1. Call meeting to order

2. Roll Call, excused members

3. Pledge of Allegiance

4. Approval of Agenda

5. Approval of Minutes of the April 28, 2020 regular meeting

6. BUSINESS:
   A. Public Hearing for a special exemption for Walmart to increase the square footage of signs on the building by 14.4 square feet.

   B. Special exemption request from Walmart to increase the square footage of signs on the front of the building by 14.4 square feet.

   C. Downtown Architectural Review for Libations, located at 1503 Sheridan Avenue.

   D. Preliminary plat for a 2-lot minor subdivision at the Southwest corner of Wyoming Avenue and 13th Street.

   E. Site plan review for the Park County Animal Shelter, located at the Northwest corner of the Greybull Highway and Arrow Drive.

   F. Site plan and architectural review for two JCA townhouses, located at 1237 Rumsey Avenue

   G. Site plan review for an 8000 square foot metal building, located at 2401 G Avenue.

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.
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, April 28, 2020 at 12:00 pm.

Present: Kayl Mitchell; Richard Jones; Rodney Laib; Klay Nelson; Sandi Fisher; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Administrative Coordinator Bernie Butler

Absent: Erynne Selk, Wade McMillin

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

Richard Jones made a motion, seconded by Klay Nelson to approve the agenda for the April 28, 2020 meeting. Vote on the motion was unanimous, motion carried

Sandi Fisher made a motion, seconded by Klay Nelson to approve the minutes from the April 14, 2020 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

A. Todd Stowell presented the preliminary plat of Shadow Mountain Phase 2, a 32-lot subdivision, located south of Bass Avenue and Outlook Court. Todd gave an overview of the project. He showed some photos to give a background of the property.

The Public Works has plans to extend the raw water line to the area in the future. This extension will likely not be done before the development of the subdivision. They are hoping it could happen before the subdivision if filled with houses.

The property document shows the property is in a split ownership. The deed will need to be corrected before the final plat is recorded.

The preliminary plat shows the east end of the property as outside of the subdivision, and for future Shadow Mountain Subdivision Addition #3. The future area will need to be part of the survey.

An area of the property was mapped as wetland. The applicant believes he has paperwork verifying that the wetland was non-jurisdictional and was authorized to be eliminated. The City would like confirmation of that. The developer is proposing to give the City Lot 232 for open space. The City staff believes there is a benefit to accepting the open space tract, but will need to ensure that there are no liability issues pertaining to the wetlands.

A geotechnical report has been completed on the property. Those recommendations will need to followed by future homebuilders. The report identified groundwater levels from 5 to 7 feet below existing grade in some areas. The report recommends continued monitoring. Ed Higbie spoke of the history of the groundwater on the property. He proposed monitoring the groundwater using test core wells. He is not proposing houses with basements.

The abandoned oil/gas line that runs along the west side of the property be removed.

Todd stated the subdivision ordinance for this subdivision were well designed. The staff report noted when a variance from the standard is involved.

The City requires 5’ sidewalks, and the applicant submitted a variance of 4’ sidewalks. The City does not accept the variance of the 4’ sidewalk width. There are no alleys proposed.
Richard Jones made a motion, seconded by Rodney Laib, to recommend to City Council the approval of the preliminary plat for the Shadow Mountain Subdivision Phase 2, with subdivision variances 1-3 and conditions 1-15 in the staff report. Vote on the motion was unanimous, motion passed.

Sandi Fisher made a motion, seconded by Klay Nelson to adjourn the meeting. Vote on the motion was unanimous. Kayl Mitchell adjourned the meeting at 12:58 pm.

Bernie Butler, Administrative Coordinator
PROJECT DESCRIPTION:
On November 12, 2019, the Planning and Zoning Board authorized a special exemption to allow an increase of signage for the Walmart Store at 321 Yellowstone Avenue. The amount of wall signage was authorized to increase from 502 square feet to 571 square feet. Walmart is now asking for a change in one of the authorized signs, which would further increase the total amount of wall signage by about 14.4 square feet to 585.7 square feet. The authorized “Liquor” sign (11.3 sq. ft.) would be replaced with “Wine and Spirits” (25.77 sq. ft).

The property is in the D-3 sign district which allows up to 300 square feet of exterior wall signage, with no individual sign larger than 150 square feet. The amount of wall signage on the building exceeds current standards because the original signage predates the City’s sign code and exemptions were granted in 2015 and 2019 for some additional signage (about 80 sq. ft).

The proposed sign is depicted in the following drawings from pb2 architecture.
The public hearing for the request was advertised as required by U.S. mail to neighboring properties within 140 feet on April 23, 2020, and by publication in the newspaper on April 30, 2020.

As a side note, it is also noted that the background of the “Pick Up” sign has been changed from orange to blue.

**REVIEW CRITERIA:**
Pursuant to Section 10-14-2(B) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to the City’s sign standards. The standards for approval of a special exemption are as follows, with staff comments provided.

