

CITY OF GILLETTE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
City Council Chambers ~ City Hall
April 25, 2017 ~ 7:00 p.m.

PRESENT

Commission Members Present: Chairman Clark Sanders, Vice-Chair Jennifer Thomas, Todd Mattson, Cindy Reardon, and Jim Nielsen.

Commission Members Absent: Brenda Green

Staff Present: Mike Cole, Planning Manager, Natalie Buchwald, Planner, and Jill McCarty, Administrative Assistant.

CALL TO ORDER

Chairman Sanders called the meeting to order at 7:02 p.m.

APPROVAL OF THE MINUTES

A motion was made by Jim Nielsen and seconded by Jennifer Thomas to approve the Pre-Meeting Workshop and Regular Meeting Minutes of the City Planning Commission Meeting of April 11, 2017. Motion carried 5/0.

17.013DP
DEVELOPMENT
PLAN-Hampton Inn &
Suites

Natalie Buchwald presented Case No. 17.013DP

The owner is requesting the construction of a new eighty-two (82) unit, four (4) story Hampton Inn & Suites to be located on Lots 2A and 2B, Block 1, of Westover Hills Subdivision Phase 1, more simply known as 2300 & 2312 Westover Road.

The vacant 3.69-acre property was originally platted as Lot 2 of the Westover Hills Subdivision Phase 1 in 1980. In 1988 the original Lot 2 was split into Lot 2A and Lot 2B. No development has ever taken place on either of the two lots. Both lots are currently zoned C-1, General Commercial. This proposal is compatible with the Land Use Plan as the Land Use Plan envisions this area to develop as General Commercial.

The four (4) story hotel is proposed to be constructed entirely on Lot 2A while Lot 2B will be utilized for access to the hotel, parking, and landscaping. However, there will be parking and landscaping on Lot 2A as well. Regarding parking and access, eighty-two (82) spaces are required and eighty-two (82) spaces have been provided including adequate handicap parking. A Cross Parking and Access Agreement is required for this project because parking for the hotel exists on both Lot 2A and Lot 2B. Due to the height of the building and architectural features, the Fire Department is requiring that the outer-east driving lane be a required fire lane and therefore marked as such. Landscaping is adequate for the site. The Parks and Beautification Board approved the landscape plan during their meeting on April 13, 2017.

Chairman Sanders asked if there were any calls received by the City regarding this case, and Natalie said the City did not receive any calls.

Jim Nielsen wanted it to be noted for the landscaping portion of the site to be paid attention to for site distance and obstructions for vehicles coming out of the approach.

There were no further questions from the commission or the public on this

case.

Todd Mattson made a motion to approve said case. Jim Nielsen seconded the motion. Motion carried 5/0.

17.011Z- ZONING
MAP AMENDMENT-
Portion of Tract D, Ash
Meadows Phase I

Natalie Buchwald presented Case No. 17.0011Z

The agent, on behalf of the owner, is proposing to rezone a 9.79-acre portion of Tract D, Ash Meadows Subdivision Phase 1 from M-H, Mobile Home District to I-1, Light Industrial District.

Tract D was created as part of the Ash Meadows Subdivision Phase I. Ash Meadows Subdivision Phase I and Phase II were preceded by the approval of a Preliminary Plat. The Preliminary Plat proposed mobile home lots on the entire area including Tract D; Tract D is currently vacant. Northern Drive was shown bordering the land on the north on all plats. The portion of Tract D that is being proposed to be rezoned is 9.79 acres of the existing 23.4-acre lot. The minimum zoning district size for an I-1, Light Industrial District is 5 acres. In 2015, a similar rezoning request was proposed for this location. At that time the agent proposed that a 15.40-acre portion of Tract D be rezoned from M-H, Mobile Home District to I-1, Light Industrial District. That request was not approved by the Planning Commission and, at the time, the applicant decided not to move forward with the rezone request for consideration by the City Council.

The City of Gillette's adopted Land Use Plan designates this area as residential with Manufactured and Mobile Homes. Outside of City limits, in Campbell County, to the north and to the east all land is zoned as A-L, Agricultural. The City-County Joint Land Use Plan designates the areas in the County to the north as Mining (active coal lease area) and to the east as Residential. This proposed rezone is not compatible with the adopted Land Use Plan as the area south of Northern Drive in both the City of Gillette and Campbell County is all envisioned to be residential.

