

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, May 8, 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, May 8, 2012 at 12:00 PM

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

Excused Absence: Kim Borer, Chairperson; Justin Lundvall

Vice Chairperson Rick Brasher called the meeting to order at 11:59 PM, followed by the pledge of allegiance.

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

Bud McDonald made a motion seconded by Mark Musser to approve the minutes of the April 24, 2012 regular meeting. Vote on the motion was unanimous, motion carried.

**PRESENTATION OF COMMUNICATIONS:**

Bryan Edwards presented the proposed pergola application for the Cody Legacy Inn. He explained the need for a shaded area near the pool and additional protective cover for yard equipment. No additional utilities are needed. The applicant is willing to make the necessary modifications per building and ADA requirements.

Todd Stowell presented the staff report. In addition, he stated that in his conversation with the Building Official, Scott King, the pool enclosure specifications may require some modification to rail or baluster spacing. Staff also reviewed the impacts on the site plan in regard to parking. Although a few spaces will be lost, the proposal still meets all parking and driveway width requirements.

Bud McDonald made a motion seconded by Mark Musser to approve the minor commercial application submitted by the Cody Legacy Inn at 1801 Mountain View Drive with the condition that they obtain a building permit.

Vote on the motion was unanimous, motion carried.

Ev Diehl, owner of the Chamberlin Inn, spoke in regard to the downtown architectural district review application to install a projecting neon sign at 1032 12<sup>th</sup> Street. He stated that the new proposed dimensions would be reduced from the submitted application to a 24" height and the blue interior lighting would not be used, but only the outline. The proposed sign projection will also be reduced to 18 ½."

Todd Stowell presented the staff report, noting the requirement for the Planning, Zoning and Adjustment Board's review of the exterior signs in the downtown architectural district.

Mark Musser made a motion seconded by Jacob Ivanoff to approve the application submitted by the Chamberlin Inn at 1032 12<sup>th</sup> Street.

Vote on the motion was unanimous, motion carried.

Yilu Zhang of Chinatown Restaurant spoke regarding the temporary sign application for 937 Sheridan Avenue. The signs are proposed to be displayed for four months during the summer season and spaced as shown on the photo representation.

Todd Stowell reviewed the sign materials with the Board. He noted that the size and number of the signs are allowed under the current sign code as temporary signs. He reviewed the technical time restrictions for wall signs versus temporary signage. He stated that in order to be compatible to architectural styles in the downtown district, perhaps a consistent background color that was complimentary to or matched the existing colors of the building, and consistent font(s) between signs, could be considered.

Jacob Ivanoff, Mark Musser, Bud McDonald, Bob Senitte and Rick Brasher agreed with staff's comments and recommended the applicant submit a sign plan that utilizes more conforming colors.

Bud McDonald made a motion seconded by Bob Senitte to table the temporary sign plan submitted by Chinatown Restaurant for property located at 937 Sheridan Avenue.

Vote on the motion was unanimous, motion carried.

Rick Brasher declared his intention to abstain from the discussion and voting for the GW Minor Subdivision application citing a clear conflict.

Bud McDonald made a motion seconded by Mark Musser to appoint Jacob Ivanoff as temporary chairperson. Vote on the motion was unanimous, motion carried.

Curtis Ryan with Greenwing Properties, LLC spoke regarding the Preliminary and Final plat for the proposed GW Minor Subdivision located north of Big Horn Avenue. He stated that the permit from WYDOT has been obtained. Utility letters from all utilities except TCT have been received. The WYDOT access approach and the sewer connections should be completed prior to the end of this month negating the need to require bonding for these issues.

Todd Stowell presented a staff report that has been updated from the original report. The update includes the correction that the installation of the approach to Big Horn Avenue and the 4" sewer stubs to each lot would not be required until the building permit process and not the final plat approval, per the Subdivision Ordinance. Letters have been received from Energy West, Bresnan and Century Link that verify the capability to serve the lots with necessary utilities. The developer will need to pay for three ¾" water stubs to each lot and verify that any electrical service charges are paid prior to council approval of the final plat.

Mark Musser made a motion seconded by Bud McDonald to recommend to council the preliminary and final plat submitted by Greenwing Properties, LLC for the GW Minor Subdivision with the conditions recommended by staff:

Variations on the preliminary plat:

- a. Installation of alleys.
- b. Construction of a street along the east boundary, as shown on the master street plan.
- c. Block width exceeding 660'.

Conditions of the final plat:

- a. Receipt of all outstanding letters from the utility companies, and compliance with any conditions thereof prior to Council action.
- b. Installation of, or performance bond for, the 4" sewer stubs into each lot.
- c. Payment of ¾" or larger water taps for each lot.
- d. Payment of applicable electrical service fees.
- e. Submit approach permits from WYDOT for access to all lots.
- f. Construction of the new shared approach to WYDOT standards, and replacement of the unused approach with standard curb and gutter meeting WYDOT standards, prior to a building permit and development of Lots 2 and 3.
- g. Include the notes already on the Final Plat, including storm water control and limited access.
- h. Provide a recordable original of the Final Plat, meeting all applicable requirements, for signature and recording. Recording fees shall be the responsibility of the applicant.

Rick Brasher abstained. Vote on the motion was unanimous, motion carried.

Jolene Osborne presented the approved sign application for Cody Veterinary Hospital at 5524 Greybull Highway.

Jacob Ivanoff congratulated Justin Lundvall for his new addition, a baby boy!

Bud McDonald spoke regarding the Spring WYPASS conference he attended with Todd Stowell last weekend. It was well attended and the speakers were excellent. The topics included the benefit of trees in subdivisions and downtown areas, variances, state lands and master plans.

Steve Miller echoed Jacob Ivanoff's sentiments for Justin Lundvall.

Todd Stowell suggested the board form a subcommittee to review the topic of Accessory Dwelling Units. Kenny Gasch spoke to this issue as it pertains to his property on Alger Avenue. He explained that while he could have pursued a special exemption, the issue may be of broader impact. Jacob Ivanoff, Bud McDonald and Mark Musser volunteered for the committee.

Todd Stowell suggested the board form a subcommittee to review the draft of nonconforming regulations. Rick Brasher assigned the issue to the previously formed committee.

Meeting adjourned at 12:53 PM.

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Jolene Y. Osborne  
Engineering Administrative Assistant