
BEFORE THE CITY OF GILLETTE PLANNING COMMISSION

DOUGLAS NORTON

PL2023-0061

101 S FIR AVE

ZONING MAP AMENDMENT

PETITIONER

FINDINGS OF FACT; CONCLUSIONS OF LAW

THESE MATTERS came before the City of Gillette Planning Commission (“Commission”) on May 14th, 2024, for hearing on the Zoning Map Amendment filed by Petitioner, Doug Norton. Petitioner seeks to change 1 of Block 10, Westside Addition, at 3.02 acres, located along S Fir Avenue and West 1st Street, which is established as I-1, Light Industrial District, to C-1, General Commercial District. Chairman Shaun Hottell presided over the Commission. Commissioners Richard Cone, Cristal Pratt, Mathew Nelson, and Ryan Conklin also presided.

Shannon Stefanick, Planner for the City of Gillette, acted as Case Manager for the proceedings. The Petitioner’s agent, Jessica Maycock, with Land Surveying Incorporated, was not present at the Commission meeting. The Commission, having heard the statements and evidence presented by the 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 requests to change the Petitioner’s zoning district.
2. Petitioner owns certain property that is currently zoned I-1, Light Industrial, District in the City of Gillette and is subject to the City of Gillette Zoning Ordinance (“Code”).
3. Case Manager established the Code requirements of Zoning Map Amendment Procedures as required by Section 12.a., of the Code and upon review of the fact within the case,

recommended approval.

4. Petitioner established that the Zoning Map Amendment is based on changing conditions in the City for the promotion of public health, safety, and welfare. S Fir Avenue lies within an older part of town that has seen quite a bit of change over the years. Traditionally, industrial uses within the City have bordered the rail road as the rail system was utilized for access to materials and shipping. We have since seen a shift and industrial areas are being developed more predominantly on the outskirts of the City. This rezone would recognize that the area is becoming more commercial, rather than industrial, and create a street barrier between the two zoning districts. This street barrier affords more distance between the commercial and industrial uses, thus addressing the promotion of public health, safety, and welfare through this separation.

5. Notice of the hearing date and times were published in the local newspaper of record, as required by W.S.15-1-602, signs were physically posted at the property, 101 S Fir Avenue, and letters sent to surrounding property owners within 140ft. of the property, excluding rights-of-way as required by Section 12.b.3 of the Code.

6. The Case Manger submitted Planning Requirements and a Vicinity Map into evidence for consideration.

7. At the hearing, the Case Manger demonstrated that the proposed zoning district, C-1, General Commercial District, meets the current minimum district size requirements of 4 acres and will merge with the existing C-1, General Commercial District adjacent to the property, Section 12.f.1(g). of the Code.

8. The Case Manager stated that there were some general inquiries about what the property was being rezone to. Once that information was given, there were no stated objections to the rezone.

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, supplemented or otherwise changed.

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

2. Under Section 12.a of the Code, the Petitioner must establish changing conditions within the city or correct an obvious error in the map for a Zoning Map Amendment to take place. The Commission must determine if the property in question is consistent with like property within the proposed zoning district and determine if the Petitioner utilized the appropriate condition to determine necessity of the rezone in question.

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

4. Generally, the Code requires a rational methodology for establishing zoning districts for property within the City of Gillette boundaries and such methodology be equally applied to all property, and that essential fairness exists.

5. Petitioner's proposed Zoning Map Amendment is presumed to be correct as the desired Primary Use of the lot is an established Permitted Use within the C-1, General Commercial District, as is established in Section 6.n.2. of the Code.

6. When proposing a rezoning of property, the burden is on the Petitioner to establish by credible evidence an obvious error in the map 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 Manger 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. 15-6 and Section 12.a of

the Code.

8. The Board vote was 5/0 and approved the Zoning Map Amendment and forwarded 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 _____, 2024.

CITY OF GILLETTE PLANNING COMMISSION

Shaun Hottell, Chairman

ATTEST: _____
Shannon Stefanick, Planner