

CITY OF GILLETTE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
City Council Chambers ~ City Hall
February 27, 2018

PRESENT

Commission Members Present: Chairman Jim Nielsen, Vice-Chair Cindy Reardon, Brenda Green, Trevor Matson, and Sheryl Martin.

Commission Members Absent: Jennifer Tuomela, Ted Jerred.

Staff Present: Heath VonEye, Development Services Director; Anthony Reyes, City Attorney; Annie Mayfield, Planning and GIS Manager; Clark Sanders, Planner; Meredith Duvall, Planner; and Jill McCarty, Senior Administrative Assistant.

CALL TO ORDER

Chairman Nielsen called the meeting to order at 7:00 p.m.

APPROVAL OF THE
MINUTES

A motion was made by Cindy Reardon and seconded by Trevor Matson to approve the Pre-Meeting Workshop and Regular Meeting Minutes of the City Planning Commission Meeting of January 23, 2018. Motion carried 5/0.

17.032ZA-ZONING
TEXT AMENDMENT-
Group Care Facility

Clark Sanders presented Case No. 17.032ZA.

The applicant, Wyoming Recovery, is requesting a zoning text amendment to define and allow for Residential Care Facilities in the R-2 and R-3 zoning districts.

Wyoming Recovery is a Casper Wyoming based addiction treatment facility and is seeking to provide services to residents of the City of Gillette

Wyoming Recovery, with the assistance of a local real estate agent, carefully selected a residence at 4202 Wigwam Boulevard which is ideal for the services they desire to provide. Upon researching the City of Gillette Zoning Regulations and coordinating with staff, it was discovered the definition of "Group Care Facilities" restricted such facilities to "not for profit," and the number of clients allowed in Group Care Facilities is limited to six (6) clients, which is below the minimum number of clients Wyoming Recovery intends to serve. The services rendered by Wyoming Recovery aligns more closely with the current definition for a "*Halfway House*" which includes "*alcoholism or drug treatment center.*" We recognize the definition for a Halfway House also implies the facility is being an alternative to incarceration which we also acknowledge is not the case for all of Wyoming Recovery's clientele.

A "Halfway House" is allowed in a C-O Office or Institution District, or an I-1, Light Industrial District.

Though acceptable in the above-mentioned districts, Wyoming Recovery has applied for a zoning text amendment to define and allow for Residential Care Facilities, a new definition, in an R-2 and R-3 zoning district.

Clark Sanders said the city had received two calls regarding the case: one opposed of the zoning text change, and one seeking further information after seeing a social media post on the case.

Chairman Nielsen asked if there were any questions on the case.

Frank Stevens, attorney for the current owner of 4202 Wigwam, Jeff and Debbie Deimling, was present and said the Deimling's had operated their business, Top Notch Cleaning, out of the location for many years before retiring and putting the property up for sale.

Mr. Stevens said there are two key factors to the zoning change: the first being the specific change being requested, and the second being the current uses that are allowed within an R2 and R3 zone, and how compatible it is with Wyoming Recovery services. He said a residential care facility is a very specific and limited type of facility as defined in the proposed language. Wyoming Recovery must be licensed by the state of Wyoming and have specific parameters met to be licensed. They are also limited to what can go in that particular type of facility. He said it is not a halfway house and does not have any of those types of features, and that their treatment facility does not have to do with law enforcement or judge placement, it is a residential treatment center.

Mr. Stevens said with the needed state licensing, this is not the type of situation where 25 of these will suddenly move into the community, and if the concern is that the change will bring about many of these types of facilities it clearly is not going to, they just do not exist. Mr. Stevens said there is only one other facility like this in Wyoming, and that is the Wyoming Recovery Center located in Casper.

Mr. Stevens said looking at current uses in R2 and R3, this facility would not be any more commercial than any of the current uses right now. Some uses allowed now are daycare, group daycare, foster home, group foster home, shared living for senior citizens, and bed and breakfasts. He said there are many people coming and going at those types of places every day if it is a concern about traffic. These places are very consistent with what they are asking for with the residential care center, he said, and they are not asking for a major expansion of the zoning text, but a limited change.

