

City of Cody
Planning, Zoning, and Adjustment
Board Meeting March 23, 2021

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of Cody in Cody, Wyoming on Tuesday, March 23, 2021 at 12:00 pm.

Present: Chairman Kayl Mitchell; Richard Jones; Sandi Fisher; Rodney Laib; Carson Rowley; Wade McMillin; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Scott Richard

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

Kayl Mitchell announced a change in the order of the agenda items, moving the two tabled items to “New Business” as items A and B. The two Subdivisions were moved to C and D on the agenda.

Wade McMillin made a motion, seconded by Richard Jones, to approve the agenda for the March 23, 2021 meeting with the change of order. Vote on the motion was unanimous, motion carried.

Richard Jones made a motion, seconded by Wade McMillin, to approve the minutes from the meeting on March 9, 2021. Vote on the motion was unanimous, motion carried.

Kayl Mitchell made a motion, seconded by Richard Jones, to remove from the table, the sign plan review for Cody Cattle Company and Cody Firearms Experience, and the Special Exemption for reduced on-site parking spaces for Cody Craft Brewing. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed the sign plan for the Cody Cattle Company and Cody Firearms Experience. The signs are located on the west wall of the building at 1202 Sheridan Avenue. The signs are located in the Downtown Architectural District. Each sign is a vinyl wrap and measures 8’ wide and 9’ tall (72 sq. ft. each).

Keith Siedel, owner of the building said there have been signs on the building since 2013. He does receive income allowing the signs to be there.

Since the last meeting when this item was tabled, the City has revised part of the sign code. This item needs to be considered under the old sign code since that is what was in place at the time the applications for the signs were submitted.

The Board asked that if the signs were to be replaced in the future, would the new/replacement signs be allowed under the new code. Todd said that replacement off-premise signs would not be allowed under the new (current) code, but that they would be reviewed under whatever sign code exists at the time the request is made.

Carson Rowley made a motion, seconded by Kayl Mitchell, to define the signs as “wall signs”, and allow the signs to remain on the building. Voting in favor of the motion were Carson Rowley, Sandi Fisher, Kayl Mitchell, and Richard Jones. Wade McMillin and Rodney Laib were opposed to the motion. With a majority voting yes, motion passed.

Todd Stowell reviewed a Special Exemption to reduce the required on-site parking site parking spaces to 22, for Cody Craft Brewing, located at 1732 Sheridan Avenue.

Todd Stowell explained the City of Cody Parking Ordinance. Since the last Planning and Zoning meeting, the applicant was able to secure parking agreements for additional parking spaces with some businesses in the area. However, the form of the agreements need changed so that they are signed and notarized by the owners

of the building and otherwise meet the requirements of the City code.

The occupancy with the building is the main concern. Staff suggested using a “Please wait to be seated” model as a potential solution. The owners were not in agreement with that. There are several items that need to be done before the approval of the project. The electric needs to be upgraded to 3 Phase; a building permit needs to be submitted which includes a fire sprinkler system; and a liquor license secured.

The 100 seats shown on the drawing are significantly less than the capacity of the building. Staff identified that seating capacity of the facility was approximately 171 (99 at tables, 33 at bars, and 39 in the party room) based on the seating shown, and not considering standing room.

Ted Blair, owner of the Holiday Inn, Comfort Inn, and the Blair Building was concerned about his businesses losing parking spaces. Brenda O’Shea, owner of A Western Rose Motel called in to say she was opposed to the special exemption, and concerned about her customers not having a place to park.

Owner Brian Walker spoke in length about issues he had with City staff, City ordinances regarding the parking, and the occupancy codes from the Building Department and Fire Marshall.

Carson Rowley made a motion, seconded by Wade McMillin, to approve the special exemption with recommendations 2, 5, 6, and 7 in the staff report (see pages 4 and 5). The occupancy be deemed 140 and the seats per parking space be three. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed the preliminary plat of the Mountain View 29 Subdivision. This is a 15-lot subdivision located at 2001 29th Street. He reviewed the subdivision regulations and variances.

Wade McMillin made a motion, seconded by Carson Rowley to recommend to Council the approval of the Mountain View 29 preliminary plat, with conditions 1-13 in the staff report.

Staff reviewed the final plat and construction plans for the Shadow Mountain Subdivision No. 2. This is a 32-lot subdivision. The subdivision ordinance requirements were reviewed with the preliminary plat approval. Todd Stowell gave a status update of the preliminary plat conditions 1-14.

Developer Ed Higbie spoke about a few items in the preliminary plat conditions. He does not want to remove the abandoned oil/gas pipeline. He has met with DEQ on site. The pipeline is owned by Marathon. Mr. Higbie is wanting to give this section of land to the City. Before the land is transferred, Council, Planning, Public Works, and the City Attorney will need to discuss this.

Carson Rowley made a motion, seconded by Wade McMillin to recommend to Council the approval of the final plat for the Shadow Mountain Subdivision No. 2, with conditions 1-14, and amend #6 to say “deemed cleaned” and strike the word “properly removed”. Vote on the motion was unanimous, motion passed.

Kayl Mitchell made a motion, seconded by Richard Jones, to adjourn the meeting. Vote on the motion was unanimous, motion passed.

There being no further business to come before the Board, Chairman Kayl Mitchell adjourned the meeting at 1:55 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator