

CITY OF CODY
AGENDA
SPECIAL MEETING OF THE PLANNING, ZONING AND ADJUSTMENT BOARD
6:00 P.M., WEDNESDAY, JULY 19, 2023
CODY CITY HALL, 1338 RUMSEY AVENUE, CODY, WY

1. Call meeting to order
2. Roll Call, excused members
3. Pledge of Allegiance
4. Discussion of "The Findings of Fact" as related to the Conditional Use Permit for the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane. **There will be no action taken on this item.**
5. Discussion of "The Findings of Fact" as related to the Special Exemption for the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane. **There will be no action taken on this item.**
6. 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.

CODY PLANNING, ZONING & ADJUSTMENT BOARD

FINDINGS OF FACT FOR THE CONDITIONAL USE PERMIT FOR THE CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

WHEREAS, Haskell Architecture & Engineering, Inc., representing The Church of Jesus Christ of Latter-Day Saints has submitted the Conditional Use, Special Exemption, and Site Plan applications and associated review fees for development of a temple, accessory building, street, and associated improvements on a 4.69-acre parcel (highlighted on map), and an entrance road on adjacent City right-of-way;

WHEREAS, The property is located just west of Skyline Drive and north of the Cody Canal, about 400 feet north of the Olive Glenn Drive intersection (Tract B2 of the Record of Survey showing Boundary Line Adjustment recorded in Plat Cabinet P, Page 197, Records of the Park County Clerk and Recorder); the property would have an address of 555 Temple View Lane;

WHEREAS, The June 15, 2023 public hearing and opportunity to comment on the conditional use permit and special exemption has been advertised through a notice in the Cody Enterprise newspaper on May 30, 2023, and direct mailing to immediate neighbors within 140' of the applicant's private property on May 25, 2023, which meets notice requirements;

WHEREAS, the Board has considered hundreds of comments in the form of emails, letters, phone calls, and further testimony at the advertised public hearing, and considered them within the context of applicable local laws, state and federal law, and the U.S. Constitution.

NOW THEREFORE, THE CODY PLANNING, ZONING, AND ADJUSTMENT BOARD MAKES THE FOLLOWING STATEMENTS AND FINDINGS RELATED TO THE CONDITIONAL USE PERMIT FOR THE CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS:

The following are the Standards of Review for conditional use permits.

The Board finds that the City of Cody's conditional use permit criteria are met due to the reasons noted, as follows.

1. Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?

Finding: Everything proposed and required for the temple project is able to be accommodated on the property while complying with all dimensional standards and development regulations of the zoning district. This finding is supported by the following:

- a) The temple building complies with applicable zoning setbacks, as well as applicable lot coverage and other dimensional standards. The ancillary building will also comply with the building setbacks.
- b) All of the parking spaces and drive aisles meet City requirements as far as surfacing, dimensions, slopes, ADA spaces, lighting, and total amount required.
- c) As the temple site has abundant on-site parking, there is no justification for requiring on-street parking along the north side of Temple View Lane.
- d) Both the Public Works Director and Fire Marshal are agreeable to the street profiles and dimensions proposed.

2. Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?

Finding: The temple proposal does not otherwise impose any impacts (e.g. traffic, lighting, noise) that are greater than other permitted uses in the area, particularly when considering distance from neighboring residences. The facts support a finding that the applicant has met this condition.

In support of the above finding, and as evidence of similar uses determined compatible in the RR zoning district, the following findings are noted.

Finding: Other permitted uses in the RR zone, or in the immediate area include:

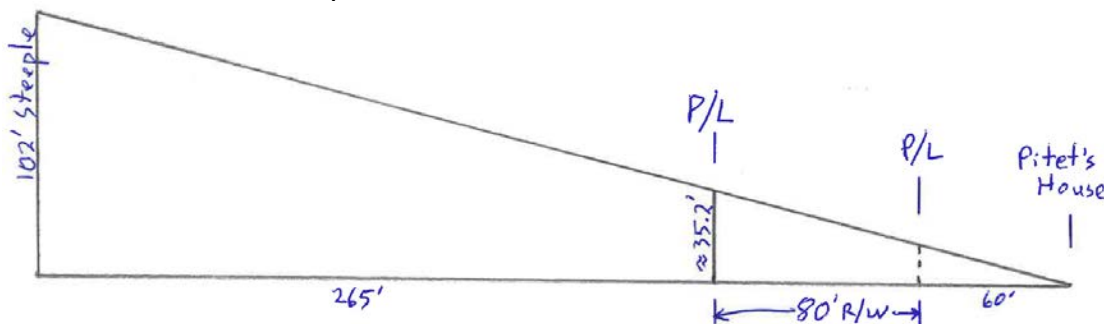
- i) Playfields, such as the softball fields towards the east end of Sheridan Avenue, with six, 72-foot-tall light poles providing playfield lighting much brighter than the lighting of the proposed temple, and parking capacity of at least 150 spaces—again greater than the proposed temple. As a permitted use in the RR zone, the installation of ballfield lighting would not require a zoning review.
- ii) Golf courses, including clubhouses. While the Olive Glenn Golf course and clubhouse is in an R-2 zone, it is in the immediate area, and would also be

permitted if it were located in the Rural Residential zone in which the temple is proposed. Per the County assessor, the Olive Glenn clubhouse is 10,544 square feet, which is larger than the proposed temple building. The number of parking spaces at the golf course clubhouse is 90, which is more than the amount of parking that would be required for the temple project. The golf course is open 7-days a week, but the temple only five. Olive Glenn has not only the course, and clubhouse, but a restaurant and pro shop that are open to the general public as an accessory use. The reception/restaurant area and "Pioneer Room" at the clubhouse have a combined capacity of 191 persons alone, not counting the 50-person capacity of the lobby. The hours of operation of the golf course and clubhouse are likely similar to that of the temple.

- iii) Parks. The capacity of parks is difficult to estimate, but even a small park utilized for such events as Yellowstone Fire Association soccer events can easily extend well above a hundred attendees. The City has 4.5 acres of undeveloped park land/open space in the RR zone, provided as the required public use area contribution for the Chugwater Rims Subdivision, which would be precluded from being developed as a park if parks were prohibited from the RR zoning district.

Finding: When determining if compatibility can occur, the concept of mitigation can be applied to components of a project that may have significant measurable impacts to neighboring properties. However, the amount of mitigation need only be sufficient to reduce the significant impact to a reasonable level. The concept of mitigation has been used in developing the site plan conditions.

Finding: A structure or tree approximately 35 feet tall at the east property line of the temple property (140 feet away from the Pitet's house) is calculated to be visually equivalent to the height of the steeple due to the differences in distance between them, when viewed at the closest point of the Pitet's house.



Finding: The perceived view impacts from the steeple are the result of individual personal preferences (a tree versus a steeple). No evidence has been provided showing the existence of a viewshed easement or a significant impact to public health, safety, welfare, or morals from the loss of view. We find that views impacted by the development of the temple site are do not interfere with or impair existing property

rights, or public health, safety, welfare or morals, and will be compatible with existing uses in the area.

Finding: The proposed illumination levels at the east property line are minimal (below 0.1 footcandles) except for the lighting of the entry road on the City right-of-way, and that light is reduced to 0.1 levels by the time it reaches the neighbor's lot.

Finding: The proposed temple parking lot would have an average of 2.18 footcandles, which is almost $\frac{1}{4}$ less than the Hampton Inn parking lot (2.8 fc). No known complaints have been received relating to the Hampton Inn parking lot.

Finding: The site lighting and parking lot lighting are consistent with past City authorizations in that the light color does not exceed 4,000K, the light fixtures are full-cutoff in style, and calculations indicate that the light will be almost entirely retained within the property boundaries.

Finding: The authority for regulating site lighting is from the on-site parking section of the zoning ordinance. It simply states: "*Parking areas for civic, commercial, and industrial uses that will be utilized outside of daylight hours shall be provided with illumination. All parking lot lighting shall be designed and installed such that illumination will be directed away from any neighboring residential properties and shall be directed downward by utilizing full cutoff or fully shielded fixtures.*" The proposed lighting of the temple parking lot meets those requirements.

Finding: Although there is no requirement to provide landscaping, the proposed installation of landscaping, as shown on the landscaping plan, increases the compatibility with neighboring existing land uses.

3. Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?

