

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, April 22, 2014**

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, April 22, 2014 at 12:00 PM

Present: Justin Lundvall, Chairperson; Justin Ness, Vice Chairperson; Brad Payne; Bob Senitte; Mark Musser; Buzzy Hassrick; Sandra Kitchen, Deputy City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Kylie Hanson, Administrative Secretary.

Absent: Kim Borer

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.

Brad Payne made a motion, seconded by Buzzy Hassrick, to approve the minutes for the April 8, 2014 meeting, with a correction to the adjournment time to be 12:45 P.M. Vote on the motion was unanimous, motion carried.

Presentation of Communications:

Todd Stowell presented the Landscape and Architecture Review for the Cindy Ivanoff private garage within a D-2 zone located at 1820 Sheridan Avenue.

Justin Ness made a motion, seconded by Mark Musser, for the Planning and Zoning Board to grant zoning approval for the project, as presented.

Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the staff report for the Minor Subdivision-Amended Plat of the Lafollette Subdivision.

Brad Payne made a motion, seconded by Justin Ness, to approve the amended Plat of the Lafollette Minor Subdivision, and authorize the Planning and Zoning Board Chairman to sign the final plat mylar, subject to verification from CenturyLink that they have no utilities in the easement that is to be vacated. Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the Downtown Sign Review for Mossy Oak Properties located at 1025 12<sup>th</sup> Street.

Buzzy Hassrick made a motion, seconded by Mark Musser, to approve the Mossy Oak Properties Sign located at 1025 12<sup>th</sup> Street, as presented. Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the Downtown Sign Review for C.E. Phillips Attorney, located at 1349 Sheridan Avenue.

Justin Ness made a motion, seconded by Bob Senitte, to approve the C.E. Phillips Attorney sign located at 1349 Sheridan Avenue. Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the Downtown Sign Review for 1900's Charm located at 1531 Beck Avenue.

Bob Senitte made a motion, seconded by Buzzy Hassrick, to approve the 1900's Charm Sign located at 1531 Beck Avenue. Vote on the motion was unanimous. Motion carried.

Todd Stowell informed the Board that the Photometric Plan for the Canopy located at 1200 17<sup>th</sup> Street had not been submitted by the time of the meeting, as requested.

Buzzy Hassrick made a motion, seconded by Bob Senitte, to table the Good 2 Go Photometric Plan for the Canopy located at 1200 17<sup>th</sup> Street.

Justin Ness abstained from the vote.

Buzzy Hassrick, Mark Musser, Justin Lundvall, Brad Payne and Bob Senitte approved the motion, motion carried.

Justin Ness recused himself from the following application.

Todd Stowell presented the site plan for Cody Laboratories Warehouse Facility located within the Heavy Industrial Zone, on the north side of Road 2AB.

Joe DesJardin spoke regarding the project. He noted no objection to following up on the emergency response plan and evidence of compliance. The building plans should be submitted to the City this week. These will include the details on the generator and the containment system. The containment system is following several codes and regulations, and they are in contact with Wyoming DEQ. This would be an underground system. Bob Senitte noted a concern with mulch being used due to the local weather conditions. Joe said they would look at changing to the local custom. Buzzy Hassrick commented regarding the suggested trees for landscaping, and Joe said they could work with Todd to provide a more local recommendation. Brad Payne noted that he would like to see the proposed containment system.

Buzzy Hassrick made a motion, seconded by Bob Senitte, to approve the site plan for Cody Laboratories Warehouse Facility, as submitted subject to the following:

1. The emergency response plan and evidence of compliance with applicable state and federal permits or licenses pertaining to hazardous materials must be submitted for review and approval prior to use of the facility (certificate of occupancy). The emergency response plan will be reviewed and approved by the Fire Marshal. Planning and Building staff will verify the necessary hazardous material licenses and permits.
2. The containment system plans are to be submitted to the Planning, Zoning and Adjustment Board.
3. The proposed mulch is to be replaced with rock.
4. The generator shall be baffled or contained in a manner allowing it to stay within the set noise threshold.