No special exemption shall be approved unless the planning and zoning board finds:

a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;

   Staff Comment: Fourteen neighboring property owners were notified of the proposal and at the time of this staff report one letter of support and one letter of objection have been received. The one objection notes “they already have a sign and the signage is over the allowable amount.” Only one negative response out of fourteen is interpreted as evidence that overall, there is no significant undesirable change or detriment to neighboring properties from this proposal.

b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;

   Staff Comment: Granting the special exemption request is not expected to create any significant compatibility issues. The increase in the amount of signage is relatively minimal. In addition, the proposed sign is very similar to the previously authorized sign in color and design. The increase in number of words involved simply results in a larger sign.

c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;

   Staff Comment: The size of the letters, combined with the number of letters results in a larger sign. The size of the letters cannot be measurably reduced or the sign would not be legible for the intended distance. As a general rule of thumb in sign advertising, letter size of 1” height per 10’ of distance from the sign is recommended. So, 18” lettering, is intended to be generally legible for up to 180 feet, which distance is about half way from the liquor store to the highway. While smaller letters could be used, they would not be readily legible. The amount of
exemption compared to the existing situation is relatively small in both total amount and percentage of increase (2.5%). In addition, the signage has the appearance of being in scale with the building itself.

At 190,223 square feet, the size of the Walmart Supercenter is unique, in that there are no other individual retail businesses in the City that are nearly as large. Although not reflected in the current sign code, there is an argument that a significantly larger building can have more wall signage than a small building, and the signage will still appear to be minimal. Making the finding that the size of the building is a unique situation avoids the concern that this exemption would set a precedent for other situations involving much smaller buildings.

d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;

Staff Comment: No other feasible options have been identified that would achieve the requested result.

e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use;

Staff Comment: No additional utility services or public infrastructure improvements are necessary for this project.

f. The special exemption is consistent with the goals, policies and future land use map of the master plan.

Staff Comment: The future land use map designation for this area is “commercial mixed use”, which is consistent with the continued commercial use of the property. Principle 1.2b of the master plan states that “Permitted signage should have a professional appearance and scale...” Staff believes the sign has a professional appearance and is in scale with the building.

**ALTERNATIVES:**
Approve, deny or approve with conditions.

**ATTACHMENTS:**
Special Exemption Permit.

**RECOMMENDATION:**
That the Planning and Zoning Board make the following findings:
(Draft, subject to information received at public hearing.)
1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by U.S. mail to all property owners within 140 feet at least ten days before the hearing.

2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.

3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,

4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(B)(2) are met.

AND,

Approve the Special Exemption to allow installation of the requested exterior “Wine & Spirits” sign, resulting in a total of 585.73 square feet of wall signage at 321 Yellowstone Avenue.

NOTE: If approved, the applicant will need to complete and record the special exemption permit at the County Clerk’s office. Rather than abide by the 10-day deadline for recording, permission to allow recording at the time of the building permit is requested.
Special Exemption Permit

On May 12, 2020 the City Planning, Zoning and Adjustment Board granted a Special Exemption Permit pursuant to City of Cody Code 10-14-2 for the following property:

Applicant/Owner Name: Walmart R.E. Business Trust
Project Address: 321 Yellowstone Avenue, Cody, WY

Description of Special Exemption Permit:

A Special Exemption is granted to permit installation of an exterior sign package of 585.7 square feet, as described in the table shown here. The special exemption is necessary because the total amount of wall signage on the Walmart property will exceed that permitted by the current city sign code.

Duration of Special Exemption Permit:

Authorization for the Special Exemption will run with the property, provided the signs are installed within one year.

Walmart R.E. Business Trust

By_________________________
(Printed name and position.)

State of ______________ SS
County of ________________
The foregoing instrument was acknowledged before me by __________________________ this _______ day of ____________, 2020.
Witness my hand and official seal.

_________________________
Notary Public

My commission expires ________________

(Planning & Zoning Chairperson)
State of Wyoming

SS
County of Park
The foregoing instrument was acknowledged before me by __________________________ this _______ day of ____________, 2020.
Witness my hand and official seal.

_________________________
Notary Public

My commission expires ________________
4470, LLC (Libations) has submitted an application for architectural modifications to the Libations liquor store located at 1503 Sheridan Avenue. The proposal would remove the existing green metal covering from the south and west sides of the building and replace it with the following. The stone covered metal shingles are proposed to be located on the awning portion and the board and batten style metal siding would be located on the vertical wall portion above the awning. The colors proposed are Charcoal for the roofing material and Mahogany for the board and batten siding.
New metal fascia, gutters, downspouts and capping will also be installed.

**REVIEW CRITERIA:**
Pursuant to 10-10B-4 of the City of Cody Code, all structures within the zoning district are to be architecturally compatible and architectural and landscaping plans are to be submitted to the planning and zoning commission for approval.

Pursuant to Subsection B of 9-2-2, within the Downtown Architectural District, “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.

