

City of Cody
Planning, Zoning, and Adjustment
Board Special Meeting March 29, 2022

A special 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, March 29, 2022 at 12:00 pm.

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

Present: Carson Rowley; Cayde O'Brien; Karinthia Herweyer; Mathew Moss; Scott Richard; City Attorney Scott Kolpitzke; Ian Morrison, Council Liaison Andy Quick; City Planner Todd Stowell; Administrative Coordinator Bernie Butler

Absent: Andrew Murray

Cayde O'Brien moved to approve the agenda for March 29, 2022, seconded by Ian Morrison. Vote on the motion was unanimous, motion passed.

Ian Morrison moved to approve the minutes from the March 8, 2022 meeting, seconded by Matt Moss. Vote on the motion was unanimous, motion passed.

Sam and Syringa Hochhalter submitted a request for a fence-height-waiver to install a 6-foot-tall privacy fence in a portion of their front yard at 3502 Apache Road. The proposed fence is designed to provide some privacy for the yard area of an accessory dwelling unit (short-term rental) recently constructed by the owners. The fence would create an outdoor use area for the guest.

Staff reviewed the City's fence requirements. It limits the height of fences to three feet within the front yard setback area when the fence is less than 40% open. The front yard setback for this property is 20 feet in depth. The proposed fence along the street frontage is only 20 feet in length. One of the proposed side fences extends to the proposed front fence and the other would stop 8-feet from the property line. The fence is over 150 feet from the neighbor's house to the west and over 60 feet from the neighbor's house on the east side. The fence will be 20 feet off of the physical edge of Apache Road.

Ian Morrison made a motion seconded by Scott Richard to approve the proposed fence in the front yard of 3502 Apache Road per the site plan. Vote on the motion was unanimous, motion passed.

Board member Ian Morrison recused himself from the Dansie Minor Subdivision item on the agenda.

Todd Stowell reviewed the preliminary plat for the 3-lot Dansie Minor Subdivision located at 140 Robertson Street. The minor subdivision will divide a 116.6-acre parcel into three lots, consisting of two .46-acres lots and the balance. Lot 3 contains the owner's residence and farmland. Lot 3 will not need any additional improvements. The property is zoned Rural Residential.

Todd reviewed the subdivision regulations, along with the variances for the subdivision.

Mathew Moss made a motion, seconded by Scott Richard to recommend approval of the preliminary plat to City Council for the Dansie 3-lot minor subdivision with variances 1-5, and conditions 1-7 in the staff report. Vote on the motion was unanimous, motion passed.

Staff reviewed the preliminary plat for the West Avenue Duplexes Subdivision, an 8-lot subdivision. The property is zoned R-2 residential. Lot 1 is identified as a single-family lot, and the other seven lots are identified as duplex (two-family dwelling) lots. The conceptual plan of the subdivision was reviewed by the Board on December 14, 2021.

The City subdivisions regulations were reviewed, and staff comments and variances were discussed.

The Public Use Area requirement is applicable for this subdivision. The recommendation is to accept cash in lieu of the land. That amount will be \$11,577. Public Works Director Phillip Bowman talked about the storm drainage and the existing irrigation ditch that crosses the property. The ditch will be relocated to run along the west and north property lines, until the City raw water is installed on West Avenue in the next year or two. The ditch would be abandoned once the raw water is installed. The future street improvements for West Avenue will include widening the north side by 10 feet in front of the proposed subdivision, along with installing a side walk.

Several neighbors attended the meeting and were opposed to the subdivision as planned. The following neighbors addressed the Board with their concerns and impact on West Avenue: John Osgood (2630 Cowgill Road), Scott Schofield (2638 West Avenue, and Daniel Dallman (2626 West Avenue). The homeowners on West Avenue are concerned the new subdivision will ruin the character of the neighborhood.

Scott Richard made a motion, seconded by Ian Morrison to recommend to Council the approval of the preliminary plat for the West Avenue Duplexes Subdivision with variances 1-7, and conditions 1-10 in the staff report. Board members in favor motion were Scott Richard, Carson Rowley, and Ian Morrison. Members Karinthia Herweyer, Cayde O'Brien, and Mathew Moss voting against the motion. Motion failed without majority voting in favor.

The approval of the Preliminary Plat for the West Avenue Duplexes Subdivision will go to Council without a recommendation from the Planning and Zoning Board.

A Public Hearing opened at 1:43 pm for a request to reduce the amount of required parking by 50% at 1732 Sheridan Avenue. With there being no comments from the public the hearing was closed at 1:44 pm.

Todd Stowell reviewed the Special Exemption request for the required parking by 50% for the Cody Craft Brewing located at 1732 Sheridan Avenue. This would allow the seating at the Brewery to be 210. They are currently limited to seating for 117. This request would require the Brewery to provide one parking space per six seats (1:6 ratio) for the first 33 spaces, and one space per three seats thereafter.

Owner Brian Walker addressed the Board on the reasoning for the Special Exemption parking request. He stated that they do have a parking agreement with Farmers Insurance. The insurance building is still owned by Dave Balling. The Fire Marshall is fine with the increased occupancy.

Board Member Mathew Moss excused himself, as he had other appointments to attend.

Ian Morrison made a motion, seconded by Cayde O'Brien to approve the request to reduce the amount of required parking by 50% at 1732 Sheridan Avenue, with recommendations 1-4, and the Special Exemption with the parameters identified in the staff report. Vote on the motion was unanimous, motion passed.

Ian Morrison made a motion, seconded by Scott to adjourn the meeting. Vote on the motion was unanimous. Carson Rowley adjourned the meeting at 1:53 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator