

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, November 26, 2013

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, November 26, 2013 at 12:00 PM

Present: Rick Brasher, Chairperson; Justin Lundvall, Vice Chairperson; Bud McDonald; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Engineering Technician II;

Excused Absence: Kim Borer, Mark Musser, Justin Ness;

Chairperson Rick Brasher called the meeting to order at 12:00 PM, followed by the pledge of allegiance.

Bud McDonald made a motion seconded by Bob Senitte to approve the agenda. Vote on the motion was unanimous, motion carried.

Justin Lundvall made a motion seconded by Bud McDonald to approve the minutes of the October 22, 2013 regular meeting. Vote on the motion was unanimous, motion carried.

PRESENTATION OF COMMUNICATIONS:

Todd Stowell presented the staff report outlining the proposal by Millstone Pizza Company located at 1057 Sheridan Avenue for a wall sign and freestanding sign. The proposed grain bin was previously tabled by the Board so that it could be considered with this sign application.

Gary Johnston stated that the signs will be internally illuminated. Then there was some discussion on the location of the grain bin and the color of the bin. The applicant claims the bin will blend in with the other parts of the building. There was discussion on changing the color but the applicant would like to stay with the initial galvanized grey color. Rich Peterson said that they have done some research on different breweries and feel that this sign will be a nice fit with the building and will tie in nicely with the building. Andy Cowan discussed how there is a possibility that they can make the bin dull if it is too shiny, before they put the bin up, and noted that it ties into the area so it does fit within the community. The grain bin is not standing out in front of the building and sits back. They want to have a vintage rather than shiny look.

Lowell Ray Anderson stated that the grain bin is not being used functionally and it should be considered a sign. The Board noted that the size would still comply if the full grain bin was calculated as the sign face.

Justin Lundvall made a motion seconded by Bud McDonald to approve the sign plan application submitted by Millstone Pizza Company for the attached wall and freestanding grain bin signs with a condition that if the grain bin is too shiny then it will be treated to be dull. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the J&K Preliminary Plat application, a 15-lot subdivision by Jerry Thiel and Sons Construction. The board had questions of staff and

the applicant's representative, David Bergh of GDA Engineers. The Board discussed several of the requested variances and plat conditions with their primary concerns relating to the extent of the sidewalk, landscaping and maintenance of the storm water tract, the intended uses/density of the lots and relation to the frontage variance, and the width of the street at the entrance to the subdivision. The Board noted that there appeared to be a lack of justification for some of the variances, based on the subdivision variance criteria.

Board members made comments to the following variances, although no formal vote or action to grant/deny was made.

1. *Waiver of installation of curb, gutter, sidewalk, and associated widening of 29th Street, subject to an agreement to support and participate in a future improvement district for such. (11-4-2(Q) and (R)).* (They likely support subject to an agreement to support and participate in a future improvement district on the final plat.)
2. *Variance to compliance with the master street plan/dedication of right-of-way for 29th Street (11-4-2(B) and (K)), relating to dedication of additional right-of-way.*(Indication that this would likely be granted.)
3. *Variance from providing alleys (11-4-2(P)).* (The board is fine with this because they have shown utility easements along the front of the lots.)
4. *Variance from providing sidewalks along Lots 13-15 and Tract A (storm water basin). (11-4-2(Q)).*(They would like sidewalks all the way around the subdivision.)
5. *Variance to permit the proposed street-cross section (based on draft master plan, with additional reduction for entrance.)*(The matter of the entrance width remained a concern, although the balance of the street dimensions appears suitable.)
6. *Variance to permit manhole spacing of 480 feet.* (Okay to forward to Council.)
7. *Variance to permit less than 50 feet of frontage on Lots 10 and 11.* They would prefer to see the lot lines either adjusted or a lot taken out.

Bud McDonald made a motion seconded by Bob Senitte to table this item until the next regularly scheduled meeting. Vote on the motion was unanimous, motion carried. The Board did have some recommendations on some of the requested variances that they would like to see applicant more clearly address before it come back to the board.

Todd presented the Heavy Industrial Zoning Ordinance. He discussed the ordinance language and the three areas proposed to be rezoned. The Board had some discussion on the proposed areas.

Mike Bromley, a land owner off of 2AB, stated that he disagrees with the whole zone change. He would like to see changes made to the industrial requirements and not change the zone and just make amendments to the industrial areas requirements. He had other comments about the height of open storage area, and the landscaping as there is no irrigation water in that area and they just received City treated water in that area. He also stated that there is residential use in that area as well. The Board recommended that he meet with Todd about his concerns.

Justin Lundvall made a motion seconded by Bob Senitte to recommend to Council approval of the Heavy Industrial Zoning Ordinance for a proposed ordinance text and rezoning of three areas (Area of Road 2AB, Reesy Road, and deMaris Springs County

Road.)Justin Lundvall, Rick Brasher, Bob Senitte voted in favor of the motion. Bud McDonald opposed the motion. Motion Failed.

Bud McDonald made a motion to just recommend to Council the Heavy Industrial Zoning Ordinance text. The motion was seconded by Bob Senitte. Vote on the motion was unanimous, motion Carried.

Bud McDonald made a motion to recommend the Meeteetse Highway Area (Reesy Road) and the 2AB Area to the Council (not include the deMaris Springs County Road Area).The motion was seconded by Bob Senitte. Voted on the motion was unanimous, motion carried.

Todd Stowell presented the approved signs for Good 2 Go located at 1543 Depot Drive (electronic message board), Bear Co., Inc. located at 2130 Big Horn Avenue (electronic message board), Knot Knew at 2314 Sheridan Avenue (Freestanding sign on existing posts), and Denny Menholt Chevrolet, Buick, GMC located at 1609 Sheridan Avenue (freestanding internally illuminated sign).

Bud McDonald made a motion seconded by Bob Senitte to adjourn the meeting.

There being no further business to come before the board, Chairperson Rick Brasher adjourned the meeting at 1:29PM.

Utana Dye
Certified Engineering Technician II