**STAFF COMMENTS:**

**Architecture:**
The existing green sheet metal is fading. The new materials will refresh the look of the building.

The building is less than 20 years old, and of a modern design, so there is no need to consider preserving historical characteristics.

**Utilities:**
No new city utility connections are proposed.

**Lighting:**
No change to existing.

**Signage:**
The existing signs on the building will be put back up. As a side note, the electronic sign on their freestanding sign has been removed and is not being replaced.

**ATTACHMENTS:**
None.

**ALTERNATIVES:**
Approve or deny the proposal, with or without changes.

**RECOMMENDATION:**
Approve the project as proposed.
PROJECT OVERVIEW
The proposal is to divide a 7,000 square foot lot, located at the southwest corner of the Wyoming Avenue and 13th Street intersection into two lots. An existing house is located on the south lot and a new home is under construction on the north lot. The property is in the R-4 residential zone, which requires 1,800 square feet of lot size per dwelling unit.

The preliminary plat drawing is attached. (Note: the numbering on the preliminary plat is not coordinated—for purposes of review, the north lot will be Lot 1 and the south lot will be Lot 2.)

Executive Summary:
Much of the infrastructure has already been installed due to the house construction already underway. Changes to the utility plans are needed as follows. The water service from the south lot will be a new service coming from the east side of 13th Street. The City will do the work to bring it to the property line. The tap fee has been paid for that water tap. A charge for asphalt repair related to the street cut may remain. The existing water line that runs to the south house will need to be switched over to serve the north house.

The sewer connection to the main in the alley remains to be completed. The pipe has been run to alley—just the work in the alley remains.

The subdivision regulations require installation of sidewalk along the property frontage. The sidewalk can be located next to the curb. A ramp at the corner is part of the needed sidewalk improvements.
SUBDIVISION REGULATIONS
Applicable subdivision ordinance requirements are as follows. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

11-4-2: STREETS, ALLEYS AND EASEMENTS:

A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.
Comment- No new public streets or alleys are proposed.

B. Conform to Master Street Plan: All streets shall conform to the city master street plan for size and approximate alignment.
Comments- Wyoming Avenue and 13th Street are improved to applicable street standards, except there is no sidewalk along the frontage of this property.

Items “C” through “O” are standards that relate to construction of new public streets and are not applicable to this project.

P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20’), unless extreme conditions preclude the feasibility of alleys...
Comment: An alley exists along the south boundary of the property.

Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and board, and the city council. 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. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.
Comment: Curb and gutter exist, but no sidewalk along the property frontage. As there are no limitations from the City’s perspective to installing sidewalk at this time, a waiver is not recommended.

Items “R” through “T” are standards that relate to streets and drainage that are not applicable to this project.

U. Lot Requirements:
1. Lots shall be sited to meet the requirements of the appropriate zoning.
Comment: Met. The R-4 requires 1,800 square feet of lot size per dwelling.
2. Every lot shall abut upon or have access to an approved street or cul-de-sac.
Comment: Met.
3. Side lot line shall be at approximately right angles to the street line on which the lot faces.
Comment: Met.
4. Strip lots will be prohibited.
Comment: Met.

V. Blocks:... Comment: Met.

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards for construction. Applicable sections are listed below.

F. Sanitary Sewer: Each lot within the proposed subdivision shall be connected to a minimum eight-inch (8") diameter sewer main by a minimum four-inch (4") diameter sewer service line. The service lines shall be extended from the sewer main to the property line according to city standards. The use of individual septic systems will not be permitted when a sanitary sewer main is available...
Comment: Will be met as proposed.

G. Storm Sewer...
Comment: Minor subdivisions are exempt from the storm water policy.

H. Water: All water mains will be designed and constructed according to city approved specifications and the city standards. The system will connect each lot within the proposed subdivision to a minimum six inch (6") diameter main by the use of a minimum three-fourths inch (3/4") copper service line. The service lines shall be extended from the main to the property line according to city standards. ...
Comment: There is an existing water tap at the north end of the property that serves the south lot. That line runs under the house being constructed on the north lot. To avoid unnecessary easements and utility crossings, and so that the curb stop is on the lot being served (rather than down the street and around the corner), the south house will need to be replumbed to be served by a new water tap coming from across 13th Street, and the north house can then plumb into the existing line before it runs under the house. The fee for the new water tap has already been paid, although asphalt repair costs may also be charged. The replumbing within the property will be the owner’s responsibility.

I. Fire Hydrants...
Comment: Existing hydrants are located within the required distance along Wyoming Avenue.

J. Open Drains, Irrigation Ditches: All open drains and irrigation ditches shall be buried or, if possible, eliminated.
Comment: Not applicable. The area is within the City raw water service area.

**K. Utilities:** All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys … It will be the developer's responsibility to ensure that all utilities necessary or reasonably expected are placed within the proposed subdivision.

