

Planning Commission Agenda Item for July 2, 2013

Case Number 13.015Z: Zoning Map Amendment- Lot 1, Block 4, Park Addition

Applicant/Owner: Tom Simons

Agent: Doyle Land Surveying

Summary:

The owner is seeking approval of a Zoning Map Amendment in order to re-zone an existing lot to comply with the present use and desired future use of the property.

Background:

The property is located at the intersection of Highway 14-16 and Richards Avenue on the southwest side near the former Casa Del Ray restaurant. The 7,000 square foot lot was platted in 1923 as part of the Park Addition, which is one of the oldest subdivisions in Gillette. The lot is currently zoned R-4, Multi Family Residential, however it has been used for commercial purposes in the past. Currently, the owner is parking vehicles that are advertised for sale on the lot. In order to continue the present use, the property needs to be re-zoned to a commercial zoning district. The owner would also like the option of placing a temporary structure such as a coffee hut on the lot. Mr. Simons has stated he does not intend to place a permanent structure on the lot due to the size restrictions of the property.

The owner originally requested C-1, General Commercial Zoning District, however the minimum size requirement of four (4) acres for a free standing C-1 District cannot be met. The owner has modified his request and has proposed a C-2, Central Business District for the property as it is adjacent to C-2 property on the north, east, and west side. The Comprehensive Plan shows the area as an Urban Corridor which includes a mix of commercial and residential development. The area is very close to the Downtown Mixed Use category identified in the Comprehensive Plan which supports the C-2, Central Business District. In addition, the close proximity to Highway 14-16 also supports a commercial use and is more suitable for commercial development than residential development. This re-zoning request is consistent with the Comprehensive Plan as it will allow for commercial uses and fit the existing development pattern.

The C-2, Central Business District is designed to serve the downtown area and promotes a dense mix of retail, commercial, institutional, and office uses. Due to the existing configuration and development pattern of the downtown area, the C-2, Central Business District does not have requirements for off-street parking or setbacks. The owner does not anticipate an issue with the available off-street parking on-site as he does not plan for a high volume use or permanent structure to occupy the property.

The overall area is a mix of zoning districts and uses including R-4, Multi Family Residential, C-O, Office and Institutional, C-2, Central Business District, and C-1, General Commercial Zoning District. Planning staff will likely propose some re-districting

with the Zoning Ordinance re-write in order to better serve mixed use areas such as this in the future.

An amendment to the Zoning Map shall not take place unless at least one (1) of two (2) criteria exists as set forth in Section 12 of the City of Gillette Zoning Ordinance.

- a. The zoning map may be amended when there is a need to correct an obvious error. *In this case there was no obvious error in the zoning designation at the time the property was platted and zoned.*
- b. The zoning map may be amended to recognize changing conditions within the City. *This request does recognize changing conditions as the surrounding area along Highway 14-16 has developed as commercial rather than residential. The Comprehensive Plan supports commercial uses in this area due to the close proximity to the major state highway. The property is adjacent to C-2, Central Business District land and is very close to the Downtown Mixed Use area shown in the Comprehensive Plan.*

Section 12 of the City of Gillette Zoning Ordinance also provides for a minimum size land area of twenty acres for a C-2, Central Business District and two (2) acres for an R-4, Multi Family Residential District. The Zoning Ordinance allows the property to connect to other similar zones in both the City and the County to meet the size requirements. This request meets the minimum size requirements for both Districts.

Planning Requirements:

1. The re-zoning request shall be approved by City Council with an Ordinance prior to taking effect.
2. The use of the property shall comply with all the standards and permitted uses listed in the C-2, Central Business District.
3. Any new development shall meet the development standards of the C-2, Central Business District and be reviewed and approved by the City of Gillette.

Staff Recommendation:

Staff recommends approval of the re-zoning request for property legally described as Lot 1, Block 4 of the Park Addition, as shown on the Exhibit "A" Map, subject to all Planning requirements.

This case is tentatively scheduled for a Public Hearing and First Reading by City Council on July 15, 2013 in the City Council Chambers at 7:00 p.m.

Save: 13.015Z Case Sheet

Attachments: Vicinity and Aerial Map, Exhibit A Map,

Case Manager: Staci Beecher

ePlans: 13-513