

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD

Minutes of the Regular Meeting Held August 9, 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; Greg Gaspers, Chairperson; Bud McDonald; Justin Lundvall; Bill Nielson; Steve Miller, Council Liaison; Sandee Kitchen, Deputy City Attorney; Steve Payne, Public Works Director; Jolene Osborne, Engineering Administrative Assistant;

EXCUSED ABSENCE: None

ABSENT: None

Bud McDonald made a motion seconded by Jacob Ivanoff to approve the minutes of the July 26, 2011 regular session meeting.

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 allow Ed Higbie to develop a Planned Unit of Development (PUD) within property located on Blackburn Street described as a portion of Tract 40, Resurvey T.53N., R.101W.

Lowell Ray Anderson commented with historical perspective regarding the purpose of the PUD process was to allow smaller streets with the trade-off that the developer would take on the maintenance responsibility. It has been increasingly common that the developer has been not taking the responsibility. He also brought up the Maple Leaf development in regard to the pressurized sewer system.

Upon calling for comments three times and there being none, Chairperson Greg Gaspers closed the public hearing at 12:06 p.m.

PRESENTATION OF COMMUNICATIONS:

A. Kim Borer made a motion seconded by Bud McDonald to approve the landscape and architectural application submitted by Riverside Cemetery District for property located at 125 West Cooper Lane 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 and utility fees.

Vote on the motion was unanimous, motion carried.

B. Jacob Ivanoff made a motion seconded by Rick Brasher to approve the sign application submitted by Plush Pony for property located at 1350 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.

Jacob Ivanoff, Rick Brasher, Greg Gaspers, Justin Lundvall and Bill Nielson approved the motion. Kim Borer and Bud McDonald were opposed. Motion carried.

- C. The board recommended the Big Horn Basin Farmers Market Association remove the temporary signage located on 17th Street and suggested the applicant re-apply next year after the board reviews the municipal code. The applicant can also pursue a special exemption.
- D. Kim Borer made a motion seconded by Jacob Ivanoff to approve the sign application submitted by the Cody Council on Aging for property located at 613 16th Street with the following conditions:
 - 1. The applicant will ensure that the Field-Adjustable Brightness Control will be adjusted to meet the requirements of Section 10-15-3B10 (f) and (g) at installation.
 - 2. The applicant will apply and receive approval from WYDOT.
 - 3. The applicant will submit a complete set of construction plans to the building department for their review and approval.
 - 4. The applicant will pay all allotted building permit fees.

Vote on the motion was unanimous, motion carried.

- E. Jeremy Easum of Sage Civil Engineering on behalf of Ed Higbie requested direction from the board on the Preliminary Plat application for Blackburn PUD regarding the following issues:
 - 1. Will the City take over the ownership and maintenance responsibilities of the streets?
 - 2. Will the City take over the ownership and maintenance responsibilities for the drainage facilities?
 - 3. Will the City take over the ownership and maintenance responsibilities for the Common Area that is normally provided as a part of a PUD and operated and maintained by a Home Owners Association?
 - 4. Will the City of Cody take on the location duties for the pressurized sewer system?
 - 5. Should the applicant be required to extend the storm drainage facilities as provided in the Storm Water Policy? This would entail 200' of additional storm pipe and two additional basins.

Staff spoke regarding the following development challenges:

- 1. As the proposed PUD is an industrial development, the large vehicles would impact the surface of the cul-du-sac in a greater way than in residential areas. If the city were to accept the maintenance of the city streets, the streets would have to conform to asphalt or concrete specifications accordingly.
- 2. He stated that the applicant exceeds design criteria for the storm sewer system and outlined possible future costs to the city in regard to maintenance.
- 3. He spoke to the liability that the city would take on if they agreed to locate the sewer line.
- 4. He recommend that sewer system is located in an easement area separate and distinct from the utility easement for all other utilities and that all facilities associated with the sewer system be located outside of the right-of-way if the rights-of-way are to be taken over by the City.

Ed Higbie spoke to the issues from the developer's perspective.

After a lengthy discussion, the board concluded the following:

1. The board felt that the City should be willing to consider acceptance of the ownership and maintenance responsibilities of the streets as long as they are built to City Standards and the design was supported by a geotechnical report outlining pavement depths, base depths and sub-base depths to support the expected loads.
2. The board felt that the City should be willing to consider acceptance of ownership and maintenance responsibilities for the drainage facilities.
3. The board felt that the City should be willing to consider acceptance of ownership and maintenance responsibilities for the Common Area.
4. The majority of the board was opposed to the city taking over the location duties for the pressurized sewer system.
5. There was no majority position of the board as to the extension of the storm drainage facilities as provided in the Storm Water Policy.

Bill Nielson made a motion seconded by Justin Lundvall to table the Preliminary Plat submitted by Ed Higbie for the proposed Blackburn PUD pursuant to the applicant working with staff to meet specifications prior to being brought back before the board.

Vote on the motion was unanimous, motion carried.

F. P&Z Discussion Items: None.

G. Council Update: The staff will be interviewing 5 applicants for the City Planner position on August 25th.

H. Staff Update:

1. 2011 WYOPASS Fall Conference is scheduled for August 31-Sept 2nd
2. P&Z board appointed Bud McDonald to be member to City Planners Assessments Panel.

The meeting was adjourned at 2: 48PM.

Respectfully submitted,

Jolene Y. Osborne
Engineering Administrative Assistant