Cindy asked if there was wording in the proposed zoning text to make sure a lot of these facilities did not move into the R2 and R3 zonings. She said there would be a belief only this facility might want to move into a neighborhood, but if the door is opened, it would then be available to anyone.

Mr. Stevens acknowledged it would be opened to any residential care facility as defined in the proposed text change. However, these facilities don't exist in Wyoming and if they did they would need to be accredited by the state, and it is difficult to get state accreditation. Mr. Stevens said if a company was a free-enterprise, he believed the 8-bed facility Wyoming Recovery was asking for would only break even for profit. That would make it limited in terms of what company could come in and make it, he said, while there is no way of limiting it, there is a practical matter of what it takes to do one of these facilities.

Lynn Thompson from Casper was present. Ms. Thompson is the president of Wyoming Healthcare Services for Wyoming Recovery. Ms. Thompson provided the commission with photos of the current facilities in Casper for Wyoming Recovery. Ms. Thompson said Wyoming Recovery is a comfortable environment for people for addiction recovery. Ms. Thompson said other facilities allowed in R2 and R3 like daycares and assisted livings seem to be facilities that thrive in residential kind of environments, and people in recovery do as well.

Ms. Thompson said one of the photos provided to the commission showed the street for Wyoming Recovery in Casper with very few cars parked on the street and no people out walking the street. She said possibly the belief was that with a recovery facility, people would be outside loitering or have large groups of people hanging out in front of the facility. She said people are inside in groups doing therapy or 12/24 club, and other treatments.

Ms. Thompson said the office here will only be a satellite office, with no billing and a major portion of things being done in Casper, so there would not be many employees coming and going. She said they will have a physician's assistant, doctor, technicians and residents. She said the need for a satellite here was because most of their clients are coming from Gillette.

Chairman Nielsen asked how many people would be coming and going during a typical day.

Ms. Thompson said possibly three workers including the technician, nurse and therapist. A physician's assistant would come in for client intakes.

Chairman Nielsen asked if the clients are staying at the facility while they are in the program, with only staff coming and going. Ms. Thompson said that was correct, and it would be unusual for a patient's car to be parked there.

Trevor Matson asked if the clients are allowed visitation, which would allow groups of people coming and going for the visitations. Ms. Thompson said there is visitation allowed on family day every other week in Casper, and on the weekends. However, visitation is allowed with authorization from a therapist, and, it is very regulated.

Brenda Green asked how frequently the clients change. Ms. Thompson said some will stay two weeks, while some will stay for six months. A lot of it depends on insurance and what type of care they need.

Trevor Matson asked how long the facility in Casper had been opened, and if there had been instances of the police having to be called. Ms. Thompson said the Casper facility had been open since 1996, and there have been a few instances, but staff is highly trained. Mr. Matson asked if a situation happens where police need to be called, if the client is removed from the facility. Ms. Thompson said the safety of the staff and of the clients is the number one priority, so they are removed.

Cindy Reardon said she wanted to commend Wyoming Recovery for providing their services to people who desperately need it and for having the desire to implement the same into communities that need it. Ms. Reardon asked where patients were if they were checked into the facility, but not out on the property. Ms. Thompson said she was clarifying in her comments earlier that the people were not just outside in big groups or lined up outside the facility, as she felt may have been the misconception. The clients are busy working on homework or in groups, at 12/24 club, activities, and volunteering. They also do go out to places like the recreation center or outings with permission from their therapist.

Ms. Reardon asked if there were any concerns or issues with their current proximity to public or private schools. Ms. Thompson said they have not had any issues with that. Ms. Reardon asked how close the Casper facility is to a school or church, and Ms. Thompson said a few miles from a school and a mile from a church.

