

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, January 28, 2014

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, January 28, 2014 at 12:00 PM

Present: Justin Lundvall, Buzzy Hassrick; Brad Payne; Kim Borer; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Engineering Technician II;

Absent: Mark Musser, Justin Ness

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

Kim Borer made a motion seconded Bob Senitte to approve the agenda. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion seconded by Bob Senitte to approve the minutes of the January 14, 2014. Vote on the motion was unanimous, motion carried.

PRESENTATION OF COMMUNICATIONS:

Todd Stowell presented the staff report outlining the sign plan for Zapata's Restaurants located at 1362 Sheridan Avenue, within the downtown sign district. He discussed the sign types, locations, and sizes meet the requirements for the downtown sign district in which the property is located. The total size of all proposed Zapata's signage is about 38.7 square feet. The downtown sign district permits 50 square feet of awning signage, with no individual sign larger than 25 square feet. The awning and signs are of professional quality and represent an upgrade to the weathered existing awning.

Bob Senitte made a motion seconded by Kim Borer to approve the sign plan as submitted by Zapata's Restaurant located 1362 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the sign plan for The Hatch located at 1390 Sheridan Avenue, in the downtown sign district. He discussed the type, location and size of each sign meets the requirements for the downtown sign district in which the property is located. The total size of all attached wall signs would be about 50 square feet where 285 square feet is allowed. The total proposed size of the freestanding sign is less than 40 square feet per face where 240 square feet is allowed.

Bob Senitte made a motion seconded by Kim Borer to approve the sign plan as submitted by The Hatch located at 1390 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the sign plan by Buffalos Bill's Cody Motor Lodge located at 1455 Sheridan Avenue, in the downtown sign district. The proposed sign, being 56 square feet in size on each side, is well within the 240 square feet that may be permitted. It is also smaller than the existing sign. The main panel of the sign is professionally designed and contains the Buffalo Bill logo, which with the rustic brown background adds western character to the sign.

The electronic message board sign is subject to the specific requirements of the ordinance, which was reviewed. Because the sign will overhang the right-of-way, an encroachment permit is needed from WYDOT before the sign can be installed.

Kim Borer made a motion seconded by Bob Senitte to approve the sign plan located at 1455 Sheridan Avenue subject to WYDOT encroachment permit approval. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the proposal by Jerry Thiel & Sons Construction for the proposed Final Plat of the J and K Major Subdivision. The construction plans have been reviewed by public works, electrical, and planning staff and appear to meet City standards and conditions of the preliminary plat approval. The final plat drawing appears to contain all items required by the subdivision ordinance and to be filed with the county clerk. The water and sewer plans have been approved by WY Dept. of Environmental Quality (DEQ).

David Bergh of GDA Engineers answered questions from the board regarding the clarification of Lots 11 and 12 containing duplexes and the other lots single-family homes. Also, that along 29th Street only living trees that are not in the way of construction will remain.

Kim Borer made a motion seconded by Bob Senitte to approve the final plat as presented with the conditions as stated for J&K Final plat on the east side of 29th Street.

Kim Borer amended her motion to include approval of the maintenance agreement by the City Attorney. The motion was seconded by Bob Senitte. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the exception for a nonconforming building or use that has existed 5+ years Residence at 808 Aspen Drive (24.7' setback where 25' minimum required.) In effect, the property owner and the lender need assurance that the existing situation will not be subject to enforcement action by the City, and that it may continue as is.

Kim Borer made a motion seconded by Buzzy Hassrick to grant the "exception and variance" to permit the 808 Aspen existing house to remain where it is with a 24.7 setback. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the exception for a nonconforming building or use that has existed 5+ years—the Moose Creek Lodge Annex at 1014 10th Street (D-2 use in D-1 zone). In effect, the property owner and the lender need assurance that the use of the building as a hotel may continue. An encroachment issue on the Park county title property was noted and it was recognized that the Board approval would be limited to zoning authorization only—not building code, fire code, or issues pertaining to encroachment.

Ira Fellows Moose creek lodge and suites owner explained how the encroachment came about and stated that no one has had issues with the 7' encroachment.

Bob Senitte made a motion seconded by Kim Borer to approve the application for the use of the building for the Moose Creek Lodge Annex at 1014 10th Street to be used as a hotel unit. Buzzy Hassrick opposed the motion; Kim Borer, Justin Lundvall, Brad Payne, and Bob Senitte were for. Vote on the motion carried.

Tabled item:

Brad Payne made a motion seconded by Kim Borer to remove the Zoning Ordinance Amendment-Nonconforming Buildings, Uses, and Lots from the table. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the Zoning Ordinance Amendment –Nonconforming Buildings, Uses, and Lots and summarized the different nonconforming situations and procedures.

Questions from the Board were answered pertaining to the process for enlarging a non-conforming building that may or may not meet setbacks (question about 10-13-4a was answered in 4b), what process there was for increasing a nonconforming use (10-13-5), and the consistency in time to obtain a permit to re-establish a non-conforming situation. Kim asked to make sure the language is clear on these two sections.

Kim Borer made a motion second by Bob Senitte to recommend to City Council the Zoning Ordinance Amendment-Nonconforming Buildings, Uses, and Lots. Vote on the motion was unanimous, motion carried.

Tabled Items:

Brad Payne made a motion seconded by Kim Borer remove the Minutes from the December 10, 2013 meeting from the table. Vote on the motion was unanimous, motion carried.

Amend the minutes on Page 5 paragraph 6. Kim made a motion second by B. Take out the letter B and add second by recommendation.

Kim made a motion seconded by Bob Senitte to approve the December 10th meeting with the corrections as stated. Vote on the motion was unanimous, motion carried.

Council Update by Steve Miller-None.

Master Plan Update—is head to the board shortly. The Subcommittee is taking one last look within a week or so. Then full P&Z and council review. March public hearing.

Glen Borkenhagen located at 2603 Newton Avenue. Lot restriction on J & K Subdivision if it is the board's intention that the restriction is to persist through the years then a note needs to appear on the plat and it will be recorded at the courthouse. Right now the note is on the construction plans and would not be made available to the purchase of the lot down the road. They need to place a note on the final plat so that the restriction gets recorded. He would like to see where you have a number of conditions to go through needs to have the recorder prepare everything in a written format and project it onto the screen. So everyone knows what they are talking about so the audience can see what the board is voting on. What is a single owner duplex? One owner that owns both side of the duplex or owner occupied duplexes where each owner would own each individual side. The duplex would be on one lot. One person would own the building and it would not be divided.

Bob Senitte made a motion second by Buzzy Hassrick that we recommend to staff to bring this to the attention of the City Council upon it being present for their approval. Specification that lot 10 be added as a note on the final plat as a single family resident and Lots 11 and 12 are the only two lots qualified as a single owner duplexes on them. Vote on the motion was unanimous, motion carried.

Brad Payne made a motion seconded by Kim Borer to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Justin Lundvall adjourned the meeting at 1:14PM.

Utana L. Dye
Certified Engineering Technician II