits slaughterhouses and meat processing facilities. Pursuant to City of Cody Code 10-10F-9, all new or expanded development in the Heavy Industrial Zoning District shall be subject to site plan review by the Planning, Zoning, and Adjustment Board prior to issuance of any building permit or establishment of such use. The Board shall review the site plan for the following:

- A. Compliance with the specific provisions of this title.
- B. General site plan conditions and layout, including access and traffic flow (as related to public safety), commercial signage, parking, landscaping, lighting, site grading, storm water facilities, and utilities. Consideration of adjacent uses shall be made in respect to the location of specific activities within the site, so as to reduce any potential conflicts from odors, dust, noise, vibration, glare, visual impacts, and storm water runoff.
- C. Assurance of compliance with applicable State and Federal safety and environmental standards pertaining to hazardous materials.

The board may specify conditions as necessary to ensure compliance with applicable standards. The issuance of a development permit shall be contingent upon the applicant receiving an affirmative vote from the majority of the board that the applicant has satisfied the above requirements.

Section 9-2-3 is as follows:

Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.

STAFF COMMENTS:

The subject property is 2.0 acres and contains a 5,568 square foot building containing a slaughterhouse, sales area, and cold storage warehouse. The addition would be 1,296 square feet. The surrounding area is as follows.

	Land Use	Zoning
North	Log yard, future rock processing/asphalt plant.	Heavy Industrial
East and South	Vacant, owned by Forward Cody and Bureau of Reclamation	Heavy Industrial, Industrial
West	Western Area Power	Heavy Industrial

Below are the specific provisions for the Heavy Industrial Zone, with staff comment.

A. Compliance with State, Federal and Local Requirements: Evidence of compliance with applicable State, Federal, and Local permitting requirements shall be provided with all applications for new or expanded intensive industrial uses...

Comment: Applicable state and federal permits for the addition appear to be limited to food safety. The addition will be inspected as part of the USDA certification program for meat processing. The main facility is currently USDA certified.

No state or federal air quality, storm water or hazardous waste storage/handling permits are applicable. Local permits consist of applicable building, zoning and utility permits.

The current agreement relating to sewer discharge from the facility is attached. Public Works indicates concern with the capacity of the current separation tank to serve the addition. This concern is based on observations of the effluent coming from the 2AB sewer main, which has a high ammonia and nitrate content (a bad thing), apparently from the organic discharges from this facility (blood, fat, meat, etc.). It is believed that the sewer discharge from the facility is exceeding the capacity of the separation tank.

The authority for requiring proper treatment of sewer discharges is found in City code as follows:

8-3-10-1: DISCHARGES INTO SYSTEM:

It shall be unlawful to permit or cause the flow of any of the following substances into the sanitary sewer system of the city:

A. Prohibited Discharges: The discharge of any waters containing any substance or any toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, as determined by the city, to contaminate the sludge (biosolids) of any municipal system, or to injure or interfere with any wastewater conveyance or treatment process, constitute a hazard to humans or animals, creates a public nuisance, or create any hazard in or have an adverse effect on the water receiving any discharge from the wastewater treatment works is hereby prohibited.

...

C. Pretreatment: The city may require pretreatment of any discharge to the municipal sewer system that may be detrimental to the wastewater conveyance or treatment structures or processes, or that may be detrimental to compliance with any federal or state discharge limitation. Pretreatment prior to discharge to the municipal system may be required to meet requirements established by the city for any substance, or may be required for the complete elimination of a substance prior to discharge.

Public Works requests that an additional septic tank be installed in the sewer discharge line, downstream of the existing tank, to address current discharge problems and provide capacity for the waste from the proposed addition. The tank would need to be a dual chamber type, with a recommended capacity of 1,500 gallons. In addition, they request installation of a monitoring manhole in the discharge line at or near the edge of the 2AB right-of-way. This request is because there is currently no access to sample directly from the facility's discharge line—access for sampling is only available at manholes in the main line, which means it is mixed with discharge from other properties, making precise measurements/sampling impossible. The monitoring manhole would solve that problem and allow more precise measurement and resulting billing (could be more or less than currently calculated).

B. Emergency Response Plans...

Comment: Not requested by fire marshal.

C. Sound Level: The day-night average sound level (Ldn), measured at the property line, shall not exceed...sixty five (65) decibels (dB) where the adjacent property is zoned commercial, industrial, or agricultural...

Comment: As this is an average as opposed to peak sound level, it is not expected to be exceeded. Primary noises will be limited to the HVAC equipment and occasional vehicles.