Billy Montgomery, a resident of the neighborhood where the proposed facility is located, said he was there to speak on behalf of some of his neighbors that contacted him. He said the neighbors had just found out recently about the facility wanting to move into the neighborhood. The neighbors had concerns with the proposed facility being at that location, with a daycare center located a block away. Mr. Montgomery said also of concern was that only two or three families living in the area seemed to know about the proposed facility. Mr. Montgomery said a letter of support being summoned by the current homeowner had been given to some neighbors, but had never been given to him, and he did not know about it until neighbors had brought the letter to his attention. Mr. Montgomery did not believe there was a lot of good communication by the owner about what was going on.

Marty Huckins, local licensed addiction therapist and program director for Personal Frontiers Outpatient Clinic, said he had been part of an effort several times to get a residential treatment here in Gillette, as well as having worked in a residential treatment center in South Dakota, and it would be extremely important to have a facility here because of the length of stay involved with clients, it would dovetail with local programs such as his. Mr. Huckins said Wyoming Recovery does excellent work and would like to work with them if they come here. Mr. Huckins said he would eventually like even a 25-bed treatment center in Gillette.

Kelly Stone, director of Sunrise Wellness and Recovery Center located by the Boys and Girls Club in Gillette, said Sunrise has treated 5500 people since opening. Mr. Stone said he knows the need in Campbell County, as the Sheriff's Department shuffles people all over the state for care, and the cost for it is enormous. Mr. Stone said Sunrise would help with the safety of the community. Mr. Stone acknowledged the proposed facility being in a residential area is probably a concern, but said every one of us has an addict living next door to them. However, those going to treatment want help and are the ones trying to make a difference, not causing a problem.

Ms. Reardon asked with Sunrise's facility located close to the Boys and Girls Club, if there have been any issues with children or people in the

neighborhood and their clients. Mr. Stone said their clients have volunteered through them to help the Boys and Girls Club with tasks such as painting walls, landscaping, lawn mowing, and snow removal. There have not been issues with children, and their meetings do not coincide with the hours of operation of the Boys and Girls Club.

Stacey Peterson, real estate agent representing the owners of 4202 Wigwam, Jeff and Debbie Deimling, said one of the letters of support they have is from the owner of the daycare located a block from the proposed facility. Ms. Peterson said if Mr. Montgomery was not reached out to by the owner, it would be because they are currently living out of state and were only back for the holidays for a short time, and reached out to as many people as they could. Ms. Peterson said she has worked with the Planning Division and Clark Sanders has provided alternate locations for a Wyoming Recovery Center in Gillette that may work; however, those would cost \$1 million or more, and are not in Wyoming Recovery's budget.

Tara Harris, real estate agent working with Stacey Peterson, said when working with people when they are making the biggest purchase of their lives you get to know them well. Ms. Harris said she has heard many times from her clients they have struggled with addiction or have family members struggling with addiction here in Gillette. Ms. Harris shared scripture of Jesus healing on the Sabbath, when work was not supposed to be done. Ms. Harris said she believes healing needs to happen in our community, and feels there are times when the laws and regulations may say one thing, and we all know what is right at the end of the day.

Heath VonEye, Development Services Director, thanked the applicant and said they have been great to work with, and the service they provide is commendable. Mr. VonEye said City Planning does not object to the services they are trying to provide to the community of Gillette. However, one of the first things Planning will look at with a business is what category their use falls into and where it is defined in the zoning ordinance to be utilized in the community. The process is to look after the residents of the area, and to uphold, protect, and be consistent with the application zoning regulations for the property owners that have decided to purchase and live within the community. Mr. VonEye commended planning staff for their measures taken to uphold the zoning ordinance.

Mr. VonEye said a group care facility is allowed in R2 and R3, but for non-profit only, and Wyoming Recovery is a for-profit business. Mr. VonEye said City Planning researched other definitions that Wyoming Recovery would fall under, and one that was applicable was Halfway House, which specifically calls out alcohol and drug abuse related treatments. This would be allowable in areas zoned I-1 or C-O, but not residential. One other definition this type of facility may fall under would be numerous medical facility definitions, which would be allowed in most commercial zoned districts. Mr. VonEye said while Wyoming Recovery provided a commendable and necessary service, he felt the greater need to protect and preserve the area for those that live there now, in accordance with the current zoning regulations.