Staff recommends denial of this proposed Zoning Map Amendment for a portion of Tract D, Ash Meadows Subdivision Phase I from M-H to I-1 because it conflicts with the future Land Use Plan for this area. However, Staff recommends the agent consider three other options for this area to accommodate the intended use of providing parking to support the adjacent residential uses. These three options include:

1. A Zoning Text Amendment to allow for "parking of vehicles" as a permitted use in the M-H, Mobile Home District; provided the proposed "off-street parking" complies with the surfacing, design, use and maintenance within Section 9 of the City's Zoning Ordinance.
2. Rezone the area from M-H, Mobile Home District to R-2, Single & Two Family Residential District. This would allow the area to retain the residential zoning, but also allows for "parking of vehicles" as a permitted use in the R-2 district.
3. Rezone the area from M-H, Mobile Home District to R-4, Multi Family Residential District. This would allow the area to retain

the residential zoning, but also allows for "parking of vehicles" as a permitted use in the R-4 district.

Staff will support any one of the three aforementioned options.

Chairman Sanders asked if there were any questions from the commission or the public on this case.

Bret Wolz, Agent for the applicant, was in attendance and said he had not been informed beforehand that the case was going to be recommended for denial by City staff. Bret said the area is being contemplated as an RV storage area, with an access off of Northern Drive, and said the area would never be accessed off of the Ash Meadows Subdivision. Bret stated it was being petitioned to change the zoning not only because of market changes, but also because of land use changes happening in the area.

Chairman Sanders asked Bret if the owner would be agreeable to changing the zoning to an R-2. Bret said he was given no chance to ask the owner of that possibility.

Cindy Reardon asked if the zoning was approved for outdoor storage and parking, could it be changed in the future to some other form of light industrial. Mike Cole said that could be a possibility in the future, as it is undeveloped land currently. The residential character could be preserved however, while still allowing for RV parking with a different residential rezoning that allows for parking or storage of vehicles.

Jim Nielsen asked if the zoning were to be denied by the Planning Commission, would the case still be able to move forward for consideration by the City Council with one of the three options offered by City staff. Mike Cole said it could move forward, but if it were to be denied by Council then it could not be reconsidered for a period of one year afterwards. A rezone application to fit the area that would have the endorsement of the Commission that is also compatible with the land use plan could potentially be approved by City Council.

Terri Triebs, a homeowner in Ash Meadows, was present and inquired what was being considered at the meeting, and whether or not the rezoning had already taken place. Chairman Sanders said currently the Commission still needed to vote on the rezoning. Terri said when she purchased her home it was with the understanding the subdivision was for mobile homes, with zoning for other types of homes possible. Terri said light industrial was not expected in the area, and was curious what other options were being proposed. Chairman Sanders said other types of zoning that would allow parking were proposed by staff. Terri asked who the individual(s) were requesting the rezoning. Bret said it was a group who were not willing to be named until the rezoning was approved.

Wendy Dorman who lives on the outskirts of Ash Meadows was also present, and said when she purchased her home it was with the understanding she would just be looking out to her neighbors. She said right now the neighborhood is quiet and peaceful, it is a family development. Whatever could be built in an industrial zoning, she was concerned a lot of noise would be a part of it. She also felt changing the

zoning could also potentially change the value of the homes.

Nadine Fralick, who lives to the east of the development, was also present and said she did not think the zoning should be changed for the area. Bret Wolz stated he wanted to comment Nadine owned the property with a conditional use permit from the County that was next to the area being requested for rezoning.

Todd Mattson asked what the best action for the Commission would be, whether to table the case or take a vote. Mike said if additional information or time was felt was needed, tabling the item would be an option. If it was felt the Commission had enough information, then a vote could be taken. Bret Wolz requested the case be tabled, and asked for staff to meet with him about the case.

Chairman Sanders asked if the item were tabled, would it come back with the same conditions, or should it be denied and come back with a new application. Mike Cole said if the item were to be tabled, staff could work with the applicant to revise the application. With direction from the Planning Commission staff and the applicant could revise the application into something to their liking for future consideration.

Wendy Dornan asked if the client was a citizen of Gillette, as she was concerned Gillette would not profit from the rezoning change if they were not. Mike Cole said the agent was representing the interest of the land owner for the development and/or the interests of a future owner if a purchase agreement were to be negotiated among the parties.

Jim Nielsen said he did not want to see a residential feeling area change to an industrial type area. If no interest were to be there for storage, he would like to keep the area where future development of homes could still happen.