Finding: No excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts have been attributed to the temple proposal. In practice, this requirement is not applied to the construction period, as the construction period is temporary and an overly-strict interpretation and application of this standard would preclude construction activities of any kind.

Finding: The grading and stormwater plan has been prepared by a professional engineer and meets minimum City requirements specified by the Stormwater Management Policy. The plan is acceptable to the Public Works Director.

Finding: The stormwater plan is based on 100-year, 2-hour storm, as specified by Church policy, which greatly exceeds the City's 10-year or 25-year requirements and does not increase discharge rates or amounts for the 100-year, 2-hour design storm.

Finding: The erosion control plan appears acceptable as far as the containment fencing. A stormwater pollution prevention plan (SWPPP), and perhaps permit is required to meet WY DEQ requirements. The applicant is aware and plans to obtain those authorizations as needed

Finding: With so much excess parking, snow storage can occur in portions of the parking lot, where it can eventually melt into the stormwater collection system.

Finding: The use of roll out containers for garbage collection services has been requested and is acceptable to the sanitation division (Public Works). Rollouts will have less visual impact than dumpsters. Pickup will occur at the cul-de-sac bulb on Temple View Lane, far from any existing neighbors.

Finding: Traffic associated with the temple and the anticipated 5-lot Nielson subdivision is expected to be roughly equivalent to what would occur if the temple property and immediate Nielson lands were fully developed as a residential subdivision—based on the comparison of estimated traffic generation noted in the traffic impact study compared to the theoretical 42-lot subdivision.

Finding: The abundance of parking will ensure that during occasional events, such as landscaping projects, there will be sufficient parking to accommodate large groups of participants without spilling outside of the temple site. It would also accommodate the occasional RV or vehicle with a trailer.

Finding: The applicant has met this conditional use permit requirement, as applied to the ongoing operations of the temple.

4. Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, stormwater facilities, and sidewalks/pathways?

Finding: Public Works and the 3rd party utility providers have indicated that there is sufficient capacity in each of the anticipated utilities to serve this project. The combination of the proposal and the conditions of the associated site plan review ensure that adequate public utilities and facilities will be provided as needed to serve the temple project. All examples listed will be provided on the temple site as part of this project. Existing utilities will also be protected as necessary.

Finding: No clear authority for off-site improvements is stated. However, the applicant is voluntarily developing construction plans for the missing section of curb and gutter

and associated minor widening of Skyline Drive for about 200 feet north of proposed Temple View Lane. Construction is planned to occur as part of the temple project. As much of the missing segment of curb and gutter is outside of the scope of the temple project, it is primarily the City's responsibility for installation.

5. Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?

Finding: No excessive additional costs for public facilities and services, beyond that of comparable permitted uses, such as residential development, playfields, golf courses, and parks, are anticipated. For example, Temple View Lane will be private, so there are no City costs related to street construction or maintenance. The sewer, water, power, and other utilities in Temple View Lane would be the City responsibility, but the overall amount of City infrastructure is significantly less than if it were a residential subdivision.

Finding: As the temple site has abundant on-site parking, there is no justification for requiring on-street parking along the north side of Temple View Lane.

Finding: Both the Public Works Director and Fire Marshal are agreeable to the street profiles and dimensions proposed.

Finding: The temple traffic during the AM peak hour is estimated to include 24 vehicles entering the property and 8 vehicles exiting, for a total of 32 trips. The temple traffic during the PM peak hour is projected to have 19 vehicles entering the property and 18 vehicles exiting, for a total of 37 trips.

The traffic generation from the proposed temple and contemplated 5-lot subdivision is estimated to generate an amount of traffic almost identical to what would be generated from a theoretical 42-lot subdivision, with one exception, the subdivision traffic would occur at that level or higher for 7-days a week, while with the temple and 5-lot subdivision proposal traffic would likely be significantly less the two days the temple is closed. Such an analysis is appropriate when looking at comparable permitted or conditional uses—it is not a comparison of what is proposed to a situation of "no development", but to likely alternate development.



Finding: The portions of Skyline Drive that lead to the temple site are classified as collector streets (minor and major).