D. Landscaping and Screening: New uses, and existing uses which expand in building size or outdoor use area by more than fifty percent (50%), shall be provided with landscaping near the entrance to the property and/or building and along any collector or arterial street frontage, in the following manner...

Comment: Not applicable, as this expansion together with the 1,132 cold storage building that was approved for this site in February of 2018 but not yet built, is well under the 50% threshold.

E. Height of Open Storage: Storage of materials outside of buildings or containers shall be no higher than eight feet (8') plus one foot (1') in height for every additional two feet (2') of setback from a property line.

Comment: No outdoor storage is identified.

F. View Obscuring Barriers: When the use of the property is a wrecking yard or similar use that stockpiles scrap or junk materials, site screening fences up to eight feet (8') tall and/or additional landscaping sufficient to form a view obscuring barrier shall be provided to screen those activities from major roads and residential areas.

Comment: No outdoor stockpiles of scrap or junk material are proposed.

GENERAL SITE PLAN CONDITIONS AND LAYOUT:

Access

No change to the existing access to Road 2AB is proposed.

Parking

The existing paved parking area has a capacity of approximately 20 vehicles. While it is about four feet in depth less than current code, it is existing and legally nonconforming in that respect. It functions because the parking space widths are effectively not limited due to the relatively light use of the parking lot and resulting separation between parked vehicles, so that vehicles can still maneuver within the property without backing out into Road 2AB. In order to maintain that ability, the parking spaces should continue to have more than the minimum width of nine feet. The parking spaces need to be painted—particularly the ADA parking space and unloading aisle. Yet, staff would recommend using a width of about eleven feet, to maintain the maneuverability that currently exists. This would result in sixteen standard spaces and one ADA space and loading area in the paved area. Based on observed usage, this will be adequate for customer and most, if

not all, employee parking.

Employee parking also occurs in gravel areas to the east of the building. In the February 2018 review for a storage building on this property, the following condition was included:

“Encourage employees to park within the property boundaries, as opposed to the shoulder of Road 2AB, and expand the gravel parking area as needed to accommodate the parking demand.”

There is still some parking occurring in the area of the Road 2AB shoulder. Elimination of the parking in the area of concern is recommended. Parking in that area has never been authorized and violates current parking code standards.



Lighting

Exterior lighting is limited to two LED, wall pack fixtures, located on the north side and east sides of the building. The fixtures are full-cut off in design. The west fixture will have some light spillage beyond the property line, but the adjacent area is a storage yard for Western Area Power and is not sensitive to a little extra light.



Site grading/Storm water

A properly sized and designed swale to the south of the addition is proposed to meet City storm water requirements. Storm water from the building will be collected through a gutter system and piped to the swale.

Utilities

No changes to the services are proposed. The sewer discharge situation was discussed previously in this report.

Snow Storage

Snow storage area is available in various areas of the property.

Setbacks / Buffers

Applicable zoning setbacks are met (25-foot front setback). There are no buffer requirements for the building.

Other:

Cargo containers: The site plan does not disclose the two cargo containers that sit on the property, to the south of the proposed addition. The zoning ordinance specifies that *“Cargo containers and similar portable structures that remain in place more than thirty (30) days shall be considered buildings (either accessory or primary, depending on situation) for purposes of this title, except while*



utilized in conjunction with permitted construction on the property on which it is located.” As such, the cargo containers are subject to site plan review and must comply with applicable zoning ordinance standards. It is proposed that the two cargo containers be authorized as part of this site plan review, but that they be brought into compliance with applicable standards. Specifically, the signs on the containers (shipping company names and logos) violate the sign code and must be removed (e.g. painted over).

Commercial signage

No new signage is proposed.

ATTACHMENTS:

Site plan, floor plan and elevation drawings. Wastewater Agreement.

ALTERNATIVES:

Approve or deny the site plan application, with or without changes.

RECOMMENDATION:

Approve the Wyoming Legacy Meats addition and two existing cargo containers, subject to the following conditions. All required site improvements and the following conditions must be completed prior to occupancy of the addition; provided, if weather precludes, the painting may occur after if a financial security is posted with the City to ensure completion as soon as weather allows.