Chairman Nielsen thanked Mr. VonEye for the thorough explanation for staff not recommending the text amendment, and thanked planning staff for their thorough work on the case.

Anthony Reyes, City Attorney, said there was not a difference with the definition created for the proposed zoning text, and the hallway house text currently in the zoning ordinance. Mr. Reyes said taking a definition that already exists in a certain area, changing the name and allowing it into residential areas is not what a zoning text amendment is meant for. Mr. Reyes said the facility would have eight individual clients, and two supervisors, but also with the wording of the proposed zoning text there would also be outpatient clients, and wondered how many outpatient clients would be coming and going as well. He said that would make much more than eight people living in a residential house, which violated R2 and R3 code.

Mr. Reyes said other facilities allowed in areas zoned R2 and R3 previously mentioned, like daycare and nursing home, are not similar to a residential treatment facility. Mr. Reyes said a letter from Adult Treatment court said half are needing residential treatment, and that would mean possibly 8 felons in the neighborhood, plus more coming and going.

Jay Dillon said he is a student at Gillette College and will be graduating with honors. Mr. Dillon said he has been to Federal prison, but has also seen the errors of his past. Mr. Dillon said he is a felon with a college degree, doing good in the community.

Jess Snider said she is married to Jay Dillon, and while he is a felon he is no threat to society, and there are a lot of people just like that. Ms. Snider said the only place for addiction that Gillette has is the Volunteers of America (VOA) and it is not a desirable program and has a high failure rate. Ms. Snider said what Wyoming Recovery is trying to bring is what Gillette needs.

Ms. Thompson said she has worked in other communities where people had to be sent out of state due to lack of available facilities.

Jennifer Tuttle, resident and former client of Wyoming Recovery, said she had initially went to Sheridan to the VOA when first needing help because the Wyoming Recovery Casper facility was full. Ms. Tuttle said she is now involved with narcotics anonymous, and would like to see something available here in Gillette for treatment as it would help so many people.

Kelly Stone asked what zoning Council of Community Services was in, as well as House of Hope (2nd Chance Ministries). Clark Sanders was not certain what Council of Community Services was zoned but believed it was zoned commercial, and said 2nd Chance ministries was in an R4 zoning.

Heath VonEye said city staff also researched other communities and found through that research that Gillette's current zoning ordinance does not need to be updated in order to correct an outdated code. Heath said other Wyoming communities were found to have treatment

facilities located in hospital districts or similar commercial zoning districts. Gillette is not an anomaly in prohibiting these types of facilities in residential districts, he said.

Lynn Thompson said Wyoming Recovery looked at the property on Wigwam and found it to be homey with a backyard and deck, shop in back and place for their van. Ms. Thompson said it has the rooms they need, with therapy offices and a group room. Ms. Thompson said it would be hard to find something that perfect somewhere else without having to rebuild, and property located close to the hospital is too expensive.

Jess Snider said as a previous daycare provider, she didn't see the difference with the daycare down the street being allowed 15 spots for children and parents coming and going, and this proposed facility being allowed eight spots and people coming and going for that.

There being no further comments or questions Brenda Green made a motion to approve said case. Cindy Reardon seconded the motion. Motion did not pass 0/5.

Cindy Reardon said she was struggling with her vote. She said Gillette needs the facility in the community, and many people need this type of treatment. Ms. Reardon said we need to find a place for them, but people who own homes in neighborhoods are fearful of being able to retain their property value, and being able to live in their homes and be able to sell it at some point. Chairman Nielson said it was not because the commission did not want the facility here, but did not feel like it belonged in a total residential area. Chairman Nielsen thanked those who came tonight and spoke, and encouraged them to be heard at the upcoming March 6, 2018, Council Meeting where this case will be heard.

OLD BUSINESS

None

NEW BUSINESS

Clark Sanders said there will not be a meeting on March 13, 2018, or March 27, 2018.

ADJOURNMENT

The meeting adjourned at 8:18 p.m.

Minutes taken and prepared by Jill McCarty, Senior Administrative Assistant.