Vote on the motion was unanimous. Motion carried.

Steve Miller left the meeting at 12:44 PM.

Justin Ness rejoined the meeting.

Todd Stowell presented the Planned Unit Development review of the preliminary plat and a “major adjustment” to the PUD plan for Trailhead 3 P.U.D. Phase 6. A 45-lot subdivision, with a request to allow duplexes on up to ten of the lots. Located south of Twin Creek Trail Avenue and east of Robert Street.

Public Hearing:

Chairperson Justin Lundvall opened the public hearing at 12:47 p.m.

Jim Evans, with Sage Civil Engineering, spoke regarding the history and progression of the project.

Chairperson Justin Lundvall closed the public hearing at 12:58 p.m.

Todd Stowell outlined the conditions noted in the Staff Report, and the reasoning for each of these. He also noted comments received from the Fire Marshal regarding Appendix D of the Fire Code, which is not an adopted code, but a good guideline to follow.

Justin Ness asked as to the location of the closest park. Todd noted that they have provided common area in the amount of 20+% of the total area. There is property deeded to the City along E Avenue, but the area is not officially designated as a park.

Sam Wilde spoke regarding the street widths and public safety concerns. Fire Code requires a 20’ wide access for the truck, based on the width of the truck with the outriggers out to support the truck. This does not count cars parked on the street. A width up to 26’ should be signed as no parking if there is a fire hydrant that needs to be accessed, from 26’-32’ there should only be parking on one side. These distances are to be edge of asphalt measurements.

Jim Evans noted that there is a 29’ paved width and that they do also have the standard 2.5’ curb. The common area was outlined in greater detail. The common area is owned by the HOA.

Ed Higbie, the developer, spoke regarding the project. He noted the street width is 32’ from curb to curb. Additional information was provided to the Board regarding the covenants on the subdivisions. The covenants require three off street parking spaces, two of which can be in the garage. It also prohibits the parking of campers and other trailers on the street. Mr. Higbie discussed his reasoning for the additional units within this subdivision.

Justin Ness commented regarding the narrow common areas and the upkeep of them. He asked as to the ability to have a park planned for this area. Ed Higbie, noted park/common areas on E Avenue, on Pleasant View and on West Cooper Lane and one on the edge of phase 4 and 5 that laps over into the open space. Not all of these are in place at this time, but are intended to be grassy area. He noted a demand for walking paths.

Justin Lundvall asked as to any concerns there would be with having sod in the common area as noted by staff. Ed Higbie asked if this verbiage could be changed from sod, to a sod type of planting. He does anticipate planting grass which will be like sod after a couple of years. Staff pointed out that “sod” was not intended to refer to how it was planted, but the end result.

Justin Ness asked as to the maintenance of the walkways. Ed Higbie noted that the HOA does maintain the walkways. The HOA dues were raised this year from \$125 to \$150 per year, per home.

Justin Lundvall asked if a variance would be needed for the Fire Code and street width. Todd Stowell noted that the major adjustment process will allow the board to specify the standard appropriate for this development.

Buzzy Hassrick asked if there was a plan notating an ideal park in the overall development. Todd Stowell noted that they had submitted a conceptual plan showing the development of the overall 80 acres. This mostly outlined the common areas and not a park. There is 5 acres which was deeded to the City, but this was not officially designated as a park, but as “Public Use Area”.

Jim Evans did ask the Board for some flexibility with the staff comments regarding the street width.

Justin Ness asked as to the pavement width on the most recent PUD on 29<sup>th</sup> Avenue (Thiel). Todd Stowell noted that it was within a foot or two of being 39’—wide enough for two lanes and parking on both sides.

Mark Musser asked Sam Wilde if the width of pavement, as noted by Jim Evans, with the 18” curb pan would be a satisfactory width. Sam Wilde was okay with this width.