- 1) Install a 1,500-gallon dual chamber septic tank in the sewer discharge line, downstream of the existing tank. Include cleanouts per the plumbing code. If the septic tank is not rated for traffic, the tank must be isolated from vehicle maneuvering areas. (If the applicant disputes the size of tank needed, an engineering analysis shall be provided in order to justify any smaller size.)
- 2) Install a monitoring manhole in the discharge line near the edge of the Road 2AB right-of-way. Coordinate size and exact placement with Public Works. If the manhole is in a driving area it needs to be protected with a concrete collar (diamond shape).
- 3) Ensure that all employees park within the property boundaries and within an area where backing can occur without backing directly onto Road 2AB.
- 4) Paint the parking space lines. Maintain a minimum parking space width of 10 ½ feet for the standard parking spaces. Include the ADA space and unloading area and post a van-accessible ADA sign in front of the ADA space (on wall).
- 5) The cargo containers must be painted to remove all signage.
- 6) The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.
- 7) A building permit must be obtained within three years or this authorization will expire.

AGREEMENT
FOR
WASTEWATER PRETREATMENT AND SEWER CHARGES
BETWEEN
THE CITY OF CODY (CITY)
AND
WYOMING LEGACY MEATS, LLC. (WLM)
MAY 10, 2017

- Initial offal and blood shall be collected and hauled to landfill by WLM. These materials currently shall not enter the existing septic tank system. WLM agrees that they shall utilize the aforementioned procedures as long as they are connected to the sewer system.
- The current septic tank and underground leach system was updated in 2001. It consists of two 1000 gallon septic tanks operating in series followed by a DEQ approved leaching system under UIC Permit 01-184. WLM and CITY agree that the pretreatment system to be used prior to discharge to the sewer system shall consist of the two 1000 gallon series operated septic tanks.
- WLM and CITY agree that prior to discharging to the City of Cody sewer system, all waste shall flow through the two series septic tanks, other than the initial offal and blood.
- WLM and CITY agree that WLM shall remain responsible for maintaining these septic tanks. Solids and grease shall be pumped from these tanks at the same frequency currently observed by WLM. At a minimum, each septic tank shall be pumped six (6) times per year on alternate months. WLM shall submit copies of invoices for pumping services to CITY. In the event that pumping services are not performed in accordance with the agreed upon minimum schedule, the CITY may contract for said services on behalf of WLM and submit the bill for said services to WLM. In the event of non-payment for said services, the CITY may curb water to the facility until payment is received. The CITY may require more frequent pumping should sewer observations indicate grease or solids buildup downstream of the WLM connection to the sewer system.
- WLM and CITY agree that WLM shall evaluate and install additional pretreatment facilities, such as a third series septic tank unit, should future conditions in the City sewer system so warrant.
- WLM and CITY agree that a BOD surcharge shall be assessed monthly based on an initial preset septic tank effluent concentration of 320 mg/l. The surcharge shall be calculated by the formula: \$.025 per 1000 gallons of monthly flow for each 25 mg/l over 200 mg/l BOD. Effluent concentrates will be confirmed through periodic testing.
- WLM and CITY agree that if the CITY determines, by testing or observed problems such as excess grease or solids within the sewer main, that the above proposed initial BOD concentration is unacceptable, WLM will commit to installing a third series septic tank. If problems continue to be

evident to the CITY, WLM and CITY will equally divide all costs for sampling and testing to establish a BOD concentration for surcharge calculations. The duration of the testing and number of tests required, will be as mutually agreed upon by the CITY and WLM, but at a minimum sufficient to adequately analyze the peak loading considerations.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

CITY: CITY OF CODY
By (Signature): [Signature]
Typed Name: Matt Hall
Title: Mayor
Date: May 16, 2017
Address for giving notices:
P.O. Drawer 2200
Cody, WY 82414
Phone: (307) 527-7511

WLM: WYOMING LEGACY MEATS, LLC
By (Signature): [Signature]
Typed Name: Max Bennett
Title: Business Manager, CFO
Date: May 10, 2017
Address for giving notices:
74 Road 2AB
Cody, WY 82414
Phone: (307) 587-5827

STATE OF WYOMING)
COUNTY OF Park) ss
I, Cynthia Baker, a Notary Public in the aforesaid County, hereby certify that on the date written above, Matt Hall personally known to me to be the person who signed the foregoing affidavit, appeared before me and affirmed that he/she signed the same as his/her free act and deed.
[Signature]
Notary Public
My Commission Expires: 6/17/17

STATE OF WYOMING)
COUNTY OF Park) ss
I, Annalea Avery, a Notary Public in the aforesaid County, hereby certify that on the date written above, Max Bennett personally known to me to be the person who signed the foregoing affidavit, appeared before me and affirmed that he/she signed the same as his/her free act and deed.
[Signature]
Notary Public
My Commission Expires: May 20, 2020