Comments: The plans are shown. The needed change to the domestic water plan was noted above. The preliminary plat shows a raw water connection for the south lot. If that connection is indeed desired, the tap fee will need to be paid ($500) and a change made to the plan—the new service for the south lot will come directly from the raw water main on the south lot. Coordinate exact location with Public Works. Raw water is not required to be provided at this time—a tap could be purchased in the future. The gas and electric lines have already been installed.

**M. Street Lighting…**
Comment: Street lighting exists along Wyoming Avenue and 13th Street.

**N. Public Use Areas:** …
Comment: Minor subdivisions are exempt from this requirement.

**Other:**
The preliminary plat has some typos (legal description, names, dates, lot numbering). Those need to be corrected in addition to the changes to the utility plans noted above. Also, the utility easement on the north lot is no longer necessary with the change in the water plan.

**RECOMMENDATION:**
Recommend that the City Council approve the preliminary plat of the minor subdivision by Thomas Schulz subject to the following conditions:

1. Modify the domestic water plans as noted in the staff report, and complete the connections before the final plat is recorded.
2. If raw water (irrigation) is to be installed for the south lot as part of the subdivision, pay the connection fee and modify the raw water (irrigation) plan as noted in the staff report.
3. Sidewalk must be installed along the property frontage to city standards, including the ramp at the intersection corner. The sidewalk can be located against the curb and will need to be completed before the final plat is recorded.
4. Provide the final plat in accordance with the subdivision ordinance. Also provide a clean copy of the preliminary plat, reflecting the final utility plans and correcting the typos.
ATTACHMENTS

Preliminary plat
PROJECT DESCRIPTION:
Josh Allision of JCA 01, LLC has submitted an application for the development of two townhouses at 1235 and 1237 Rumsey Avenue. The property is currently vacant and located in the General Business (D-2) zoning district and the downtown architectural district.

REVIEW CRITERIA:
Pursuant to 10-10B-4 of the City of Cody Code, all structures within the D-2 zoning district are to be architecturally compatible and architectural and landscaping plans are to be submitted to the planning and zoning commission for approval.
Pursuant to Subsection B of 9-2-2, within the Downtown Architectural District, "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.

**STAFF COMMENTS:**

**Architecture:**
The architecture of the townhouses has been professionally designed by Precision Plan and Design. Elevation drawings of each side of the buildings are attached. Floor plans are also attached.

Although the townhouses are two stories in height, overall height is minimized by the use of relatively flat roof systems. The use of large windows and a variety of quality materials on the front of the townhouses enhance the architecture. Variation in wall alignments and heights help break up the side walls of the units, and allow small courtyards. While the outside side walls will be visible, it is noted that the zoning accommodates typical downtown style buildings that can be placed side to side. The building code precludes openings in those side walls for fire protection reasons, so adding windows to break up the blank portions of the side walls is not an option. Technically, the zoning would allow the neighboring property owners to do the same.

The color scheme is based on grays, black, and wood tones. Refer to the elevation drawings for more detail.

**Landscaping:**
The site plan (Sheet C.1) identifies a planter wall along the front property line, behind which is a hardscaped patio area. The rendering shows landscaping of the park strip (area between sidewalk and Rumsey Avenue curb). The concept of using shrubs and decorative rock in the park strip is acceptable. At the rear of the property are 5-foot wide landscape areas next to the driveways. All of the site is proposed to be developed with either buildings or landscaping.

There is no minimum amount of landscaping required for this property, as it is not within the entry corridor overlay zone.

**Storm Water/Grading:**
Storm water and grading plans were not supplied with the application. Due to the proximity of the proposed buildings to the property lines and established grades on neighboring properties, grading and building elevations must be carefully considered. It appears that some stepping may be desirable or necessary in the floor elevation of the building, such as between the garage and the rest of the building, in order to accommodate the difference in elevation between the front and back of the lot. Also,
the development must consider the adjacent private property elevations, so that the development matches those grades, or otherwise accounts for the elevation of neighboring lots (e.g. the townhouse owners will not want their courtyards and patios to be in “holes”, nor can the building to be so high in relation to neighboring lots that the foundation walls do not have adequate cover). Proper planning is needed.

When storm water is added to the mix, there are additional considerations. Due to the sizes of the individual townhouses, the options of the storm water policy manual can be used without engineer design of the storm water facilities. The default options would include either 660 cubic feet of percolation trench area or three 4’ diameter by 6’ deep drywells on each townhouse lot.

Placement and design of the storm water facilities should consider that there is a basement on the “Thistle” property immediately next to the common property line, and provide adequate separation and depth. In addition, overflow paths should be provided so that events larger than the 10-year, 2-hour design storm do not cause flooding on the property. The best overflow paths would be to Rumsey Avenue. They alley does not have any drainage facilities and it is not constructed to carry stormwater.

Stormwater and grading plans will need to be submitted for review and approval prior to issuance of the building permit. In addition, inground storm water facilities are required to be registered with WY DEQ as a Type V injection well.

