
BEFORE THE CITY OF GILLETTE PLANNING COMMISSION

CITY OF GILLETTE

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PL2023-0041

SECTION 16, DEFINITIONS
SECTION 6, DISTRICT REGULATIONS
CITY OF GILLETTE ZONING ORDINANCE

PETITIONER

WILLIAM DAVIS

FINDINGS OF FACT; CONCLUSIONS OF LAW

THESE MATTERS came before the City of Gillette Planning Commission (“Commission”) on December 12, 2023 for hearing on the Zoning Text Amendment filed by Petitioner, William Davis. Petitioner seeks to change the language in Section 16, Definitions of the City of Gillette Zoning Ordinance and add Group Care Facility as a Permitted Use in Section 6.h – Mobile Home District, and Section 6.1 Enhanced Manufactured Home District. Chairman Sean Hottell, chairman of the Commission presided. Commissioners Richard Cone, Matthew Nelson, Jack Colson, and Vice-Chair Ryan Conklin were also present.

Meredith Duvall, City Planning Manager for the City of Gillette, acted as Case Manager for the proceedings. William Davis, acting as Petitioner, was present. The Commission, having heard the statements and evidence presented by the Petitioner/Case Manager, and having considered the matter, reviewed the case herein, and being otherwise fully advised in the premises, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. These matters are a request by the Petitioner to change the Zoning Ordinance.
2. Petitioner is requesting to change Section 16, Definitions of the City of Gillette Zoning Ordinance and add Group Care Facility as a Permitted Use in Section 6.h – Mobile Home District, and

Section 6.1 Enhanced Manufactured Home District, of the City of Gillette Zoning Ordinance.

3. Case Manager established the current intent of the Code requiring all proposed amendments to the Zoning Ordinance through Text Amendment Procedures as required by Section 12.a., of the Code is to (1) correct an obvious error or oversight in the regulations; or to: (2) recognize changing conditions in the City, which require that amendments be adopted for the promotion of the public health, safety and general welfare.

4. Petitioner established that the Zoning Text Amendment will change code to modify the definition of Group Care Facility in Section 16 – Definitions and establish Group Care Facility as a Permitted Use in Section 6.h.(2)(j); 6.i.(2)(m).

5. Notice of the hearing date and times were published in the local newspaper of record, as required by W.S.15-1-602.

6. At the hearing, the Case Manger demonstrated the proposed changes will not adversely affect the residential character of neighborhoods with the addition of Group Care Facility as a Permitted Use.

7. The Case Manager put forth a separate Staff Recommendation to be considered by the Planning Commission.

8. Case Manger established that the Staff Recommendation of the Zoning Text Amendment will change code to modify the definition of Group Care Facility in Section 16 – Definitions and establish Group Care Facility as a Permitted Use in Section 6.b.(2)(l); 6.c.(2)(m); 6.d.(2)(p); 6.g.(2)(y); 6.h.(2)(j); 6.i.(2)(m); 6.j.(2)(n).

9. At the hearing, the Case Manger demonstrated the proposed changes will not adversely affect the residential character of neighborhoods with the addition of Group Care Facility as a Permitted Use and provide more housing opportunities for disabled and handicapped members of the community.

10. The Case Manager stated that there were no inquiries after publication of the case in the local newspaper.

CONCLUSIONS OF LAW

1. Under W.S. 15-1-602, the governing body shall specify how regulations and the district boundaries are to be determined, established, enforced, amended, supplement or otherwise changed.

Board must hear taxpayer complaints and hold hearings after proper notice.

2. Under Section 12.a Statement of Policy, It is the intent of the City of Gillette that the zoning ordinance, which includes both the ordinance and the district zoning map have been established for the purpose of promoting sound and desirable development and for maintaining stable land use patterns. "...the ordinance and map shall not be amended, except to (1) correct an obvious error or oversight in the regulations; or to: (2) recognize changing conditions in the City, which require that amendments be adopted for the promotion of the public health, safety and general welfare."

3. Under Section 12.a Statement of Policy, the City Council, the Development Services Division, or any person, firm, or corporation may initiate amendments.

4. Petitioner timely filed its application for a Zoning Text Amendment and all supporting documents required by the City of Gillette and the Board has jurisdiction to hear these matters.

5. Petitioner established the legal basis for such an amendment by stating the proposed change is to recognize changing conditions in the community.

6. When proposing a zoning text amendment, the burden is on the Petitioner to establish by credible evidence an obvious error in the ordinance or changing conditions within the city boundaries as required in Section 12.a of the Code.

7. In the absence of evidence rebutting the presumption in favor of the Petitioner, reviewing bodies presume that the Case Manager charged with establishing consistency with administering the Code, exercised honest judgement in accordance with the applicable rules,

regulations, and other directives that have passed public scrutiny under W.S. 15-1-602 and Section 12.a of the Code.

8. The Board was presented with the Petitioner's Text Amendment and Staff's Recommended Text Amendment.

9. The Board was unanimous in their vote to approve the Staff's Recommended Zoning Text Amendment to amend Section 16 – Definitions and establish Group Care Facility as a Permitted Use in Section 6.b.(2)(l); 6.c.(2)(m); 6.d.(2)(p); 6.g.(2)(y); 6.h.(2)(j); 6.i.(2)(m); 6.j.(2)(n), based on changing conditions in the city based on general welfare. The Commission forwards the case to the City of Gillette City Council for a second public hearing and final vote.

NOTICE

Any party may appeal a final adverse written decision or order of this City of Gillette Planning Commission by filing a notice of appeal to the City of Gillette City Council or attend the City Council public hearing on the matter. Such written appeal must be filed no later than 4pm on the day of the City Council public hearing.

DATED THIS _____ day of December, 2023.

CITY OF GILLETTE PLANNING COMMISSION

Shaun Hottell, Chair

ATTEST: _____
Meredith Duvall, City Planning Manager