

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, February 28, 2012**

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, February 28, 2012 at 12:00 PM

Present: Rick Brasher, Vice Chairperson; Bud McDonald; Justin Lundvall; Mark Musser; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Jolene Osborne, Engineering Administrative Assistant;

Absent: Jacob Ivanoff; Kim Borer, Chairperson;

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

Justin Lundvall made a motion seconded by Mark Musser to approve the Agenda. Vote was unanimous.

Bud McDonald made a motion seconded by Justin Lundvall to approve the minutes of the January 24, 2012 regular meeting and the minutes of the February 15, 2012 special meeting. Vote on the motion was unanimous, motion carried.

Todd Stowell requested an interpretation of the code in regard to freestanding signs. Commercial Sign Districts 10-15-9A(3) states that only freestanding "Identification" signs are allowed in D1, D2 and D3 and not "Business Signs." Where D1 limits signs to attached wall signs, D2 and D3 may have been intended to allow freestanding business signs. The board agreed that was the intent of the code and directed staff to proceed accordingly.

Ed Higbie, Jr. spoke regarding his plan to construct a retail building at 2625 Sheridan Ave.

Todd Stowell presented the staff report explaining that as part of the plan review, the board is also specifically reviewing the electronic message board. He reviewed parking, landscape and drainage requirements. Board members expressed their desire to have more time to review the application as they had received the information February 27th.

Justin Lundvall made a motion seconded by Mark Musser to approve the site plan review application submitted by Ed Higbie, Jr. for property located at 2625 Sheridan Avenue with the following conditions:

1. A grading and drainage plan, complete with existing and proposed ground elevations, shall be submitted to the Planning, Engineering and Building divisions for review and approval. Approval of the grading and drainage plan must be obtained prior to issuance of a building permit.
2. The sign shall be constructed and maintained in compliance with the requirements for electronic message boards, as found in 10-15-3(B)(10) of the City Code. Compliance with the automatic dimming function shall be demonstrated prior to occupancy of the building and use of the sign.

3. The area between the sidewalk and the front parking spaces shall be landscaped, consistent with the landscaping proposed at the southwest corner of the property. A plan shall be submitted to staff for review and approval.
4. The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. A building permit application is required.
5. If the applicant receives a liquor license, the applicant will revisit the site plan and resubmit an application for review to the board.

Justin Lundvall and Rick Brasher voted in favor of the motion. Bud McDonald, Mark Musser and Bob Senitte opposed the motion. Motion failed.

Kay Chandler of Whole Foods Trading Company presented the minor commercial application for 1134 13<sup>th</sup> Street.

Todd Stowell presented the staff report and explained that the proposed new awning heights, though lower than the previous application still meet building code minimum of seven feet. An architectural review was previously completed, but a new review is being conducted due to the changes in the door, window, and awning configurations. Siding materials are as previously approved.

Justin Lundvall made a motion seconded by Bob Senitte to approve the minor commercial application submitted by Kay Chandler for property located at 1134 13<sup>th</sup> Street with the following conditions:

1. The applicant must comply with applicable building, fire, and electrical codes.

Vote on the motion was unanimous, motion carried.

Todd Stowell requested an interpretation of the zoning ordinance in regard to duplexes and multi-family development in the A residential zone. Harold Musser spoke to the issue as well. The board directed staff to prepare an ordinance for consideration. Counsel directed that a building permit for a duplex in the A zone not be issued at this time.

Todd Stowell requested a direction from the board in regard to the nonconforming use section of the zoning code, as staff believes it needs some additional language related to nonconforming buildings and uses. Todd offered to draft some typical nonconforming provisions for P&Z review. The board directed staff to prepare an ordinance for consideration.

Council Update: Councilman Steve Miller stated that the nonconforming use provision section of code was approved July 8, 1952 and it may be beneficial to revisit the issue.

#### Staff Update

1. Todd Stowell provided the board with an update regarding the Master Plan. The City Council did accept the grant from the Wyoming Business Council. The selection committee is in the process of reviewing the applications. Four of the eight proposers will be invited to come the week of March 26<sup>th</sup> to present to the committee. Once the selection committee chooses, the board will be given an opportunity to review and recommend the choice to City Council.

Rick Brasher adjourned the meeting at 1:20 PM.

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Jolene Y. Osborne  
Engineering Administrative Assistant