Access:
Vehicle access is proposed off of the alley along the north side of the property. There is currently half of a driveway approach at the southwest corner of the property. Although not specifically noted on the plans, the site plan does show curb and gutter extending to what would be the west half of the existing entrance, which is on the neighboring property. The site plan accurately indicates the intent and City staff’s expectations regarding the modification to the existing driveway. The modifications to the curb and gutter, and sidewalk will need to be processed through the encroachment permit process with the Street Division.

Parking:
The property is within the downtown parking district and on-site parking is not required for this project. However, each townhouse will have a two-car garage. Angled street parking is also available along the Rumsey Avenue frontage.
Utilities:
The building and city utility codes require each dwelling to be served with individual utility services. Plans to accomplish that are reflected on the corresponding subdivision plans shown here (subdivision is not under review at this meeting). The plan for the west lot is to have new sewer, power and gas brought to the lot and use an existing water tap. The east lot will use an existing sewer tap, but otherwise have new services. An upgraded transformer, underground extension, and electrical pedestal are needed. Use of the existing taps will be reviewed by the City when they are exposed. If the sewer service is not PVC all the way to the main, a new service will need to be installed for the east lot. If the water service or curb stop for the west lot is not in suitable condition, as determined by the City, a new water service for the west lot will be needed (in that case it would make sense to bring in both water services at the common lot line, in a single trench). With those understandings, the plan is acceptable.

The city utility connection and inspection fees will need to be paid with the building permit, and the contractors will need to obtain encroachment permits for all work within the public right-of-way.

While the application claims that all the utilities that formerly crossed the east portion of the property have been abandoned or removed, it appears that a private raw water line may still exist along that property line. There is a raw water service at the NE corner of the property (appears to be in the proposed landscape area), that serves the Pinnacle property to the east, and perhaps the Thistle (drip irrigation for trees along Rumsey?). An irrigation box with an electronically controlled valve exists at the SE corner of the property, next to the sidewalk. More than likely a line connects the two features. The developer will need to coordinate with those property owners regarding the raw water service and any irrigation lines on the property. It appears that the sharing of the raw water service was established when all properties were under a single ownership, and that the Pinnacle property pays the utility bill for that raw water service.

The application does not indicate use of raw water for the townhouse development. If raw water is desired, individual connections for each lot would be to be provided from the main in the alley.
Lighting:
Exterior lighting is depicted on Sheet E.1. Exterior lighting along the front of the building is limited to 4” diameter recessed LED lights (785 lumens each—approx. equal to 60-watt incandescent), five at each level on each townhouse. They are to be controlled by a standard light switch.

Towards the rear of the building, the courtyard and areas around the garages are proposed to be illuminated with the following fixture, which produces only 440 lumens at a 2700 K color temperature. The result should be very soft lighting towards the rear of the building, which is considerate of the occupants of adjacent properties.

Signage:
No signage is proposed.

Setbacks and Buffers, and Height Requirements
There are no setback or buffer requirements required by the zoning ordinance for this situation (D-2 zoning, without adjacent residential zoning). Setbacks required by the building code are dependent on the type of construction, which can allow the setback to be reduced to zero. The D-2 zone has no building height limit.

Hydrants/Fire Protection
The building will rely on a fire hydrant at the southeast corner of the Rumsey and 13th Street intersection for fire protection.

Frontage Status
With the removal of part of the driveway at the west property line and replacement with standard curb, gutter, sidewalk, the Rumsey Avenue frontage will be fully improved.

Garbage
Garbage collection is not indicated. There are City dumpsters in the alley. Public Works will analyze the situation over time to determine if an additional dumpster is needed.

**ATTACHMENTS:**
Architectural drawings and site plan

**ALTERNATIVES:**
Approve or deny the proposal, with or without changes.
**RECOMMENDATION:**
Approve the project as proposed, subject to the following conditions:

1. Eliminate the portion of the existing curb cut/driveway near the southwest corner of the property and replace with standard curb, gutter, and sidewalk to City standards. The contractor must obtain an encroachment permit for this work, which will also address asphalt patching.

2. All utility work in the right-of-way or alley (e.g. utility connections) will require an encroachment permit. Coordinate with Public Works. Use of the existing sewer service and water service is subject to verification of proper materials and conditions by the City.

3. The developer will need to coordinate with the property owners that use the raw water service at the NE corner of the property and resolve the situation to the satisfaction of all parties (e.g. provide easement, provide replacement tap, abandon or relocate line to the Thistle). Agreement on the plan must be provided in writing from all parties prior to issuance of the building permit, and any associated work completed prior to occupancy of the east townhouse.

4. Provide a grading plan and a storm water plan for City staff review and approval. The plan must be approved prior to issuance of the building permit. The storm water facilities must be sized as noted in the staff report, and be located and designed with consideration to neighboring basements to demonstrate reasonable precaution to avoid groundwater impacts to those basements.