Finding: After reviewing the traffic study, the Public Works Director has stated that the traffic generated from the proposed temple will not cause any significant impacts to the capacity or condition of Skyline Drive. The engineers that performed the traffic study also concluded that, "Since all study intersections were found to operate acceptably, Fehr & Peers does not recommend any mitigation measures..."

Finding: The City has never adopted a traffic mitigation impact fee or policy to require off-site mitigation of traffic impacts. For the City to impose any form of traffic mitigation would deviate from the City's prior practice.

Finding: If additional protection for pedestrians or bicyclists using Skyline Drive is desired, the use of traffic delineators, such as shown in this photo would appear to be a viable option. As there is not clear authority for off-site improvements, it would be at the City's expense.

6. Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?

Finding: The site was most recently used as a cow pasture. There are no known natural, scenic, or historic features on the site that are of significant importance.

7. Is the proposed use consistent with the applicable provisions of the Cody Master Plan?

Finding: The master plan is a guide, that does not have the status of law. The Cody master plan itself states that "The goals, objectives, and principles found in the Master Plan Frameworks provide guidance for future planning and decision-making in Cody. These statements are not hard-and-fast regulations, but rather statements that reflect the community's aspirations."

Finding: It is acknowledged that it is possible for different portions of the master plan to conflict with other portions, causing them to have to be considered in their order of importance. Furthermore, the master plan does not specify the level of importance of each principle or goal. However, each of the items from the master plan contained in the staff report have been met, as noted below.

GOAL 1: Cody will maintain its character as an attractive western town that is welcoming to residents and visitors alike. Finding: A significant portion of the community views the temple as attractive. The character of the town is found in its people—the teachings given in the temple promote the attractiveness (e.g. well-kept

properties due to the concept of stewardship) and the welcoming attitude for fellow residents and visitors, that is so important.

Objective 1.1: *Advocate and promote attractive and appropriate development of the City.* Finding: Many view the building as attractive. The appropriateness of the development is evidenced through compliance with the other conditional use permit criteria.

Principle 1.1.a. Community Image. The future of the tourist-oriented component of the community is heavily dependent on how the City and community meet the expectations of its national and international visitors. So long as the community takes pride in the details, including aesthetics, amenities, and friendly attitudes, it will be attractive and inviting to visitors and residents alike. Finding: Many view the temple and its grounds as aesthetically pleasing. It is an amenity serving the region. The friendly attitudes are promoted by what is taught in the temple.

Principle 1.1.b. Landscaping. Developments in commercial, office, multi-family, and light industrial areas should include quality landscaped areas along major streets and in large parking lots. Initial development plans should include preliminary landscape concepts and address responsibility for maintenance. Finding: The temple property will be extensively landscaped.

Principle 1.1.d. Architecture. Encourage quality architecture and design for new commercial, office and multi-family buildings and renovations... Finding: The Planning and Zoning Board promotes the utilization of quality building materials and construction. The temple building meets those expectations.

Principle 1.1.h. Award Great Design. Creativity on the part of private developers should be rewarded through recognition and support from the community. Finding: Approval of the project would recognize great design.

Principle 3.1.b. Existing Neighborhoods. Protect the existing character in stable residential areas. New residential, office, commercial, or industrial development that is not in harmony with the existing or desired future character of these neighborhoods should be discouraged. Finding: The conclusion of the application of the other conditional use permit criteria is that the project is compatible with the neighborhood because the temple has characteristics that do not create any impacts beyond other uses permitted in the existing neighborhood.

Principle 3.1.c. Protect Residential Uses. Protect residential neighborhoods by transitioning between residential and non-residential land uses through appropriate zoning, development review processes, and buffer methods. In areas where non-residential land uses are located adjacent to or within neighborhoods, require screening or barriers to limit the impacts on residential uses. Buffer methods could include

fencing, berms, native vegetation, plantings, trails and recreation areas, and density transitions. Finding: The temple project provides adequate buffers due to greatly increased setbacks and the extensive landscaping provided within those setbacks.

Principle 3.1.f. Building Heights. Limit the height of new and remodeled construction to respect the existing or desired character of neighborhoods and districts, maintain a consistent scale of development, and preserve scenic views. Finding: Conditional on a Special Exemption on height, the temple building complies with the building height limit for the zone in which it is located.

