

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, April 9, 2013**

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, April 9, 2013 at 12:00 PM

Present: Justin Lundvall, Vice Chairperson; Bud McDonald; Rick Brasher, Chairperson; Mark Musser; Justin Ness; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Kylie Hanson, Public Works Administrative Secretary;

Excused Absence: Kim Borer

Chairperson Rick Brasher called the meeting to order at 12:04 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.

Bob Senitte made a motion seconded by Bud McDonald to approve the minutes of the March 12, 2013 regular meeting. Vote on the motion was unanimous, motion carried.

**PRESENTATION OF COMMUNICATIONS:**

Todd Stowell presented the staff report regarding the proposed attached wall and freestanding sign located at 1390 Sheridan Avenue for Gradient Mountain Sports.

Justin Ness made a motion seconded by Mark Musser to approve the proposed attached wall and freestanding sign located at 1390 Sheridan Avenue for Gradient Mountain Sports. Vote on the motion was unanimous, motion carried.

Rick Brasher excused himself at 12:10 PM due to a conflict of interest with the Joe Boydston Preliminary and Final Plat.

Todd Stowell presented the application submitted by Joe Boydston for the Preliminary and Final Plat of the Boydston Minor Subdivision on Date Street. The requested variances were discussed as were the recommended conditions of approval. Todd noted that the draft master plan has Date Street as a minor collector street. He also noted that a letter had been received from Cody Canal verifying that they are okay abandoning the ditch along the south and east portions of the property, but that the ditch on the west side must be retained and should be piped.

Joe Boydston discussed his development and the requested variances.

Dave Shultz, with Sage Civil Engineering, addressed the board regarding the estimated costs of improvements.

Brett Farmer, with Sage Civil Engineering, addressed the board regarding the existing property line and utility locations.

Mark Musser made a motion to recommend to Council approval of the preliminary and final plat with the following variances.

The motion was seconded by Justin Ness with the friendly amendment to remove the approval of the final plat from the motion. Mark Musser accepted the friendly amendment.

Vote on the motion was unanimous, motion carried.

Variances:

- A. From dedication of additional right-of-way for Date Street.
- B. From construction/widening Date Street to arterial street standards.
- C. From the alley requirement.

Conditions of Approval:

1. Prior to consideration of the final plat by the Planning and Zoning Board and City Council, submit the utility letters as required by the City of Cody Code 11-3-3(B)(2). Be sure to include written correspondence from the irrigation/ditch company explaining the situation with the existing ditches and any necessary easements, and verifying that all of their requirements for the subdivision have been satisfied.
2. The piping/covering of the irrigation ditch.
3. Provide utility easements as required by the utility providers. At a minimum, provide a 10-foot utility easement along Date Street.
4. The language on the final plat for the irrigation easement must be expanded to indicate the property or entity to which the easement is granted.
5. Note the variances granted on the final plat.
6. If a variance to the construction or timing of Date Street is not granted, the applicant must submit, with the final plat application, engineering plans for the construction of Date Street to City standards.
7. Sewer, water and power are available and are to be provided to each lot as specified by the City as part of the subdivision. Payment of  $\frac{3}{4}$ " or larger water connections for Lots 1, 3 and 5, and applicable electrical service fees must occur prior to final plat approval by Council. Installation of sewer services to Lots 1, 3 and 5, and payment of applicable sewer fees must be completed prior to any building permit or development on the lot.
8. If some form of variance is granted for the construction of Date Street, one or more of the following will be applicable:
  - a. No improvement now: Include the following certificate of dedication on the final plat: "And do hereby agree to promote and participate in an improvement district for curb, gutter and sidewalk on Date Street when deemed necessary by the City of Cody. And further, that this language shall be contained in each and all conveyances of record."
  - b. Improvement with lot development: If construction of Date Street is required in conjunction with individual lot development, add the following not to the final plat. "The owner of each lot of this subdivision is responsible for the improvement of their Date Street frontage to City street standards, including widening of the asphalt and installation of curb, gutter and sidewalk, pursuant to 11.2.2(B) of the City code, which states, "B. Improvements: No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the City for a building until all improvements reasonably expected and required by the City, such as streets,

curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the City for the lot upon which the building is to be constructed." A performance bond for the construction to occur within one year of the building permit may be an option. Any utility service lines (e.g. water, sewer) must be extended to the lot before the street improvements are made."

9. If improvement of Date Street is to occur with lot development, the applicant shall either provide the engineer's estimated cost for the street improvements along the frontage of Lots 2 and 4 to the City prior to the Mayor signing the final plat (so the City can have the improvements made); or, provide a performance bond for construction of these segments of street by the developer's contractor, prior to the Mayor signing the final plat.

The board directed Joe Boydston to speak with City staff regarding the requirements for the widening of Date Street.

Rick Brasher re-joined the meeting 1:08 PM.

Steve Miller announced that there will be an open house on the City Master Plan tomorrow night at 6:30 at the Cody Club Room. The public is invited to attend and provide their feedback. The deadline for comments has been extended until May 1<sup>st</sup>.

Todd Stowell reminded the board that they are invited to attend only in the capacity of receiving comments from the public.

Bud McDonald made a motion seconded by Mark Musser to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Rick Brasher adjourned the meeting at 1:10 PM.

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Kylie Hanson  
Public Works Administrative Secretary