Cindy Reardon asked if there was an indication to the homeowners there was potential for industrial to be considered for the area. Bret said there was no intention for industrial, it was the intention to build mobile homes. He said the economy is different now than it was in 2006 when the development first started. The current owner, Albert Howell, is currently in his 80s and would like to simplify his estate. Wendy Dornan said she was under the understanding the owners were Mr. Howell and his son-in-law. Nadine Fralick also stated there was a realtor sign on the property currently that stated the proposed rezoning area was commercial land.

Jennifer Thomas made a motion to table the item. Todd Mattson seconded the motion. An oral vote was taken for the tabling with a recommendation of staff to meet with the agent for alternatives to the rezoning, for discussion to be a residential zoning to allow the storage of motorhomes, boats, etc. Amended to be heard at the May 23, 2017, Planning Commission meeting. Motion carried 5/0.

17.014Z-ZONING MAP
AMENDMENT-Lot 12,
Block 4, Northside
Addition

Natalie Buchwald presented Case No. 17.014Z

The owner is seeking approval to rezone Lot 12, Block 4, of the Northside Addition from R-2, Single & Two Family Residential District to A, Agricultural District.

David Bundy, the owner, wishes to rezone the lot so the zoning is contiguous with the other property he owns to the east, which are also zoned A, Agricultural. The lot was originally established in 1920, and has never been developed. The Land Use Plan envisions this area as a mixture of Multifamily Residential and Industrial. This proposed rezone conflicts with the future Land Use Plan for this area.

Staff recommends denial of this Zoning Map Amendment to rezone Lot 12, Block 4, of the Northside Addition from R-2, Single & Two Family Residential District to A, Agricultural District because the proposed rezone conflicts with the future Land Use Plan for this area, and because the proposed rezone does not meet the minimum zoning district size for the Agricultural zoning district. However, there is another option staff recommends the owner consider. The applicant can prepare and submit a Minor Subdivision Final Plat to consolidate the property being proposed for a rezone along with other, adjacent property in common ownership into a single lot. To coincide with the subdivision plat, request a Zoning Map Amendment to adjust the zoning for the entire consolidated lot to either R-2, Single & Two Family Residential District, or R-4, Multi Family Residential District. Both districts allow for residences as permitted uses as well as accessory uses that support the permitted use like a shop, pole barn or detached garage. Natalie said no phone calls or emails were received by City staff regarding the case.

Chairman Sanders asked if there were any questions from the commission or the public on this case. Richard Doyle, agent for the case, was present and said he was not informed beforehand by staff of the recommendation for denial of the rezoning. He said the owner had started to build a separate building, when he was told by the City he needed a different zoning for the building. He felt this was the direction they were given by staff.

Mike Cole said the issues with the rezoning are both the size of the lots, as well as the comprehensive land use plan does not call for continued agricultural use in the area. Richard Doyle said the size of the lots would be close to what was necessary, and the homestead existed a long time before the comprehensive plan. Chairman Sanders asked if the goal could be reached with a minor subdivision. Richard Doyle said more time would be needed to complete a different application for review by the Planning Commission and City Council.

David Bundy, owner of the property, was present and stated he was surprised by the recommendation for denial, and was told the rezoning would be the easiest way to complete the building being built on his property. David Bundy said he was concerned if the property with the residence was changed from being zoned Agricultural, then he would no longer be able to keep horses on the property, which he does for 5 to 6 months throughout the year.

Mike Cole said if the zoning were approved as Agricultural District, it was not known if a building permit could be issued without consolidating the lots. Mike said considering horses were being kept on the property it might work to zone the proposed lot as agricultural, and also have a minor subdivision plat applied for to consolidate Lot 12 and Tract A3. However,

Mike did indicate that a building permit for an accessory structure that did not support the permitted use for either the existing R-2 zoning district or proposed Ag zoning district will be difficult to approve. For an accessory structure in the R-2 zoning district, a residential use on the existing lot first needs to be established. Likewise, for an accessory structure in the Ag zoning district, an agriculture use needs to be first established as well. Consolidation of the vacant lot with the existing lot with the house through a minor final subdivision plat would support a permit for an accessory structure with the residential use already established.

Jim Nielsen made a motion to approve said case. Cindy Reardon seconded the motion. Motion carried 5/0.

NEW BUSINESS

Planning Manager Mike Cole said there would be one new case at the next Planning Commission on May 9, 2017.

ADJOURNMENT

The meeting adjourned at 8:24 p.m.

Minutes taken and prepared by Jill McCarty, Administrative Assistant.