Principle 3.3.a. Development Review. Expedite the development review process for developers when development includes a public benefit and meets the goals set forth in this plan. Finding: There is no public benefit to delay a decision when all of the necessary information has been provided and it has been shown that the applicable criteria are met.

Principle 3.3.b. Cooperative Approach. When working with property owners, developers, and City staff, all parties are expected to maintain a cooperative attitude, promote open communication, and work to identify mutually-beneficial solutions to problems that may arise during the review process. Finding: All efforts have been made to provide a legitimate review process, maintain a cooperative attitude, and seek proper mitigation of potential negative impacts to the extent of applicable regulations.

Objective 6.4: Provide stormwater management systems that mitigate the impacts of heavy storm and flood events, address the effects of development, and protect the health of the public and the environment. Finding: The stormwater plan exceeds City standards.

Principle 8.4.a. Opportunities for Civic Engagement. Include opportunities for meaningful public engagement and feedback in the City of Cody's planning and community development activities. Finding: Opportunity to provide written comments throughout the notice period has been provided, as customary, although such is not required. The public hearing has also provided additional opportunity for meaningful public engagement.

Objective 9.1: Support a vibrant, year-round local economy that allows for economic growth while protecting Cody's small-town lifestyle. Finding: Several comments noted how those attending the Cody temple would also redirect much of their purchasing power to Cody and the State of Wyoming, whereas now they spend it in Billings, Montana. That support would be on a year-round basis.

Principle 13.1.b. Quality of Life. Support the preservation of Cody's quiet character by limiting noise and lighting impacts where quality of life is important. Finding: The ability to perform temple worship locally is a significant quality of life improvement for

those in the community. The temple project will not produce noise, with the exception of associated traffic, yet the amount of traffic and associated noise levels do not exceed that of other uses permitted in the zone.

Principle 14.1.f. Street Hierarchy. Ensure a street system that properly considers and implements the functional classification of each street, such that arterial and major collector streets are maximized for mobility and capacity, and minor collectors and local streets function within their intended limits so that residential streets are protected from excessive volumes of traffic and the intrusion of undesirable cut-through traffic. Avoid situations where undesirable cut-through traffic occurs on minor collectors and local streets. Finding: Skyline Drive, as a collector street, will continue to function within its capacity with the temple traffic.

ADDITIONAL FINDING:

Finding: The staff report was prepared in a manner that complies with the U.S Constitution, federal law, the City of Cody Code, and the City Personnel and Policy Manual.

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

MEETING DATE:	JUNE 27, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SPECIAL EXEMPTION: HEIGHT OF STEEPLE FOR THE CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS. SUP 2023-08	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

The following analysis of the Special Exemption review criteria as they relate to the proposed height of the steeple for the Cody Wyoming Temple of The Church of Jesus Christ of Latter-Day Saints is provided for the Planning and Zoning Board's consideration.

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 dimensional standards of the zoning ordinance and waive or modify the standards.

The special exemption relates to the height of the steeple for the proposed temple. It is proposed to extend approximately 101 feet above the finished floor level of the temple building. Normally the extent of the exemption is also noted. However, the Board has not determined the official "building height" that is proposed. It is not 101 feet, but something less, due to the adopted definition of "building height" found in the zoning code. The following analysis simply reviews the special exemption criteria without reference to the extent of the modification.

The criteria for approval of a special exemption are as follows, with staff comments provided. The applicant has also provided responses to each of the criteria in their submittal letter.

