

CITY OF GILLETTE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
Community Room ~ City Hall ~ December 12, 2023 ~5:15 pm

PRESENT

Commission Members Present: Chair Shaun Hottell, Vice-Chair Ryan Conklin, Richard Cone, Matthew Nelson, and Jack Colson.

Commission Members Absent: Cristal Pratt, Ian Scott.

Staff Present: Meredith Duvall, Planning Manager; Jill McCarty, Sr. Admin Assistant

CALL TO ORDER

Chair Shaun Hottell called the meeting to order at 5:15 p.m.

APPROVAL OF THE MINUTES

A motion was made by Vice-Chair Conklin to approve the meeting minutes of November 14, 2023. Matthew Nelson seconded the motion. Motion carried 5/0.

Case No.
PL2023-0041
TEXT
AMENDMENT –
Group Care
Facility

The applicant, William Davis, is requesting a zoning text amendment to amend Section 6-District Regulations of the City of Gillette Zoning Ordinance, to amend the definition of Group Care Facility as defined in Section 16-Definitions of the City of Gillette Zoning Ordinance as well as to include Group Care Facilities as Permitted Uses in Sections 6.h.(2)(j) – Mobile Home District; 6.i.(2)(m) – Enhanced Manufactured Home District.

Applicant William Davis came to the Development Services Department of the City of Gillette seeking a permit for a handicap ramp. During the permitting process, it was discovered that the two properties that Mr. Davis has purchased did not allow for a Group Care Facility in the zoning districts that the properties are in. Mr. Davis informed Planning Staff that he had just recently purchased a business that had been in operation in Gillette for 26 years (1997). Once the business purchase had closed, the State of Wyoming Medicaid Development Disability Waiver Program informed Mr. Davis that the program had changed from allowing eight (8) residents per dwelling to four (4) residents, and that the existing properties being used were not in compliance but had been “grandfathered in”. Since the business had changed owners, the grandfather status was no longer applicable, and he had to move two residents out immediately. Mr. Davis quickly purchased a home in a zoning district that he believed to allow Group Care Facilities and began modifications required by the Medicaid Development Disability Waiver Program.

After speaking with Planning Staff, Mr. Davis determined that he would submit a text amendment to modify the existing Group Care Facility definition as well as include Group Care Facility as a Permitted Use in two additional zoning districts.

The Planning Commission is considering two proposals for this case:

- The Definition of Group Care Facility
- Zoning Districts to include Group Care Facility as a Permitted Use

The City Council will consider the proposed Zoning Text Amendment as a Public Hearing and First Reading at their meeting which is scheduled for December 19, 2023.

Chair Hottell asked if there were any comments from the public or Commission on the case.

Mr. Cone asked if the facilities utilizing this text amendment would be licensed by the state and inspected by the state as well. The applicant, William Davis, was present and said the facilities are certified by the state and periodically inspected by them as well. Mr. Davis said he bought Sol Domus, Inc., with four properties. Mr. Davis said per state requirements they are now not allowed any more than four occupants for each of those properties.

Chair Hottell asked Mr. Davis which of the proposed text amendments he was in favor of, and Mr. Davis said he was in favor of the staff recommendation as it included the additional zoning districts and could allow for more affordable options for homes.

Ms. Duvall said the staff recommended text amendment would stay within the parameters of the Wyoming Medicaid program as well as existing non-profit organizations.

Ms. Duvall presented her brief analysis on group care facilities and their allowance in all residential zoning districts, which included the following table for disability types for the U.S. population:

Table 1. Disability Types for the U.S. Population

Disability Type	Percentage of U.S. Population with the Given Disability	Estimated Population Numbers
Ambulatory Difficulty	6.60%	20,435,576
Independent Living Difficulty	5.80%	14,739,809
Cognitive Difficulty	5.40%	16,529,501
Hearing Difficulty	3.60%	11,642,464
Vision Difficulty	2.50%	8,054,084
Self-Care Difficulty	2.50%	7,852,976

Source: U.S. Census Bureau 2021

Mr. Davis said that Sol Domus provides residential and day habilitation services for the developmentally disabled, and the two properties that initiated the proposed zoning text amendment are used for their residence.

Mr. Cone asked where the property was located that was not in the correct zoning. Mr. Davis said it was at 1006 Larkspur Lane. Mr. Cone asked if letters were sent out to the surrounding residents notifying them of the use of this house. Ms. Duvall said with a zoning text amendment that affects code city-wide, letters are not sent out. Ms. Duvall said with the legal notice published in the newspaper for this case the city did not receive any public comments. Mr. Davis said he had talked to a neighbor of that property and explained to him what the purpose of the housing was for, and the resident approved of the use.

Mr. Davis said his residents are not allowed drugs, alcohol or pets and felt there would be very minimal nuisances from the individuals that live in the home. Mr. Davis said the residents are not able to get out of the house without assistance and do not drive and do not have their own vehicles causing more traffic on the street or more cars parked on the street.

Ms. Duvall said while Mr. Davis is proposing his text amendment it is not for his property alone, it will be city-wide to modify the definition of group care facilities. Mr. Davis is also

proposing allowing group care facilities to E-MH and M-H, and staff is recommending including all residential zoning districts into the proposed changes.

Vice-Chair Conklin asked if there was a reason the staff recommended text amendment does not remove the wording “no-for-profit” and Ms. Duvall said keeping the wording would still include agencies such as GARF, for example, that provides housing for abuse victims and is a non-profit organization. Ms. Duvall said with the inclusion of the wording for State of Wyoming Medicaid Development Disability Waiver Program, it would still include Mr. Davis’s organization as well. Mr. Cone asked how the finances of the disabled individuals that Mr. Davis cares for are paid, and Mr. Davis said he is reimbursed through Medicaid.

Chair Hottell said he was for the staff recommendation of the text change except for the inclusion of R-1 and R-S zoning districts. Ms. Duvall said there are many districts with single family homes within districts that are not entirely zoned for those types of homes, and this type of group care facility wouldn’t cause additional traffic on the street and therefore wouldn’t be as impactful as a multi-family residence would be.

There being no further comments or questions Jack Colson made a motion to approve the staff recommendation for the case, and Matthew Nelson seconded. The Motion carried 5/0.

OLD BUSINESS None.

NEW BUSINESS Meredith Duvall said there will not be a meeting for December 26, 2023, and there will be a meeting for January 9, 2024.

Meredith Duvall said Planning case PL2023-0034 2804 Ridgecrest that had passed Planning Commission was not approved by City Council and will be reviewed further by planning staff before moving forward.

ADJOURNMENT The meeting was adjourned at 7:01 p.m.

Minutes taken and prepared by Jill McCarty, Sr. Admin Assistant.