5. The project must otherwise comply with the application, site plan and applicable building, fire, and electrical codes. A building permit must be obtained within three years or this authorization will expire.
ALTHOUGH GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT, IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT IMPERFECTIONS. THEREFORE PRECISION PLAN AND DESIGN INC. AND/OR ASSOCIATES ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. THE BUILDER/OWNER MUST VERIFY ALL DIMENSIONS: THIS PLAN IS SUBJECT TO CHANGE PER ENGINEER AND/OR LOCAL CODES AND STANDARDS.

OWNER INFORMATION

OWNER: JOSHUA C. ALLISON
MAILING ADDRESS: 3429 COTTONWOOD AVENUE
CODY, WYOMING 82414
PHONE: 512.663.0732
EMAIL: josh@cacompanies.com
PROPERTY LOT 20 RUMSEY AVENUE
ADDRESS: CODY, WYOMING 82414

BUILDER: MAGARGAL CUSTOM BUILDING
MAILING ADDRESS: P.O. BOX 1933
CODY, WYOMING 82414
PHONE: 307.527.7154 | 307.899.5853
EMAIL: lmagargal@yahoo.com

CONSTRUCTION NOTES:

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C5 Structural Calcs
C6 Structural Calcs
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SHEET # 05.04.20

NOTE:

MAIN FLOOR = 1,779 SF. EACH UNIT

PROJECT LOCATION
JOSH ALLISON
CODY, WY

PROJECT NO.
DATE:
REVISION:

F

SCALE: 1/4" = 1'-0"

UP TO SECOND LEVEL

UP TO SECOND LEVEL

FINAL PLAN SET 05.04.20

MEMBER ILBA no. 1271 RUMSEY AVE. TOWN HOMES
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RUMSEY AVE. TOWNHOMES
JOSH ALLISON
CODY, WY
PROJECT LOCATION

1742
PROJECT NO.
DATE: 05.04.20
REVISION: 6

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UPPER FLOOR PLAN = 1,260 SF. EACH UNIT

UPPER FLOOR
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WALL SECTION
SCALE 3/4" = 1'-0"

WALL SECTION
SCALE 3/4" = 1'-0"

CROSS SECTION
SCALE 3/4" = 1'-0"
ELECTRICAL NOTES:
1. ALL STANDARDS MUST BE MET IN ALL MANNER OF PROTECTION.
2. RECEPTANCES AND FAN OUTLETS TO BE LOCATED AS SHOWN.
3. O.H. DOORS M < 24" wb, DW 12".
4. ALL EXTERIOR OUTLETS MUST BE WEATHER PROOF.
5. ALL LIGHTING必須 BE OF THE "WARM LIGHT" TYPE.
6. HALL SECURITY LIGHTS TO BE PROVIDE.
7. ALL DRYER OUTLETS TO BE LOCATED.
8. ALL SCONCE LIGHTS TO BE INSTALL.
9. ALL WALL SCONCE LIGHTS TO BE INSTALL.
10. ALL IN USE COVER TO BE LOCATED.
11. ALL GFI PROTECTED.
12. ALL GFI PROTECTED.
13. ALL CEILING FIXTURES TO BE INSTALL.
14. ALL FAN WITH LIGHT TO BE INSTALL.
15. ALL TASK LIGHTING TO BE INSTALL.
16. ALL VANITY LIGHT TO BE INSTALL.
17. ALL FOR USE COVER TO BE LOCATED.
18. ALL IN USE COVER TO BE LOCATED.
19. ALL IN USE COVER TO BE LOCATED.

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ELECTRICAL NOTES:
1.) ALL STANDARD OUTLETS MUST BE ARC FAULT BREAKER PROTECTED.
2.) MAX SPACING FOR OUTLETS 12' @ KITCHEN MAX. SPACE 4'.
3.) ALL EXTERIOR OUTLETS MUST BE WEATHER PROOF WITH WEATHER PROOF IN USE COVER.
4.) CO2 DETECTOR, ONE REQUIRED EACH FLOOR.
5.) 2 APPLIANCE BRANCH CIRCUITS REQUIRED IN KITCHEN.

SCALE: 1/4" = 1'-0"
CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT

MEETING DATE: May 12, 2020

AGENDA ITEM: SITE PLAN REVIEW: 8,000 SQ. FT. METAL BUILDING FOR HIGBIE FAMILY TRUST. SPR 2020-08

SUBJECT: P&Z BOARD APPROVAL: X

RECOMMENDATION TO COUNCIL:

PREPARED BY: TODD STOWELL, CITY PLANNER

DISCUSSION ONLY:

PROJECT DESCRIPTION:
Ed Higbie of the Higbie Family Trust has submitted an application to construct an 8,000 square foot metal building at 2401 G Avenue. The use of the building is not yet identified. For purposes of this review it is limited to storage use only. The property is 0.85 acres in size and located in the Open Business/Light Industrial (D-3) zoning district.

REVIEW CRITERIA:
Section 10-10E-3 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.

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.