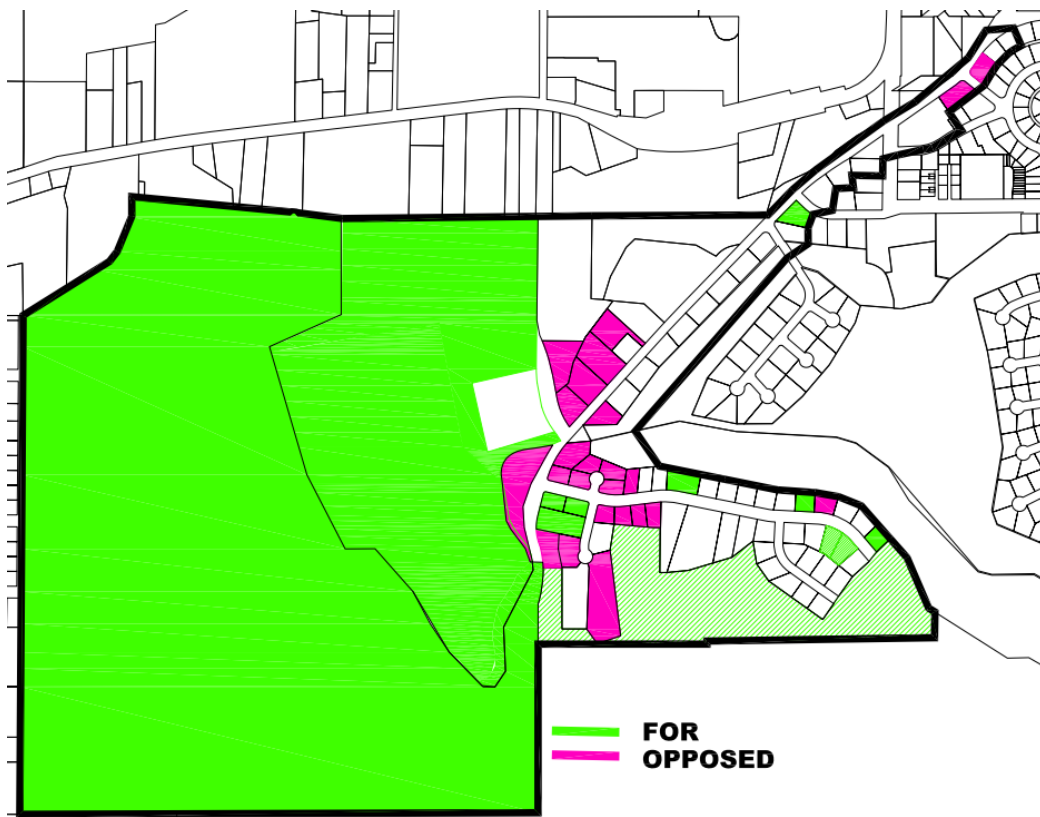
Approval Standards: No special exemption shall be approved unless the Planning and Zoning Board finds:

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

Comment: The scope of the special exemption is the height of the steeple—not the use, or any other component of the project related to construction of the temple for The Church of Jesus Christ of Latter-day Saints.

The only neighbor with property located in the same Rural Residential zone as the proposed temple is supportive of the temple project in its entirety, which includes the steeple at the height proposed. Refer to the area encompassed by the bold line on the following map, which map uses green to indicate “no objection”, pink as “objection”, and white (blank) as no comment. Note that the map boundary is somewhat subjective as to what the “neighborhood” boundary would include, but is among the broadest of the possible boundaries.

The “no comment” properties (50) greatly exceed in both area and number those properties owned by persons with objections (24) to the temple steeple.



It is up to the Board to find if the criterion is met, after considering relevant factors.

Two factor the board may consider are whether steeples and/or towers are common to churches, followed by whether churches are found in other residential zoning districts in the City of Cody? The answer to both is a yes. Approximately 70% of the churches in Cody are in residential zoning districts. Many do not have steeples or towers, but many do. One of the most identifiable architectural components of a church would be a steeple or tower. A steeple is not typically used for any other type of building. Therefore, churches are unique in this aspect. It would be inconsistent to determine that a steeple is not appropriate for a church (or temple) when that is one of its most identifiable features.

Based on the City records for variances or special exemptions, or perhaps more appropriately said the lack of mention of any church steeples in those records, steeples on churches have always been authorized by the City when requested. Only one other steeple in Cody appears to have been subject to any kind of variance or special exemption process, and that was the current steeple for the Cody Stake Center of The Church of Jesus Christ of Latter-Day Saints authorized by the Planning and Zoning Board and City Council in 2002 when it replaced a ground-mounted spire. It was processed just a few months before the then City staff realized they did not properly consider the building height definition when calculating building height (refer to 26 June 2002 memo from Steve Payne relating to the house on Lot 3 of the Panorama Subdivision—read at public meeting and provided to P&Z Board with the staff report sent June 16, 2023), which knowledge would have avoided the need for a variance for the steeple that was authorized to extend 68 feet above finished floor level of the building.

