

Planning Commission Agenda Item for July 8, 2014

Case Number 14.037Z: Zoning Map Amendment – Lots 13, 14, 35, and 36,
Crestfield Subdivision

Applicant/Owner: Ezekiel & Raquel Mader, Elizabeth & Jeffrey Denton,
Tyson & Tobie Ann Waggener, and Larry & Diana Larson

Agent: Raquel Mader

Summary:

The owners are seeking approval of a Zoning Map Amendment in order to re-zone four (4) existing lots, from an R-S, Suburban Residential District to R-R, Rural Residential District to comply with the present use and desired future use of the properties.

Background:

The lots are located at the north end of the Crestfield Subdivision and are addressed as 4000 and 4145 Crestfield Court and 4001 and 4100 High Cliff Court. The subdivision was originally approved in 2006 while in Campbell County; however the property was annexed into the City in 2008. During the annexation process, the entire subdivision was zoned R-S, Suburban Residential District in the City. The R-S, Suburban Residential District does not allow livestock as a permitted use. It was the intention of the developer to allow for horses and other types of livestock on the four (4) lots at the north end of the subdivision as the covenants allow for livestock. If approved, this re-zoning request would make the zoning district more compatible with the covenants. These lots average just over four (4) acres in size whereas all the other lots in the subdivision average just over one (1) acre in size.

Several of the owners of the larger lots have had horses on the property since the time of annexation. These lots may continue to have horses as they are grandfathered by the Zoning Ordinance; however it is difficult to track and meet certain provisions of the non-conforming use section of the Ordinance. In addition, these lots are more consistent with the R-R, Rural Residential District as they are larger in size and can support a limited number of large animals. The topography of the land acts as a natural buffer for the rest of the subdivision as the elevation drops significantly. The adopted Comprehensive Plan supports the re-zoning request.

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; however the R-R, Rural Residential District is more consistent with the surrounding land use.
- b. The Zoning Map may be amended to recognize changing conditions within the City. This request does recognize changing conditions as several of the lots have had large animals since the time of annexation. Furthermore, the R-R, Rural

Residential District is more consistent with the historic use of the land and better fits the rural character of the area.

Section 12 of the City of Gillette Zoning Ordinance also provides for a minimum size land area of ten (10) acres for an R-R, Rural Residential District and also ten (10) acres for an R-S, Suburban Residential District. 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.

Staff Recommendation:

Staff recommends approval of the re-zoning request for property legally described as Lots 13, 14, 35, and 36 of the Crestfield Subdivision, 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, 2014 in the City Council Chambers at 7:00 p.m.

Save: 14.037Z Case Sheet

Attachments: Vicinity and Aerial Map, Exhibit A Map,

Case Manager: Staci Beecher