

**City of Cody**  
**Planning, Zoning, and Adjustment**  
**Board Meeting April 27, 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, April 27, 2021 at 12:00 pm.

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

Absent: Sandi Fisher; Carson Rowley

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

Richard Jones moved to approve the agenda, seconded by Kayl Mitchell. Vote on the motion was unanimous, motion passed.

Richard Jones moved to approve the minutes from the April 13, 2021 meeting, seconded by Rodney Laib. Vote on the motion was unanimous, Motion passed

Todd Stowell reviewed an architectural authorization for a temporary equipment sales office to be located southwest of the intersection of Highway 14A and Beacon Hill. Site plan will be reviewed at a future meeting.

Richard Jones moved to approve the temporary office building at the corner of Highway 14A and Beacon Hill Road, seconded by Rodney Laib. Vote on the motion was unanimous, motion passed.

Todd Stowell reviewed the preliminary plat for the Musser-Beacon Hill 6-lot commercial subdivision, located west of Beacon Hill Road and north of Sheridan Avenue.

Scott Richard made a motion, seconded by Rodney Laib, to approve the preliminary plat for the Musser-Beacon Hill 6-lot subdivision with variances 1-3, and conditions 1-7 in the staff report. Vote on the motion was unanimous, motion passed.

Todd Stowell presented a site plan for the Cody Lock Up storage buildings, located at 343 33<sup>rd</sup> Street. These will be full storage buildings and not mini-storage buildings. The elevation has been updated on the site plan.

Richard moved to approve the site plan for the Cody Lock Up storage buildings with recommendations 1-3 in the staff report, seconded by Wade McMillin. Recommendation number three will state that the exterior lighting would be a maximum of 4000K and 24-Watt. Vote on the motion was unanimous, motion passed.

A Public Hearing was opened at 12:16 pm for a special exemption to waive the on-site parking requirements for Trailhead Bar Grill & Wood Fired Pizza, located at 1326 Beck Avenue. Applicant Nathan Kardos talked about the restaurant expansion and the parking spaces that are currently available. He said the main hours of business would be four to late evening. With there being no more public comments, the hearing was closed at 12:21 pm.

Todd reviewed the special exemption to waive the on-site parking requirements at 1326 Beck Avenue. The special exemption would waive the parking requirements associated with a 1,600 square foot public assembly area (banquet room / party room), the use of an additional 900 square feet for restaurant-related storage, and a permanent outdoor dining area (covered by a pergola) of approximately 1,080 square feet (18' x 60'). This request exceeds the 100-space parking exemption for the downtown parking district per city code. An additional 51 parking spaces would be needed to authorize the additional areas.

A building permit has already been approved for an occupancy of 266. Currently there are 108 parking spaces available on Beck Avenue, the Bob Moore parking lot, 13<sup>th</sup> and 14<sup>th</sup> Street up to the alley. Based on the additional space and occupancy, 151 spaces would be needed. If the applicant could get an agreement with the owner of the NAPA to use their parking lot, they would have another 14 spaces. Once the old shed in the back of the property is torn down, the 2 required ADA parking spaces could go there.

Staff is recommending that the restaurant be authorized to use the outdoor seating area on a temporary basis, and the kitchen storage, but not the 1,600 square foot event center at this time. Once the existing parking situation is evaluated over the summer (tourist season), the Board can decide if the outdoor seating area and the event center are appropriate on a permanent basis. The Board will re-evaluate the exemption at the first meeting in August.

Richard Jones moved to authorize a temporary parking exemption to exceed 100 parking spaces at 1326 Beck Avenue, with findings 1-4 in the staff report. (All proposed areas can be used.) Motion was seconded by Wade McMillian. The temporary exemption will be re-evaluated at the August 10, 2021 meeting. Vote on the motion was unanimous, motion passed.

A Public Hearing opened at 12:50 pm for a special exemption for Single Track Spirits to operate a distillery (manufacture spirits) in a General Business (D-2) zoning district at 1221 Alger Avenue.

Co-owner Ben Westesen of Single Track Spirits spoke to the Board and audience about the business. He addressed the neighborhood concerns about traffic, parking, noise, smell, storage, and safety. There was a letter from the owners included in the full agenda packet explaining their spirit manufacturing business. The tasting room would have an occupancy of 45 and would be 700 square feet. The property is zoned commercial (D-2).

Public Comments: Michelle Imburgia, owner at 1207 and 1205 Alger Avenue had concerns about noise, parking, fermenting odor, and the storage area. Joel Swearinger spoke on behalf of Melissa Watson, owner at 1220 Alger Avenue who is concerned about the parking. John McGee at 1102 Alger Avenue does not want the downtown businesses to expand in Residential neighborhoods. Bonnie Imburgia lives at 1207 Alger Avenue is concerned about the storage shed on her property line. She said the section of Alger Avenue between 12<sup>th</sup> and 13<sup>th</sup> Street is very narrow and parking will cause problems for the property owners. Kane Morris of Point Architects, said the zoning is fine, they are meeting all of the code requirements, the project will have sprinklers installed for the hazardous alcohol material, and the milling will be done in an enclosed space.

With there being no further comments, the Public hearing was closed at 1:07 pm.

Todd Stowell reviewed the special exemption request. The D-2 zoning of the does allow operation of the tasting room, retail sales, and warehousing on the property, although flammable storage raises concerns. It is primarily the distilling operation that is in question. The staff report notes some hazards. The building codes do not fully address neighboring land use. Zoning is meant to deal with separation of incompatible uses. Staff wonders if the distilling and barrel storage should be moved to an industrial area. Although parking does meet the standard, neighbors are concerned with the impact on the residential parking. The operation would need to work with the City Public Works departments on the water usage, sewer, power, gas, telecommunications, streets, and sidewalks. The two main concerns are safety and odor.

Todd told the Board they could approve or deny all or part of the special exemption application. The Board is authorized to attach conditions to the granting of special exemption.

Richard Jones moved to approve this special exemption for a distillery to operate in a General Business D-2 Zone.

Wade McMillin would like to amend the motion to include hours of operation of manufacturing to start at 9:00 am 5 days a week, and the tasting room be open from 1:00 pm to 10:00 pm.

Vote on the motion as follows: Rodney Laib - Yes; Scott Richard – No; Richard Jones – No; Kayl Mitchell – Yes; Wade McMillin – Yes. Three in favor, two opposed. Motion failed for lack of a majority of the Board (4 members) voting in favor.

Wade McMillin made a new motion, seconded by Richard Jones to table the special exemption request until the next meeting on May 11, 2021. Vote on the motion was unanimous, motions passed.

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

*Bernie Butler*

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Bernie Butler, Administrative Coordinator