With steeples being a normal component of church buildings, and church buildings being commonly found in residential zoning districts due to their compatible nature, the only remaining objective analysis would relate to height of the steeple. The applicant provided a memorandum dated 13 June 2023 that provides significant information related to how the height of the steeple relates to fundamental architectural principles (memo to P&Z Board posted 13 June 2023 on City website and emailed to P&Z Board 19 June 2023). Please review. The steeple height has been carefully designed to be proportional to the size of the temple building, and the 30-60-90-degree triangle formed by the steeple and outside corners of the building are further reflected throughout the architecture of other components of the building, such that modification of the steeple height would disturb the proportionality of the entire temple design.

Other steeples throughout the Cody community generally extend in the range of 50 to 70 feet above finished grade. The proposed temple steeple would extend 101 feet. The proposed steeple would be located approximately 400' to the closest neighboring residences. The most effective mitigation measure for increased height is increased distance, as they are directly proportional—a doubling of distance reduces the perceived height in half. If staff analysis is correct, no other steeple located in a residential zoning district has greater setbacks from neighboring property lines than the proposed temple steeple, and the proposed temple steeple would be visually proportional to other major church steeples in Cody, when comparing the setbacks provided. Specifically, the ratio of steeple height to setback is approximately 1:4 for the proposed Cody temple; the Catholic church bell tower/cross at 50' tall, located 200' from residence would also have a ratio of 1:4; the Presbyterian bell tower at 72' tall, 300' from residence would have a ratio of 1:4; the Episcopal church cross at 35 feet, 130' from guest house (180' from main residence) would have a ratio of just less than 1:4; the Cody LDS stake center steeple at 70', 245' from nearest house would have a ratio of 1:4.8; the Cody mural LDS building steeple at 70', 190 feet from the nearest house would have a ratio

of about 1:2.7 (all measurements fairly reliable, but not guaranteed). The mitigation provided by the additional setback from the temple steeple to the nearest residences reduces the perceived impact to a level comparable with other steeples in the Cody community and is therefore sufficient mitigation from the perspective of an objective analysis.

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

Comment: See "a" above, which demonstrates that the design of the overall project mitigates the additional steeple height requested to a level consistent with other major churches in the Cody community. The surrounding neighborhood consist of residential zones where churches, including churches with steeples, are permitted uses.

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

Comment: See "a" above, specifically the point that modification of the steeple height, whether taller or shorter, would throw the entire architectural design of the temple out of proportion, thereby violating the foundational architectural principles used to create the design. The size of the building is consistent with other buildings permitted in the zoning district (e.g., golf course clubhouse), and is not significantly larger in square footage than residences in the area, while of a necessity must contain sufficient area to allow the purposes of the building to occur. Therefore, the size of the building need not be reduced, and the height of the steeple must be as proposed to remain architecturally proportional to the building.

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;

Comment: There are no other methods available to achieve the benefit sought, other than accepting the interpretation on building height that was presented by staff. As that has not been accepted by the Board as of the time of this report, only the Special Exemption process remains.

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

Comment: The steeple will comply with all applicable building and fire codes and does not create any need for special services or infrastructure.

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

Comment: As mentioned in the corresponding section in the Conditional Use Permit review and associated findings adopted by the Planning and Zoning Board, the temple project, including the steeple, complies with many, if not all, of the master plan goals, policies, and land use map. Those that pertain to the steeple could include the following. However, note that the master plan is not an adopted City ordinance, and itself states that "The goals, objectives, and principles found in the Master Plan Frameworks provide guidance for future planning and decision-making in Cody. These statements are not hard-and-fast regulations, but rather statements that reflect the community's aspirations."

It is acknowledged that it is possible for different portions of the master plan to conflict with other portions, causing them to have to be considered in their order of importance. Furthermore, the master plan does not specify the level of importance of each principle or goal. However, each of the items from the master plan that may relate to the proposed steeple height are listed below and could be interpreted as having been met, as noted below.

GOAL 1: Cody will maintain its character as an attractive western town that is welcoming to residents and visitors alike.