In addition, the site plan is reviewed for compliance with specific development standards of the zoning ordinance.
**STAFF COMMENTS:**
The property is vacant and zoned D-3, which zone allows a variety of uses. Not having the use identified at this time means that additional review will be needed in the future, if the building is ever to be used for anything but storage. That review would likely be limited to a parking analysis, building plan review, and perhaps some grading analysis. The Planning and Zoning Board would not be involved in those reviews unless an exception to the standards is requested, or there is a physical addition to the building.

The surrounding area is as follows:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>EXISTING USE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Stormwater pond and hillside above river.</td>
<td>D-3 (Light Industrial)</td>
</tr>
<tr>
<td>East</td>
<td>Vacant lot.</td>
<td>D-3</td>
</tr>
<tr>
<td>South</td>
<td>Vacant lot.</td>
<td>D-3</td>
</tr>
<tr>
<td>West</td>
<td>City stormwater conveyance tract (carries stormwater from Big Horn Avenue and Blackburn Street), then West Rocky Road and vacant City land (reclaimed landfill).</td>
<td>D-3</td>
</tr>
</tbody>
</table>

Architecture:
The building is a standard metal-sided and roofed building, with 16-foot tall side walls and a 1½:12 (estimated from rendering) pitched roof. Here is a rendering of the building.

The color scheme is identified as Ash Gray side walls, Charcoal Gray trim and a Galvalume roof. The doors are proposed to be white.

The building has no architectural enhancements. Many of the buildings in the Blackburn PUD development have either two-toned walls (wainscot look) or a covered entryway extension. As the building has apparently already been ordered, a color enhancement is off the board, but a covered entryway should be considered.

Landscaping:
There is no landscaping planned. The Board has not been requiring landscaping in this subdivision, provided the building has some architectural variety. However, for slope stability, the slope along the west side of the property needs to be seeded with a native grass seed mix.

Access and Parking:
G Avenue is a private, dead-end local access street, although it has an alley off the end that connects to West Rocky Road. While the access to the alley will likely remain
open, the connection to West Rocky Road should not be relied on as always being available (there is talk of closing it to avoid cut-through traffic). Whether the access is off of the G Avenue cul-de-sac or off the alley, likely does not matter. It is simply what works better with building placement.

Building placement does need some discussion. The current proposal is to place the building 50-feet off the easement and provide a row of parking against the easement, and a row of parking against the building. However, this does not meet minimum parking lot dimensions. Effectively, there would need to be 69 feet between the alley and building in order to meet minimum dimensions and have the convenience of a walkway next to the building, so people don’t have to walk around the back of their vehicles to get to the entry. If no walkway is provided, 64 feet would be the minimum.

Alternatively, it may make sense to shift the building south to provide just a single row of parking against the south side of the building, and have a row along the back (north) side of the building. Currently, the grading at the back of the building is too steep to allow parking at the back of the building, due to not enough backup area. Additional filling of the north end of the property could provide room for more parking.

Yet another option would be to turn the building 90 degrees, shift it closer to the south property line and provide parking along the south, east and north sides of the building (May need to bump east property line slightly east through a boundary line adjustment process.)

If the building is used for a low-traffic/low occupancy use, the configuration likely does not matter, but if something like a gymnastics studio were to move it, it will need all the parking that could possibly be created. The applicant is advised to consider building placement and let the Board know which option is preferred. As the building is currently placed, there would only be six spaces available that would meet parking code.

Warehousing (product storage) requires one parking space per 2,000 square feet—or 4 spaces in this case. If a light industrial use were to move in, 9 spaces would be required (1.1 spaces per 1000 sq. ft). At least four spaces must be provided for occupancy of the building for storage. One of those spaces must be an ADA compliant space, with signage and an unloading aisle. (Paved with asphalt or concrete, striped, no more than 2% slope, van-accessible/ADA sign in front, etc.)

All other parking spaces and vehicle maneuvering areas must be improved with crushed gravel (WYDOT grading GR or W, per parking ordinance), or better.

**Exterior Lighting**

The exterior lighting plan is to install three wall packs on the front of the building. More specific detail was not provided. Due to some residential uses on the bluff above the
property, these fixtures should be full cut-off fixtures. Intensity is likely not an issue, provided they are in the range of medium intensity (equivalent of 250 watt or less). The building code will also require an exit light at the entryway. It too should be full cut-off, or of low intensity (75-watt incandescent equivalent or less).

**Neighborhood Compatibility, Setbacks and Buffers, Fencing and Height Requirements**

There are no specified zoning setbacks or building height limits applicable to this property.

The application does not identify any outdoor storage. If outdoor storage is planned, either additional Board review will be needed to determine if any screening requirements apply, or the property owner could voluntarily provide a 6-foot privacy fence around the storage, which would comply with City requirements for any type of outdoor storage, and avoid further board review (a fencing permit would be needed).

