

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD

Minutes of the Regular Meeting Held May 24, 2011 at 12:00 PM

CALL TO ORDER: Chairperson Greg Gaspers called the meeting to order at 12:01 PM.

ROLL CALL

PRESENT: Jacob Ivanoff; Kim Borer, Vice Chairperson; Rick Brasher; Bud McDonald; Justin Lundvall; Greg Gaspers, Chairperson; Bill Nielson; Steve Miller, Council Liaison; Scott Kolpitcke, City Attorney; Steve Payne, Public Works Director; Jolene Osborne, Engineering Administrative Assistant; Jennifer Rosencranse, City Administrator;

EXCUSED ABSENCE: None

ABSENT: None

Bud McDonald made a motion seconded by Jacob Ivanoff to approve the minutes of the May 10, 2011 regular session meeting.

Vote on the motion was unanimous, motion carried.

Chairperson Greg Gaspers opened a public hearing at 12:02 p.m. to determine if it is in the public interest to grant a special exemption to Gee Properties, LLC for property located at 702 and 708 Platinum Avenue. The request is for a special exemption from the hours of operation limitations for a physician office to facilitate for more comprehensive patient evaluation including a sleep laboratory. Sleep laboratory hours would be from 8 pm to 7 am, with the clinic open during regular hours.

Dr. Gee of Frontier Neurosciences, LLC and member of Gee Properties, LLC, presented his application. He discussed the need to the community for electroencephalogram testing (EEG) and the lack of a certified sleep laboratory in the Big Horn Basin. The study process was explained. He discussed the traffic issue that is currently located in the area that is due to the existing medical clinic. He believed that the addition of a few cars traveling to his clinic in the evening and leaving in the morning would not impact the traffic. He stated that he believed that one sleep technician monitoring a few sleeping patients at night would not produce an undesirable change in the neighborhood as the neighborhood would be sleeping at night as well.

Fred Strow, owner of 720 Platinum Avenue, spoke in regard to his efforts in canvassing the neighborhood to ascertain their opinion. While the neighbors were told with the construction of the Cody Medical Arts Complex that there would be no additional traffic, the neighbors have seen a significant increase.

Todd Rush, owner of 732 Platinum Avenue, addressed the issue of Dr. Gee having many other viable options in town that would not impact a residential area.

Ken Stockwell, owner of 755 Platinum Avenue, spoke to his original objection to the addition of the stoplight. He stated that the traffic has increased and the encroachment of businesses into the neighborhood detracts from this affordable neighborhood. His research showed that there are 19 to 20 available commercial properties in Cody at this time. Though he's certain the applicant would prefer a residential area for a sleep lab, a properly engineered building would allow for a quiet laboratory.

Cindy Wildman, owner of 714 Platinum Avenue, spoke in opposition as the clinic would cause property values to decrease while taxes would increase.

Dale Schmoltdt, owner of 720 Allen Avenue, spoke that he has no objections to the application. He believed it would be beneficial to the neighborhood to have the current house demolished and a new building in its place. He stated that the traffic is a “red-herring” issue.

Upon calling for additional comments three times and there being none, Chairperson Greg Gaspers closed the public hearing at 12:16 p.m.

PRESENTATION OF COMMUNICATIONS:

A. Rick Brasher made a motion seconded by Bill Nielson to approve the special exemption from the hours of operation limitations for property located at 702 and 708 Platinum Avenue as the board finds the following requirements of Section 10-14-2-C.2:

1. The special exemption will not produce an undesirable change in the neighborhood;
2. The hours of operation exemption will be compatible with adjacent land uses and the neighborhood as the neighborhood is residentially oriented;
3. An exemption from the hours of operation limitations is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the building;
4. It would be unfeasible for the applicant to operate the office elsewhere;
5. There are adequate services and infrastructure available to serve the building; and
6. The exemption from the hours of operation has no impact on the goals, policies and future land use map of the master plan;

With the following conditions:

1. The Special Exemption will run with the property owner.
2. The Special Exemption Permit must be executed and recorded with the Park County Clerk and recorded within 10 days of approval.
3. Conditional that the City Council approves the Zone Change.

Rick Brasher and Bill Neilson voted in favor of the motion. Jacob Ivanoff, Kim Borer, Greg Gaspers, Justin Lundvall and Bud McDonald opposed the motion. Motion failed.

B. Jacob Ivanoff made a motion seconded by Rick Brasher to approve the commercial site application submitted by Libations for property located at 1503 Sheridan Avenue with the following conditions:

1. The applicant establishes potted plants around the patio to establish a landscaped feel for the property.
2. The applicant complies with all liquor license sales requirements and especially the enclosure of the outside seating area.
3. The applicant will submit a complete set of construction plans to the building department for their review and approval.
4. The applicant will pay all assigned building permit fees.
5. The applicant will receive approval from Council regarding liquor licensing.

Vote on the motion was unanimous, motion carried.

C. Bill Nielson made a motion seconded by Bud McDonald to approve the commercial site application submitted by Basin Mechanical for property located at 3429 Cottonwood Avenue with the following conditions:

1. The applicant will submit a complete set of construction plans to the building department for their review and approval.
2. The applicant will pay all assigned building permit fees.

Vote on the motion was unanimous, motion carried.

D. Justin Lundvall made a motion seconded by Jacob Ivanoff to approve the commercial site application submitted by T.L. Quick Construction on behalf of Wyoming Rib & Chop House for property located at 1361 Sheridan Avenue with the following conditions:

1. The applicant will submit a complete set of construction plans to the building department for their review and approval.
2. The applicant will pay all assigned building permit fees.

Vote on the motion was unanimous, motion carried.

E. The board commented on the following topics in regard to the proposed Blackburn PUD:

1. The board was open to allowing sidewalks only on one side of the street;
2. The board was agreeable to a design that did not include alleys;
3. The board was pleased with the proposal for the common area;
4. The majority of the board was opposed to the city taking over a pressurized sewer system as it would be inconsistent with the rest of the city systems;
5. The majority of the board would be agreeable to accepting responsibility of the streets if they were designed to specific criteria approved by the city engineer that addressed the industrial use of the subdivision and the cul-de-sac turn radius issues for larger truck traffic.

Bud McDonald made a motion seconded by Kim Borer to designate Blackburn Subdivision as a PUD.

Vote on the motion was unanimous, motion carried.

If the Public Hearing is set for July 26, 2011, information must be presented to staff prior to the publication of the public hearing.

F. Discussion Items:

1. The board agreed that minor applications for door and window changes as well as paint colors in similar earth-tones could be approved by staff.
2. Bud attended the WYOPASS seminar. Their spring workshop has to do with local P&Z commissions and included good dialog between planners and commissions.

G. Council Update: The budget is complete and includes the City Planner and Master Plan. The planner is anticipated to be on-board the early part of the fiscal year.

The meeting was adjourned at 1:58 PM.

Respectfully submitted,

Jolene Y. Osborne
Engineering Administrative Assistant