Finding: A portion of the community views the temple, with the steeple as proposed, as attractive. Evidence from the architect indicates that changing the steeple height would disrupt the proportionality of the temple design. The character of the town is found in its people—the teachings given in the temple promote the attractiveness (e.g. well-kept properties due to the concept of stewardship) and the welcoming attitude for fellow residents and visitors that is so important.

Objective 1.1: Advocate and promote attractive and appropriate development of the City.

Finding: Many view the building as attractive. The appropriateness of the development is evidenced through compliance with the other permit criteria.

Principle 1.1.a. Community Image. The future of the tourist-oriented component of the community is heavily dependent on how the City and community meet the expectations of its national and international visitors. So long as the community takes pride in the details, including aesthetics, amenities, and friendly attitudes, it will be attractive and inviting to visitors and residents alike.

Finding: Many view the temple and its grounds as aesthetically pleasing. It is an amenity serving the region.

Principle 1.1.d. Architecture. Encourage quality architecture and design for new commercial, office and multi-family buildings and renovations...

Finding: The Planning and Zoning Board promotes the utilization of quality building materials and construction. The temple building meets those expectations. Quality

architecture includes proportional design. If the steeple were taller or shorter, it would not be proportional to the building.

Principle 1.1.h. Award Great Design. Creativity on the part of private developers should be rewarded through recognition and support from the community.

Finding: Approval of the steeple would recognize great design.

Principle 3.1.b. Existing Neighborhoods. Protect the existing character in stable residential areas. New residential, office, commercial, or industrial development that is not in harmony with the existing or desired future character of these neighborhoods should be discouraged.

Finding: The conclusion of the other permit criteria is that the steeple is compatible with the neighborhood because the temple steeple has characteristics that do not exceed impacts created by other church steeples, due to the increased setbacks provided by the temple site.

Principle 3.1.c. Protect Residential Uses. Protect residential neighborhoods by transitioning between residential and non-residential land uses through appropriate zoning, development review processes, and buffer methods. In areas where non-residential land uses are located adjacent to or within neighborhoods, require screening or barriers to limit the impacts on residential uses. Buffer methods could include fencing, berms, native vegetation, plantings, trails and recreation areas, and density transitions.

Finding: The temple project provides adequate buffers due to greatly increased setbacks and the extensive landscaping provided within those setbacks.

Principle 3.1.f. Building Heights. Limit the height of new and remodeled construction to respect the existing or desired character of neighborhoods and districts, maintain a consistent scale of development, and preserve scenic views. Finding: [The temple building complies with the building height limit for the zone in which it is located.] OR [The height of the proposed steeple is mitigated to the level of many comparable steeples found in residential zoning districts throughout the City due to the large setbacks provided from neighboring residences, which mitigation is sufficient.]

Principle 3.3.a. Development Review. Expedite the development review process for developers when development includes a public benefit and meets the goals set forth in this plan.

Finding: There is no public benefit to delay a decision when all the necessary information has been provided and it has been shown that the applicable criteria are met.

Principle 3.3.b. Cooperative Approach. When working with property owners, developers, and City staff, all parties are expected to maintain a cooperative attitude, promote open

communication, and work to identify mutually-beneficial solutions to problems that may arise during the review process.

Finding: Efforts have been made to provide a legitimate review process, maintain a cooperative attitude, and seek proper and proportional mitigation of potential negative impacts to the extent of applicable regulations.

Principle 8.4.a. Opportunities for Civic Engagement. Include opportunities for meaningful public engagement and feedback in the City of Cody's planning and community development activities.

Finding: Opportunity to provide written comments throughout the notice period has been provided, as customary, although such is not required. The public hearing has also provided additional opportunity for meaningful public engagement.

The zoning ordinance states, "In approving a special exemption, the Planning and Zoning Board may impose any reasonable conditions or modifications pertaining to operational or physical features of the proposal to ensure conformance with the approval standards of subsection C2 of this section." As the scope of the special exemption is limited to the height of the steeple, there are no "operational or physical features" that exist that can be modified—either the steeple is the height proposed or it is a different height. Therefore, no conditions or modifications are proposed as part of the special exemption authorization.

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Application materials and neighbor responses.

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:

(Draft, subject to information received at the 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 authorize the steeple as proposed for the Cody Wyoming temple of The Church of Jesus Christs of Latter-Day Saints.