**Storm Water Plan:**

As there is already a storm water facility that was installed by the developer as part of the subdivision, the property is entitled to dump its storm water into G Avenue and the property to the north in an amount equivalent to runoff from up to 10,000 square feet of impervious surface (building and pavement), with the rest of the lot graveled. Impervious surface of this project is about 8,400 (with ADA space), which is under the amount allocated to the lot.

**Grading:**

The property has been filled over the last several years (approx. 9 years) to a depth of as much as 10 feet. As the City has no filling/grading permit process, we do not have any record and cannot verify the suitability of the materials or compaction processes that occurred. As a result, engineering analysis of the fill and sign off by a licensed WY engineer, pertaining to the soil suitability and foundation design for the building, will be required for the building permit.
In addition, some of that filling has encroached onto City property to the west. The City property contains a storm water conveyance channel that carries water from the Big Horn Avenue and Blackburn Street areas. The extension of the fill onto the City property results in a larger building pad on the applicant’s property. As the filling of the City property was not previously authorized, permission from City Council for the fill to remain will be needed prior to issuance of the building permit. In order to provide Council sufficient information to make that decision, it is requested that the applicant have his engineer verify that the capacity of the channel to carry the design volume still remains, and that the stability of the fill slope is sufficient that it will not erode and undermine the building pad of the proposed building (i.e. demonstrate that the angle of repose from the extent of potential channel erosion/migration does not fall within the proposed building pad.)

**Snow Storage**
Snow storage is not indicated. There is plenty of room on the north end of the lot for snow storage.

**Utility Services**
The lot has an existing water service, sewer connection, and natural gas line. A new transformer is needed and is planned. The location of the transformer has not been selected. Coordinate with Public Works on a location that does not conflict with access, parking, or backup area. The City reserves the right to require bollards for protection of the transformer if it is located near a vehicle travel lane. An easement will be needed for the transformer.

The site plan does not show the needed sewage grinder pump system, which must be installed per the detail on Sheet 14 of the Blackburn PUD construction plans. Placement of the grinder pump cannot conflict with the parking spaces, or access to any parking spaces that may be located to the north or east of the building. Identify the location on the building permit application materials.

**Signs**
No signs are proposed at this time. A sign application would be needed for any signs in the future.

**Hydrant**
The building will rely on the fire hydrant across the alley on the cul-de-sac for fire
Frontage Status
G Avenue is a fully developed private street, except that there are no sidewalks due to a variance granted during the subdivision process.

Garbage
The site plan does not include the dumpster location. The southeast corner of the property may be an option—coordinate with the sanitation division. A gravel dumpster pad will need to be installed at the authorized dumpster location, behind the curb.

ATTACHMENTS:
Application materials.

ALTERNATIVES:
Approve or deny the site plan with or without changes. If the Board is uncomfortable approving the site plan until more or all outstanding issues are resolved, they could continue the matter until those issues are better addressed and reflected on the site plan.

RECOMMENDATION:
If the applicant is able to identify a building location, it is recommended that the Planning and Zoning Board approve the project subject to the following conditions:

1. Permission to keep and rely on the fill located on the City of Cody property must be obtained from the City council prior to issuance of a building permit. If permission is not obtained, additional review by the Planning and Zoning Board is required. In preparation for Council review, obtain verification from a licensed WY engineer that the capacity of the storm water channel to carry the design volume still exists, and that the stability of the fill slope is sufficient that it will not erode and undermine the building pad of the proposed building (i.e. demonstrate that the angle of repose from the extent of potential channel erosion/migration does not fall within the proposed building pad). If the fill remains, the slope must be seeded with a native grass seed to minimize erosion, or by other suitable engineering methods.

2. Any proposed change of use from storage/warehouse use is subject to review in accordance with applicable parking, building, utility, fire and other City codes.

3. For the storage/warehouse use, provide a minimum of four parking spaces per City standards, one of which is to be a van-accessible ADA space with surfacing, signage, and grading per ADA standards.

4. The exterior site lighting is to be full cut off in design, provided the entry door lighting need not be full cut off if it is low in intensity (75-watt incandescent equivalent or less).

5. Applicable city utility fees (water, sewer, electrical) are to be paid prior to building permit issuance—coordinate with Public Works.
6. If outdoor storage is planned, additional Board review will be needed to determine if any screening requirements apply, or the property owner could voluntarily provide a 6-foot privacy fence around the storage, which would comply with City requirements for any type of outdoor storage, and avoid further board review (a fencing permit would be needed).

7. Identify a suitable location for the grinder pump on the building permit application materials.

8. Coordinate with the City on the location of the transformer, and provide an easement for the electrical extension and transformer. The location must be agreed to prior to issuance of a building permit.

9. Coordinate with the sanitation division on a dumpster location on the property, or behind the curb. Provide a gravel (or better) pad for the dumpster.

10. The project must otherwise comply with applicable building, fire, and electrical codes.

11. A building permit must be obtained within three years for the main building or this authorization will expire.

12. (Any architectural enhancement or landscaping required?)