

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, October 23, 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, October 23, 2012 at 12:00 PM

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

Absence: Jacob Ivanoff;

Chairperson Kim Borer called the meeting to order at 12:02 PM, followed by the pledge of allegiance.

Bud McDonald made a motion seconded by Rick Brasher to approve the agenda. Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Bob Senitte to remove the approval of the September 25, 2012 regular meeting minutes from the table. Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Bob Senitte to approve the minutes of the September 25, 2012 regular meeting. Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Justin Lundvall to approve the minutes of the October 9, 2012 regular meeting. Vote on the motion was unanimous, motion carried.

PRESENTATION OF COMMUNICATIONS:

Todd Stowell presented the staff report regarding the site plan application submitted by Gee Properties, LLC at 702 Platinum Avenue for the construction of a proposed professional office building. He mentioned the previous successful zone change application as well as the current vacation of right-of-way application that will be reviewed at the next council meeting for the third reading.

Bud McDonald made a motion seconded by Mark Musser to approve the site plan application submitted by Gee Properties, LLC to construct a professional office building at 702 Platinum Avenue as presented subject to the following:

1. The site plan approval is contingent on the vacation of 20-feet of the 7th Avenue right-of-way. Approval of the vacation must occur prior to issuance of a building permit, and completion of the conditions related thereto shall be completed prior to any private improvements in the area being vacated. If the vacation does not occur, further review by the Planning and Zoning Board is required. The conditions of the vacation include:

CONDITION A: Gee Properties, LLC shall provide payment in the amount of \$5,999.00.

CONDITION B: Gee Properties, LLC shall improve the remaining 30-feet of right-of way from Platinum Avenue to the Cody Medical Arts Property, at the sole expense of Gee Properties, LLC, with asphalt, curb and gutter, and sidewalk on the west side. The improvements shall meet City standards for road base, asphalt, and other standard specifications of the City Engineer. The construction must be reviewed and approved by the City Engineer.

CONDITION C: Gee Properties, LLC shall pay all publication and recording fees related to this action.

2. The engineering plans for the improvements to the 7th Street right-of-way shall be reviewed and approved by the City Engineer prior to construction.
3. The conditions of the Amended Development Agreement are applicable. They are:
Any use of the property that would be regulated by the City of Cody zoning ordinance shall be limited to professional office use, as defined herein, and accessory activities and uses customarily incidental thereto.

"Professional office" means an establishment for professional, executive and administrative offices, including those of accountants, lawyers, physicians, dentists, architects, engineers, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated, but not including barbers, beauty parlors, cosmetologists, or other service establishments and building trade contractors.

For purposes of consistency with the terms used in the Cody zoning ordinance, the term professional office specifically includes counseling services, physician and surgeon offices, dentist offices, chiropractor offices, optician offices, osteopath offices, insurance offices, architect offices, engineering and surveying offices, accounting offices, government offices, attorney offices, corporate offices, real estate offices, financial offices, and similar professional offices.

The interpretation of any "similar professional office" shall be by the City of Cody Planning, Zoning and Adjustment Board.

Height restrictions and percentage of lot area covered by buildings shall be the same as set forth the in Residential B Zone, as determined by the City of Cody Planning, Zoning, and Adjustment Board.

No additional clinic, client, patient, office or other space or other use (hereinafter Additional Space) which requires additional off-street parking shall be developed, created, constructed or used in the basement of the property prior to the submission of an updated site plan, and approval of that plan by the City of Cody Planning and Zoning and Adjustment Board, and without a building permit. Gee Properties, LLC shall not submit an updated site plan for review without first having obtained a review and approval from the City Planner that Gee Properties, LLC has provided adequate off-street parking for such Additional Space as required by and in compliance with the then-existing City of Cody municipal code. Gee Properties, LLC understands that a variance to the parking requirements shall not substitute for or be adequate to satisfy the parking requirements, and therefore no variance shall be granted. Gee Properties, LLC understands that if such additional off-street parking is going to be provided through the purchase of additional land to be used as a parking lot or facility, such use will require a zone change. Accordingly, Gee Properties, LLC shall first obtain the consent and / or support of the property owner from whom Gee Properties, LLC acquires such property to use said property for parking, or shall assist that property owner in applying for the zone change prior to acquiring the property.

4. The property line shall be eliminated between the two parcels, such that the building and all associated improvements (e.g. parking and buffer) are on the same lot. A boundary line adjustment survey is sufficient to accomplish this.
 5. All exterior lighting must be of a downward/cutoff style and illumination levels modest in intensity.
 6. All storm water facilities are to be inspected and certified by the applicant's engineer prior to a certificate of occupancy.
 7. Provide a bond or other financial surety to guarantee installation of all required landscaping, irrigation and fencing.
 8. Final approval of the planned utility connections (water, sewer, raw water, electrical) is subject to City engineer approval. Capping of the unused sewer lateral and any unused water service(s) shall occur as discussed in the staff report.
 9. The civil site plan shall be updated to reflect the final utility connections and abandoned services, and the sidewalk grate on the west sidewalk.
 10. The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. A building permit application is required.
- Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Justin Lundvall to remove the application submitted by Wyoming Authentic Products from the table. Vote on the motion was unanimous, motion carried.

Todd Stowell highlighted the additions to the staff report for the proposal to construct a meat processing facility to be located at 2517 Lt. Childers Street submitted by Wyoming Authentic Products and Forward Cody.

James Klessens of Forward Cody responded to questions from the board regarding the project. The bids for the project will be opened on October 31st. The budget for the entryway and/or landscaping will be determined with the evaluation of the bids.

David Fales, principal of Wyoming Authentic Products, spoke regarding the company's excellent relationship with the neighboring Beartooth Inn and his desire to comply.

Rick Brasher made a motion seconded by Justin Lundvall to approve the application for the construction of a meat processing facility submitted by Wyoming Authentic Products and Forward Cody for property located at 2517 Lt. Childers Street with the following conditions:

1. The access road must be located within a proper access easement and either the boundary line adjustment or an easement dedication must occur to provide access at the southeast corner of the lot, as depicted in the Record of Survey. This must occur prior to issuance of a building permit. (If this does not occur, further review by the Planning and Zoning Board is required.)
2. If the front entryway will not be constructed initially, a landscape plan must be prepared and submitted for review and approval by the Planning and Zoning Board. In such case, the landscaping plan must be reviewed and approved by the Board, and a financial surety provided for its installation, prior to the issuance of the building permit.
3. Landscaping and irrigation plans be submitted for review and approval by the Planning and Zoning Board prior to the issuance of the building permit.

4. That the applicant enters into an agreement in regard to the sewer charges and sewer monitoring of the TSS and BOD estimates prior to the issuance of a building permit.
5. All storm water facilities are to be inspected and certified by the applicant's engineer prior to a certificate of occupancy.
6. The project must otherwise comply with the submitted site plan and applicable building, fire, and electrical codes. A building permit application is required.

Vote on the motion was unanimous, motion carried.

Kim Borer may possibly be absent at the November 13th meeting.

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

Meeting adjourned at 12:56 PM

Jolene Y. Osborne
Engineering Administrative Assistant