

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, August 27, 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, August 27, 2013 at 12:00 PM

Present: Rick Brasher, Chairperson; Kim Borer; Bud McDonald; Bob Senitte; Justin Ness; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Mayor Nancy Tia Brown; Jolene Osborne, Engineering Administrative Assistant;

Excused Absence: Justin Lundvall, Vice Chairperson; Mark Musser;

Chairperson Rick Brasher called the meeting to order at 12:04 PM, followed by the pledge of allegiance.

Kim Borer made a motion seconded by Bud McDonald to approve the agenda as presented. Vote on the motion was unanimous, motion carried.

Bud McDonald made a motion seconded by Justin Ness to approve the minutes of the August 13, 2013 regular meeting with the correction of the speaker's name for Millstone Pizza and the inclusion of the approval of the outdoor patio contingent on council approval. Vote on the motion was unanimous, motion carried.

PRESENTATION OF COMMUNICATIONS:

Todd Stowell presented the staff report regarding the downtown architectural district sign for First American Title at 1002 13th Street.

Kim Borer made a motion seconded by Bob Senitte to approve the sign plan submitted by First American Title at 1002 13th Street. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report regarding the proposed new façade and traffic plan submitted by Big Horn Cinemas at 2525 Big Horn Avenue.

Tony Beaverson, owner of Big Horn Cinemas, answered questions from the board regarding traffic flow and exterior changes.

Justin Ness made a motion seconded by Bud McDonald to approve the exterior remodel project and parking lot improvements stating that the 185 spaces are adequate for the proposed future expansion for Big Horn Cinemas located at 2525 Big Horn Avenue with the following modifications:

1. Pavement arrows and exit only signs for the south side one-way drop-off area and along the southeast exit be installed.
2. Adequate signage be placed and pavement widened as far as possible on the east to provide for two-way traffic.
3. Extend the pavement south to the siphon structure to provide backup area for the southern parking stall.

4. Add reflective material or no entry signs to the barrier chain so that it is more visible.
5. The light poles must be located outside of the city waterline easement and outside of the Cody Canal Easement, unless permission is obtained to do otherwise.

Kim Borer abstained from the motion. Bud McDonald, Rick Brasher, Justin Ness, and Bob Senitte approved the motion. Motion carried.

Todd Stowell presented the staff report outlining the preliminary and final plat application for the Beery Minor Subdivision.

Kim Borer made a motion seconded by Justin Ness to recommend to council approval of the preliminary and final plat of the Beery Minor Subdivision submitted by Richard and Linda Beery. Included in the motion was approval of the variance from the alley and setback requirement. More specifically, finding that the alley is not necessary as no utilities are needed to be located in an alley and alleys are not common for the area. Additionally, the variance from the setback from the center lot line for a duplex is typical for the neighborhood and is the best way to accommodate the situation in a Residential A zone.

And subject to the following:

1. Note that the alley variance is "granted" on the final plat –not "requested".
2. Submit mylar originals of the preliminary and final plats (2 copies of final plat), with the surveyor's seal and signature.
3. Complete the sewer and water installations in accordance with City standards with development of the lots.
4. Add a note on the final plat that the setback variance is granted.

Vote on the motion was unanimous, motion carried.

Justin Ness recused himself from the following application.

Todd Stowell presented the staff report regarding the JTS Minor Subdivision application submitted by Jerry Thiel and Sons Construction.

Kim Borer made a motion seconded by Bud McDonald to recommend to council approval of the preliminary and final plat of the JTS Minor Subdivision. Included in the motion was the finding that the requested variance to the alley requirement was justified as there are currently no other alleys in the area and the utilities are located along the front of the property. Additionally, the finding that the variance to the street width requirement is justified in that 29th Street is currently 80 feet wide and at the appropriate time the additional curb, gutter, and sidewalk can be added through a future improvement district as noted on the final plat.

And subject to the following:

1. Submit mylar originals of the preliminary and final plats (2 copies of final plat), with the surveyor's seal and signature.
2. Payment of a minimum ¾" water tap for Lot 2 is to be made prior to the mayor signing the final plat.
3. Sewer service for Lot 2 is the responsibility of the developer and is to be installed prior to or at the time of development.

4. Correct the preliminary plat note about abandoning the irrigation ditches to refer to the northwest corner of Lot 1.
5. Remove the "Irrigation Ditch to be Abandoned" note from the final plat drawing.
6. Provide a 10-foot wide utility easement along the 29th Street right-of-way.
7. The developer is responsible to physically obliterate the irrigation ditches that are being abandoned. Their removal shall occur no later than prior to sale or transfer of either lot. If removal of the irrigation ditches does not occur prior to the mayor signing the plat, the final plat will need to include a note containing this condition.

Justin Ness abstained from the vote. Rick Brasher, Bud McDonald, Kim Borer, and Bob Senitte approved the motion, motion carried.

Justin Ness rejoined the meeting.

Todd Stowell presented the staff report regarding the site plan redevelopment application submitted by Horrocks Engineers for the construction of a Good 2 Go Gas Station, Convenience Store, Restaurant, and Liquor Store at 217 Yellowstone Avenue.

Clint Boyle, Horrocks Engineers, reiterated the application and answered questions from the board regarding the submittal.

Justin Ness made a motion seconded by Kim Borer to approve the site plan submitted by Horrocks Engineers for the proposed construction of a Good 2 Go gas station, liquor store, restaurant, and convenience store to be located at 217 Yellowstone Avenue subject to the following:

1. That the approval of the site plan by the City of Cody is not to be construed as approval or consent to violate the right-of-way/easement covenant, and that it is the property owner's responsibility to address the covenant and right-of-way/easement restrictions.
2. The driveway on the property to the west is to be paved if the west access is obtained.
3. Authorizing the reduced canopy lighting under the canopy to that as presented at the meeting as 122W and 13,500 lumens.
4. Provide concrete collars for the water curb stop, irrigation valve, and any cleanouts or other surface utility features that are located in parking/driving areas.
5. After construction, the engineer must certify that all stormwater facilities have been built as designed.
6. Plans for the water main extension must be submitted for review and approval by WY DEQ and the City of Cody. As-built drawings will be needed and compliance with city standards for water main extensions will need to be followed.
7. Correct the parking lot dimension location on the site plan.
8. Submit a lot line adjustment survey to merge the two parcels, and complete the process prior to occupancy.
9. The project must otherwise comply with the submitted site plans, application materials, and applicable building, fire, and electrical codes. A building permit application is required.
10. That if the approach on the property to the west is not obtained, the rv parking spaces be removed to provide traffic circulation.

Vote on the motion was unanimous, motion carried.

Kim Borer made a motion seconded by Bud McDonald 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 1:57 PM.

Jolene Y. Osborne
Engineering Administrative Assistant