

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, December 11, 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, December 11, 2012 at 12:00 PM

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

Excused Absence: Bob Senitte;

Tardy: Jacob Ivanoff;

Chairperson Kim Borer called the meeting to order at 12:05 PM, followed by the pledge of allegiance.

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

Mark Musser made a motion seconded by Bud McDonald to approve the minutes of the November 13, 2012 regular meeting. Vote on the motion was unanimous, motion carried.

Rick Brasher made a motion seconded by Bud McDonald to approve the minutes of the November 27, 2012 special meeting with the correction that Justin Lundvall was absent. Vote on the motion was unanimous, motion carried.

**PRESENTATION OF COMMUNICATIONS:**

Todd Stowell presented the staff report regarding the proposed sanitation building for the City of Cody at 525 15<sup>th</sup> Street. The planned water line and power lines will be moved to avoid the exterior wash bay.

Bud McDonald made a motion seconded by Justin Lundvall to approve the site plan application submitted by the City of Cody at 525 15<sup>th</sup> Street subject to the following:

1. That the storm water facilities be inspected and certified by the applicant's engineer prior to building occupancy.
2. That either the landscaping be installed prior to occupancy of the building, or assurance provided that installation will occur as soon as suitable weather permits.
3. That any exterior lighting be of a down-lit style.
4. That 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.

Todd Stowell spoke regarding the proposal by Michael Berghofer to construct a residence at 1501 Depot Drive. As an existing residence was demolished a few years ago, most utilities already serve the lot. The height of the building was stressed as the location is on top of a bluff and along an entrance corridor to the city. Because of this, staff emphasized the need for landscaping. The applicant also requested permission to install a 7' high fence.

Greg Gaspers, Mountain States Consulting, reiterated the application, explaining the fence location. The applicant requests the additional fence height to help with the landscaping issue and privacy. Though the building is proposed to be metal, there are three colors proposed with earth tone colors.

Rick Brasher made a motion seconded by Jacob Ivanoff to approve the site plan application and 7' high fence with privacy slats submitted by Michael Berghofer for property located at 1501 Depot Drive with the understanding that a building permit is required for the residence and that the building has been reviewed for residential purposes only.

Vote on the motion was unanimous, motion carried.

Todd Stowell spoke regarding the minor subdivision preliminary plat application submitted by Plan One/Architects on behalf of Summit Housing Group and Terri Egger & Gloria Borner. The developer is applying to the Wyoming Community Development Authority for Low-Income Housing Tax Credits to develop the south lot of the proposed Willow Creek Minor Subdivision with twenty four apartments.

Sam Long, representative of Summit Housing Group, spoke to the reasons for developing the back lot first with a future development plan. The applicant would like to keep the development restricted to two-stories. The developer is agreeable to the recommended conditions.

Rick Brasher made a motion seconded by Justin Lundvall to recommend to council the preliminary plat and variances for the Willow Creek Minor Subdivision submitted by Summit Housing Group and Terri Egger & Gloria Borner as presented, subject to the following conditions:

1. The water main shall be looped between the lines in Cougar Avenue and West Avenue, and the main extended along the frontage of West Avenue. The design must be reviewed and approved by the City engineer and the Department of Environmental Quality (DEQ).
2. Provide a city easement for the water line loop between Cougar Avenue and West Avenue.
3. Provide utility easements as required by the utility providers. At a minimum, provide 10-foot utility easement along West Avenue, and a 10-foot wide power easement for the loop system described by the City Electrical Engineer.
4. As a storm water system is not available in the immediate area, include a note on the final plat that storm water must be retained on-site in accordance with the City storm water policy.
5. In addition to the standard submittal requirements for the final plat, it is specifically required that the final plat application include:
  - a. Engineered designs for the 26-foot wide, paved interior roadway.
  - b. Evidence that the water main plans have been reviewed and approved by DEQ.
  - c. A maintenance agreement for the shared private roadway.
6. Note the variances granted on the final plat.
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 ¾" or larger water connections and applicable electrical service fees must occur prior to final plat approval by Council. Installation of the sewer stubs to each lot must be completed prior to any building permit or development on any lot.

8. No vehicular access to West Avenue is permitted unless West Avenue is paved and improved to city standards for a local access street. A note to this effect must be included on the final plat.
9. Vehicle access to Cougar Avenue is limited to the common access easement, unless permitted otherwise by the City Engineer.
10. With the final plat application, provide evidence of compliance with City Code 11-3-3(B)(1), relating to transfer of the Cody Canal water rights.
11. Sidewalk shall be installed to City standards along the full Cougar Avenue frontage at the time multi-family development occurs on either of these lots. Include a note to this effect on the final plat.
12. Include the following in the dedication certificate on the final plat:  
"And do hereby agree to promote and participate in an improvement district for curb, gutter, and sidewalk on West Avenue when deemed necessary by the City of Cody. And further, that this language shall be contained in each and all conveyances of record."

Jacob Ivanoff abstained from the vote. Rick Brasher, Justin Lundvall, Kim Borer, Bud McDonald and Mark Musser approved the motion. Motion carried.

The variances include:

- a. Dedication of additional right-of-way and improvement of West Avenue to City standards, based on not utilizing West Avenue for access.
- b. The alley requirement.
- c. Providing fifty feet of frontage to Cougar Avenue for Lot 7-A2.

Ed Higbie presented his request to place a mobile home at 239 C Street without a permanent foundation. He highlighted the limited options within the City for an available lot. The trailer to be installed is from 1977 and he expecting a limited life-time of less than 10 years. He answered the questions from the board regarding his anchoring plan. Todd Stowell clarified that this request was being considered under the nonconforming building section of the code.

Bud McDonald made a motion seconded by Mark Musser to approve the request submitted by Ed Higbie for property located at 239 C Street. Justin Lundvall opposed the motion. Rick Brasher, Jacob Ivanoff, Kim Borer, Bud McDonald, and Mark Musser approved the motion. Motion carried.

Jolene Osborne presented the approved temporary A-Frame sign application submitted by the Cody Music Club to the board.

Kim Borer thanked Jacob Ivanoff for his three years of service on the Planning and Zoning Board.

Jacob Ivanoff made a motion second by Mark Musser to cancel the next meeting in December. Vote on the motion was unanimous, motion carried.

Councilman Steve Miller thanked Jacob Ivanoff for his three years of service.

Todd Stowell stated that in Chapter 10-11-1 of the municipal code there is a minimum requirement of 864 square feet for any dwelling. Staff requested direction as to whether that included garage or other non-living area and whether the code needs to be revisited as multi-family developments possibly may not need to be that large. Discussion led to

the conclusion that staff could prepare a proposal and individual board members could be a resource on the matter.

Bud McDonald made a motion seconded by Justin Lundvall to adjourn the meeting. Vote on the motion was unanimous, motion carried. Chairperson Kim Borer adjourned the meeting at 1:10 PM.

---

Jolene Y. Osborne  
Engineering Administrative Assistant