

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD

Minutes of the Regular Meeting Held April 26, 2011 at 12:00 PM

CALL TO ORDER: Chairperson Greg Gaspers called the meeting to order at 12:02 PM.

ROLL CALL

PRESENT: Jacob Ivanoff; Kim Borer, Vice Chairperson; Rick Brasher; Bud McDonald; Justin Lundvall; Greg Gaspers, Chairperson; Bill Nielson, Steve Miller, Council Liaison; Steve Payne, Public Works Director; Sandee Kitchen, Deputy City Attorney; Jolene Osborne, Engineering Administrative Assistant;

EXCUSED ABSENCE: None

ABSENT: None

Justin Lundvall made a motion seconded by Bill Nielson to approve the minutes of the April 12, 2011 regular session meeting with the addition that the vote on the special exemption for 2026 12th Street be recorded as unanimous, motion carried.

Vote on the motion was unanimous, motion carried.

Chairperson Greg Gaspers opened a public hearing at 12:03 p.m. to determine if it is in the public interest to grant a variance to the Buffalo Bill Memorial Association for property located at 720 Sheridan Avenue. The applicants request a variance of the screened buffer requirement associated with commercial property abutting residential property.

Steve Payne spoke to the zone change and the applicant's notification of the neighbors. There were no neighborhood objections.

Mr. Bruce Eldredge, Executive Director of the Buffalo Bill Memorial Association, explained their application and plan to extend the berm and plant with natural grasses. He stated that the neighbors have also requested that no commercial access be allowed along the south and west sides of the property and they have agreed to comply.

Upon calling for additional comments three times and there being none, Chairperson Greg Gaspers closed the public hearing at 12:10 p.m.

PRESENTATION OF COMMUNICATIONS:

- A. Bill Nielson made a motion seconded by Jacob Ivanoff to approve the variance of the screened buffer requirement as presented by the Buffalo Bill Memorial Association for property located at 720 Sheridan Avenue as the board finds the following requirements of Section 10-4-3-C.3:
1. As there are special circumstances or conditions applying to the land for which the adjustment is sought. There is an earthen berm separating the commercial use from the residential use and the property that is residentially zoned and the property that is commercially zoned is owned by the applicant.

2. Strict application of the provisions of this zoning title would deprive the applicant of the reasonable use of their land, and that the adjustment as granted by the commission is the minimum adjustment that will accomplish this purpose; and
3. The adjustment will be in harmony with the general purposes and intent of this title, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare based in part on the fact that there were no objections to the proposal from the notified adjacent neighbors.

With the following conditions:

1. No commercial entrance to the D2 General Business Zone will be placed/created/constructed in the remaining "A" Residential portion of the property along the south and west sides of the property and that a survey of the property be completed and filed at the Courthouse that clearly delineates the non commercial access line on the map.
2. That the Council approves all three readings of the Ordinance approving of the zone change for the property.
3. The applicant provides payment of the cost of publication and recording fees.

Vote on the motion was unanimous, motion carried.

B. Bud McDonald made a motion seconded by Kim Borer to approve the commercial site application submitted by Victor Riley, dba Riley's Bakery, for property located at 205 Trail Avenue with the following conditions:

1. The applicant will submit a complete set of construction plans to the building department for their review and approval.
2. The applicant will pay all assigned building permit fees.

Vote on the motion was unanimous, motion carried.

C. Kim Borer made a motion seconded by Bill Nielson to approve of the commercial site application submitted by Pioneer Builders for the China Town Restaurant for property located 937 Sheridan Avenue with the following conditions:

1. The applicant will submit to the City approval from WYDOT for the sign modifications as the sign appears to overhang over the State right-of-way and/or change the sign and reverse the direction of the sign or move the post north so that it conforms to the city sign code.
2. The applicant will submit a complete set of construction plans to the building department for their review and approval.
3. The applicant will pay all assigned building permit fees.

Vote on the motion was unanimous, motion carried.

D. Bud McDonald made a motion seconded by Kim Borer to approve of the commercial site application submitted by the Buffalo Bill Historical Center for property located at 720 Sheridan Avenue with the following conditions:

1. The applicant will submit a complete set of construction plans to the building department for their review and approval.
2. The applicant will pay all assigned building permit fees.

Vote on the motion was unanimous, motion carried.

- E. Kim Borer made a motion seconded by Jacob Ivanoff to approve of the commercial site application submitted by Wayne and Carol Gianotti for property located at 1349 Sheridan Avenue with the following conditions:
1. The applicant will submit to the City approvals from WYDOT for the proposed balcony encroachment over the right-of-way.
 2. The applicant will submit a complete set of construction plans to the building department for their review and approval.
 3. The applicant will pay all applicable building permit fees.

Vote on the motion was unanimous, motion carried.

- F. Bill Nielson made a motion seconded by Justin Lundvall to approve of the commercial site application submitted by Michael Berghofer for property located at 1501 Depot Drive with the following conditions:
1. The applicant will submit a complete set of construction plans to the building department for their review and approval.
 2. The applicant will pay all applicable building permit fees.
 3. The applicant will obtain approval from the electrical department for building plans.

Greg Gaspers recused himself. Vote on the motion was unanimous, motion carried.

- G. Justin Lundvall made a motion seconded by Bud McDonald to approve of the commercial site application submitted by Yellowstone Behavioral Health Center, for property located at 2538 Big Horn Ave with the following conditions:
1. The applicant will pay all applicable building permit fees.

Vote on the motion was unanimous, motion carried.

H. Board Matters: None

I. Council Update: None

J. Staff Update

1. Change to Zapata's Deck – The Deck will now have an ADA ramp that extends from the East side of the deck to the Sidewalk along Sheridan Ave.

The meeting was adjourned at 1:03 PM.

Respectfully submitted,

Jolene Y. Osborne
Engineering Administrative Assistant