Justin Ness recommended looking at the small pathways located within the project, and ways of addressing concerns of maintenance. Todd Stowell noted the width of the area discussed is 12’, and that the pathway along the one side is already existing and currently does not seem to have an issue with trash buildup. Todd Stowell noted that according to code they must provide 20% of the area as common area or open space, and that in a PUD they cannot provide cash-in-lieu. The 20% is also not an adjustable standard and no variance is allowed. Bob Senitte asked if the City had a way to require the common areas to be cleaned up. Todd Stowell noted that the City could enforce the nuisance ordinance on these areas. Jim Evans noted that the common area currently exceeds the 20% for the area that has been developed, but this amount will apply to the future phases within the 80 acres. Any changes to this now could affect the area going forward.

Mark Musser made a motion, seconded by Buzzy Hassrick, to recommend that the City Council authorize the “major adjustment” and approve the preliminary plat for Trailhead 3 P.U.D., Phase 6 subject to the following conditions:

1. Prior to consideration of the preliminary plat by the City Council, make the following modifications to the drawings:
  - a. Modify Note 5 to read as follows, or as otherwise approved by staff to reflect the approved situation:  
*Lots P6-9, P6-10, P6-17 thru P6-19, and P6-31 thru P6-35 are authorized for single-family detached dwellings or duplexes. Lots P6-11 thru P6-14 are authorized for single-family detached or attached dwellings, with one dwelling on each lot. Lots P6-46 and P6-47 are Common Area tracts not authorized for residential development. Each of the other lots within this plat are authorized for one single-family detached dwelling.*
  - b. Modify Note 6 to read as follows, or as otherwise approved by staff to reflect the approved situation:  
*Building Setbacks:*  
*From street property line provide a minimum of 15 feet, except a minimum of 25 feet is required for the side of the garage with the vehicle door.*

*From rear property lines, provide a minimum of 15 feet for the dwelling and 5 feet for any detached accessory buildings.*

*From side property lines adjacent to other lots, provide a minimum of 5 feet, except attached single-family dwellings need no setback at their common wall.*

- c. Distinguish the line work outside of this plat from the lines within the plat (Suggestion-bold the boundary of the phase and lighten the lines outside of the phase.) Reflect the line work in the legend.
- d. Correct the easement note references on the plat drawing (35' instead of 15' and reference Note 3 on the Cody Canal easement, reference Note 2 on the 12' utility easement).
2. Provide the temporary drainage easements with the final plat, either in the form of an easement document, or by expanding the plat boundary to include the area and adding appropriate labels.
3. The common area to the west of the lots must be improved to a more functional state than the "native grass" requested. It is recommended that once mature the surface over the majority of the area east of the irrigation canal shall resemble a sod type playing field. A plan for landscaping of the area must be submitted for approval with the final plat.
4. No above-ground or non-traffic rated utility boxes are permitted at the common lot line locations, unless the driveway and garage door opening is at least 3 feet from the common property line.
5. Utility fees applicable to the project will be determined with the final plat.
6. Street names are subject to approval by the road name committee, with final approval by the City at the time of final plat.
7. The developer is responsible for the costs and applications associated with transfer of the surface water rights from the City to the developer.
8. Construction plans for all subdivision improvements shall be submitted for review with the final plat application, in compliance with all provisions of City of Cody Code, except as modified by the preliminary plat approval.
9. The final plat application shall otherwise contain and comply with the City subdivision ordinance.

Todd presented the approved sign application for Norma's MexiCan located off of the Greybull Highway. There were two on-premise signs approved, one located on the north side of the intersection of the Greybull Highway and the Meeteetse Highway, and another located near Roger Sedam Drive.

P&Z Board Matters:

The Board had no matters to discuss.

Council Update:

There were no Council updates.

Staff Items:

There were no staff matters to discuss.

Mark Musser made a motion, seconded by Brad Payne 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 1:48 PM.

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Kylie Hanson  
Administrative Secretary