

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, June 23, 2015

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, June 23, 2015 at 12:00 PM

Present: Justin Lundvall-Chairperson; Justin Ness; Buzzy Hassrick; Curt Dansie; Reese Graham; Scott Kolpitzke, City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Lynn Stutzman, Engineering Administrative Asst.

Absent: Mark Musser, Brad Payne

Chairperson Justin Lundvall called the meeting to order at 12:01 PM, followed by the pledge of allegiance.

Justin Ness made a motion, seconded by Buzzy Hassrick, to approve the agenda. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, seconded by Reese Graham, to approve the minutes for the June 9, 2015 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

Todd Stowell presented the staff report for the Preliminary and Final Plat of the 2nd Amended Plat of Lot 3, Saddle String Subdivision—a County subdivision.

Justin Ness made a motion, seconded by Reese Graham, to approve the Preliminary and Final Plat of the 2nd Amended Plat of Lot 3, Saddle String Subdivision with the following variances and conditions:

Variances:

- A. From all City street improvement requirements—the existing access easements and gravel roads are determined adequate.
- B. From the alley requirement.
- C. From the agreement for future annexation (Section 11-2-3(B) of City Code).

Recommended Conditions of Approval:

1. Comply with applicable County requirements.
2. Note the variances granted on the final plat.
3. Prior to the Mayor signing the final plat:
 - A. Provide any additional utility easements as required by the utility providers (i.e. CenturyLink easement to Lot 3).
 - B. Install stop signs on each of the gravel roads to WYDOT standards, unless determined unnecessary by WYDOT and the County engineer.

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Special Exemption to reduce the front and rear setback requirements by Lauri Ferraro at 1001 Park Avenue.

Chairman Lundvall opened the public hearing at 12:16 p.m. No comments were received. Chairman Lundvall closed the public hearing at 12:16 p.m.

Curt Dansie made a motion, seconded by Reese Graham, to approve the Special Exemption to reduce the front setback to approximately 17.5 feet and the rear setback to 5.0 feet to allow construction of an addition by Lauri Ferraro at 1001 Park Avenue based on the following findings:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;
- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;
- 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;
- 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;
- f. The special exemption is consistent with the goals, policies and future land use map of the master plan.

And the following recommended findings from the staff report:

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by certified mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(B)(2) are met.

Vote on the motion was unanimous, motion carried.

Justin Ness made a motion, seconded by Buzzy Hassrick, to remove from the "table" the request by the Wild Sheep Foundation to rezone the property at 720 Allen Avenue to Limited Business (D-1) that was tabled at the June 9, 2015 Planning and Zoning meeting. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the supplemental staff report for the rezone of the property at 720 Allen Avenue to Limited Business (D-1) for the Wild Sheep Foundation.

1. Kevin Hurley from Wild Sheep Foundation spoke in support of the rezoning.
2. Ken Stockwell, a neighbor, spoke in objection of rezoning.
3. Harold Musser spoke in support of rezoning.

Justin Ness made a motion to recommend that the City Council approve the application to rezone 720 Allen Avenue to Limited Business (D-1). Motion died for lack of a second.

After further discussion by the board, Justin Ness again made a motion to recommend that the City Council approve the application to rezone 720 Allen Avenue to Limited Business (D-1), seconded by Curt Dansie. Reese Graham and Buzzy Hassrick voted against the motion and Justin Lundvall, Justin Ness and Curt Dansie voted in favor of the motion. Motion failed for lack of a majority vote.

Buzzy Hassrick made a motion to Recommend that the City Council approve the application to rezone 720 Allen Avenue to Limited Business (D-1), subject to the applicant and City Council entering into the development agreement that has been provided. Motion died for lack of a second.

Buzzy Hassrick made a motion, seconded by Reese Graham, to table the item until the next meeting. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Minor Commercial Review for an addition to a storage building by ALCO Corp. at 324 Robert Street.

Reese Graham made a motion, seconded by Buzzy Hassrick, to approve an addition to a storage building by ALCO Corp. at 324 Robert Street as presented. Vote on the motion was unanimous, motion carried.

P&Z Board Matters: None

Council Update: None

Staff Items: None

Justin Ness made a motion, seconded by Buzzy Hassrick, to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Lundvall adjourned the meeting at 1:23 PM.

Lynn Stutzman
Engineering Administrative Assistant