

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, June 26, 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, June 26, 2012 at 12:00 PM

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

Excused Absence: None.

Chairperson Kim Borer 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.

Jake Ivanoff made a motion seconded by Justin Lundvall to approve the minutes of the June 12, 2012 regular meeting with the correction to include the result of the motion regarding the WYDOT application. Vote on the motion was unanimous, motion carried.

PUBLIC HEARING:

Chairperson Kim Borer opened a public hearing at 12:02 PM to determine if it is in the public interest to grant a special exemption from the setback requirements at 713 Meadow Lane Avenue for a front porch and exterior renovation.

Upon calling for comments three times and there being none, Chairperson Kim Borer closed the public hearing at 12:03 PM.

Chairperson Kim Borer opened a public hearing at 12:03 PM to determine if it is in the public interest to grant a special exemption from the setback requirements at 1237 Willow Lane for a rear addition to the house.

After calling for comments three times and hearing none, Chairperson Kim Borer closed the public hearing at 12:04 PM.

PRESENTATION OF COMMUNICATIONS:

Todd Stowell presented the staff report describing the application by Douglas and Karna Morton for a reduced front setback, in order to construct a front porch on the home at 713 Meadow Lane Avenue. Response to the mailed notice was unanimously "no objection."

Jacob Ivanoff made a motion seconded by Bud McDonald to approve the special exemption request submitted by Douglas Morton for a reduced front setback in order to construct a front porch at 713 Meadow Lane Avenue, as presented, upon finding the following:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties as the addition would not obstruct the required site-distance at the intersection of Meadow Lane Avenue and 10th Street.
- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood as the neighboring property owners did not object and use is similar;
- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use as the setback exemption is the minimum necessary to allow for the front porch;
- 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;
- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use as no services are proposed or needed; and
- f. The special exemption is consistent with the goals and policies of the master plan as the proposed use is continued residential.

With the condition that the exemption applies only to the porch. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report describing the application by Peter Okada for a reduction in the 15-foot rear setback requirement to construct an addition on his home at 1237 Willow Lane. He noted that the property considered is triangular in shape. There is also a 20-foot alley to the north that acts as a buffer. All responses received from neighboring property owners were "no objection."

Justin Lundvall made a motion seconded by Rick Brasher to approve the special exemption request submitted by Peter Okada to construct a rear addition to the nonconforming structure at 1237 Willow Lane within the setbacks as presented after finding the following:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties as there is a 20-foot wide alley between the Okada property and the north neighbors and the addition will be about 10 feet from the property line.
- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood as the neighboring property owners did not object and the addition will improve the functionality of the residence;
- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use as the setback exemption is the minimum necessary due to the triangular shape of the lot;
- 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;
- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use as no new services are proposed or needed; and
- f. The special exemption is consistent with the goals and policies of the master plan as the proposed use is continued residential.

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report regarding the proposal for a memorial area submitted by Riverside Cemetery District at 1721 Gulch Street. He emphasized the need for additional information regarding the lighting specifications.

Carl Thuesen of Steiner Thuesen PLLC spoke regarding the proposed lighting on the flagpoles, in that illumination levels will be held to approximately 4 lumens on the flags.

Jacob Ivanoff made a motion seconded by Rick Brasher to approve the site plan submitted by Riverside Cemetery District for property located at 1721 Gulch Street. Vote on the motion was unanimous, motion carried.

Todd Stowell spoke to the sign application submitted by The Dude Ranchers' Educational Trust noting that the building is within the Downtown Architectural District. The proposed front sign meets all required signing regulations. However, the application includes a request for a sign along the alley.

Colleen Hodson spoke to the museum's desire to be seen from Sheridan Avenue.

Bud McDonald made a motion seconded by Rick Brasher to approve the entire sign application submitted by The Dude Ranchers' Educational Trust for property located at 1122 12th Street. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the sign application for Native Images at 1262 Sheridan Avenue. The building is within the Downtown Architectural District. The application meets all required signing regulations.

Bud McDonald made a motion seconded by Jacob Ivanoff to approve the sign plan submitted by Native Images at 1262 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the preliminary site plan proposal for the development of a retail store at 2819 Big Horn Avenue. He requested guidance in regard to landscaping in reference to the 1997 Master Plan. He also reviewed the parking requirement calculations with reference to the phases of the project. Direction is requested, so that a final site plan can be submitted for review at the next meeting.

Patrick Shellady requested the board identify the board's requirements versus suggestions.

Kim Borer would like to see landscaping throughout the frontage. Rick Brasher noted the applicant may want to use that property for product display. There is a 15-foot utility easement along the frontage. Jacob Ivanoff stated that while the area is still a bit industrial, rock and other low maintenance plants could be used. Mark Musser would like to see more landscaping on the plan, perhaps similar to Fremont Motors. Overall, he stated that landscaping is part of the cost of doing business along a main corridor.

Todd requested input regarding sanitation collection and whether the city could request the applicant construct a 20-foot alley from C Street to dumpster area on City property with the construction scheduled for phase 2. The alley would not physically connect to Pintail Street. Bud McDonald questioned the gate sizes on the rear of the property. Justin Merchant of Sage Civil Engineering responded to the question, stating the gates are not

proposed to be the main access and that the percolation trench will be traversable. The consensus of the Board is that they want to see landscaping along the frontage of the project.

Jolene Osborne presented the approved sign applications for Vital Air Medical at 538 Yellowstone Avenue and Cody Drivers License at 1401 Stampede Avenue.

Chairperson Kim Borer appointed Jacob Ivanoff, Mark Musser and Councilman Miller to serve on a committee to investigate the joint directory signage issue.

Rick Brasher requested Councilman Steve Miller investigate the issue of the directional signage that is currently placed near the Irma for the Cody Gunfighters' nightly street closure.

Todd Stowell updated the board regarding the Master Plan update. The Mayor has selected the Master Plan Advisory Committee who will meet with the consultants tomorrow for direction. Kim Borer is the Planning, Zoning and Adjustment Board representative on that committee.

Meeting adjourned at 1:22 PM.

Jolene Y. Osborne
Engineering Administrative Assistant