



City of Laramie

Planning Division
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LARAMIE PLANNING COMMISSION September 23, 2019 STAFF REPORT

FILE: CUP-21-01: 606 S. 8th Street

REQUEST: A Conditional Use Permit for operation of a Child Care Center, Type 2

LOCATION: 606 S. 8th Street

APPLICANT: Urban Mustard Seed

OWNER: Heather E. Urban

ZONING: R3 (Multi-Family Residential)

PURPOSE: Establishment of a Child Care Center, Type 2 not to exceed ten (10) children.

PREPARED BY: Matthew Cox, Associate Planner

RECOMMENDED MOTION:

Move to **approve** a Conditional Use Permit for operation of a Child Care Center, Type 2 in a residential structure located at 606 S. 8th Street, zoned R3 (Multi-Family Residential), based on findings of fact and conclusions of law and subject to all staff's recommended conditions.

APPLICABLE CITY CODE SECTION(S):

LMC. 15.06.060.E Conditional Use Permits
LMC. 15.10.000.E Table of Allowed Uses

Operation of a Child Care Center, Type 2 in an R3 (Multi-Family) District requires approval of a Conditional Use Permit pursuant to LMC.15.10.000.E, and the Planning Commission is the decision-making body.

Note: Conditional Use Permit rules, regulations, and procedures are defined at the City level and are not addressed in Wyoming State Statutes.

BACKGROUND:

This is a request to establish a licensed Child Care Center, Type 2 with a maximum of fifteen (10) children. This address has been used as a Yoga Studio and place of residence prior to the current owners. The ten (10) child limit would not include the resident operator’s children and would be in operation between the hours of Monday – Friday 7:30am to 4:00pm and will typically follow the ACSD1 calendar. For ingress/egress there is a two-car driveway for employee and family parking. There is an adequate amount of street parking for picking up and dropping off children.

SURROUNDING LAND USE AND ZONING:

	Future Land Use Designation (Map 3.2)	Zoning	Land Use
606 S. 8th Street	UR (Urban Residential)	R3 (Multi-Family)	Single Family Residential
North	UR (Urban Residential)	R3 (Multi-Family)	Single Family Residential
South	UR (Urban Residential)	R3 (Multi-Family)	Single Family Residential
East	UR (Urban Residential)	R3 (Multi-Family)	Single Family Residential
West	UR (Urban Residential)	R3 (Multi-Family)	Single Family Residential

The property is zoned R3 (Multi-Family) and is developed with a single-family home. The surrounding properties are zoned R3. The surrounding properties are developed with single-family homes. The proposed conditional use conforms to the R3 zoning requirements.

SITE DESIGN REVIEW AND ANALYSIS OF REQUIRED FINDINGS:

Should the Planning Commission wish to approve the Conditional Use Permit, the Commission must make the following findings required in LMC 15.06.060.E. A detailed analysis follows:

1. That the conditional use proposal provides adequate:

a) Ingress and egress to property and proposed structures:

Staff Response: There are completed, city standards sidewalks on the east side of the property. The front entrance exits onto 8th Street, of which is not identified as a major or minor arterial or collector street.

b) Off-street parking and loading areas:

Staff Response: The house comes with a driveway with adequate space for two cars. This will most likely be used for the owner and employees of the Child care center. The on-street parking is also adequate for traffic expected by the owner.

c) Control over the off-site impacts of economic, noise, glare, or odor effects of the conditional use:

Staff Response: Staff has not identified any negative off-site impacts related to economic impacts, noise, glare or odor effects that would be created based on the proposal.

d) Refuse and service areas:

Staff Response: The property currently receives refuse and recycling service. No change in service is proposed.

e) Utilities, with reference to locations, availability, and compatibility:

Staff Response: The property is currently served by utilities. No change in service is proposed.

f) Screening and buffering, with reference to type, dimensions, and character:

Staff Response: A fence surrounds the backyard of the property Staff believes this fence is adequate to screen and buffer the use to adjacent properties.

g) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district:

Staff Response: A 12" x 15" sign will be placed on the wooden gate entrance where the yoga sign once existed. No exterior lighting will be changed. Staff believes that the use and design will be in harmony with the surrounding properties.

2. The proposed use is appropriate to the specific location related to intensity and bulk:

Staff Response: The proposed use will be within a single-family home in a residential neighborhood and is appropriate with respect to its location, intensity and bulk, and is consistent with other structures in the neighborhood. No exterior modifications are required in conjunction with this application.

3. The proposed use is appropriate to the specific location relative to public health, safety and convenience:

Staff Response: The proposed use is appropriate to the specific location relative to public health, safety and convenience. A Child Care Center, Type 2 within a residential area

provides for area residents to have their children cared for near their homes. No issues were identified that would jeopardize public health or safety of the community.

4. That the proposed site is adequate in size and shape to accommodate the intended use and that the use will comply with all requirements of the zone district, including but not limited to the following:

a) Setbacks:

Staff Response: The proposed use will take place in a single-family home. The setbacks of the home are in compliance with the R3 zoning district and provide sufficient buffering from surrounding uses.

b) Walls (retaining):

Staff Response: No new walls are being proposed.

c) Landscaping:

Staff Response: The site currently meets landscaping requirements and all existing landscaping will be maintained.

d) Bufferyards:

Staff Response: The proposed bufferyards meet requirements.

e) Any standards specific to the use set forth in Chapter 15.10, Use Regulations:

Staff Response: Not applicable.

PUBLIC COMMENTS:

Legal notice was published in the Laramie Boomerang on March 7, 2021. Letters were sent to surrounding property owners within 300 feet of the subject property on March 4, 2021.

Staff has received calls for the purpose of understanding what the project is, but no members of the public have brought up concerns with this.

CONDITIONAL USE RECOMMENDED FINDINGS AND CONCLUSIONS OF LAW:

Findings of Fact:

1. It is staff's conclusion that the application meets all of the required findings for approval of the Conditional Use Permit with standard conditions. We therefore recommend approval of the

Conditional Use Permit subject to the specific conditions as outlined in the staff recommendation.

Conclusions of Law:

1. The applicant is proceeding in accordance with the requirements of the Laramie Municipal Code 15.06.060.E regarding a Conditional Use Permit.

ALTERNATIVES:

1. Approve the project as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the project subject to staff's recommended conditions, based on findings of fact and conclusions of law (**Staff Recommendation**).
3. Deny the project based on findings of denial. The Planning Commission must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the meeting can be resolved.

STAFF RECOMMENDATION:

Move to **approve** a Conditional Use Permit for operation of a Child Care Center, Type 2 in a residential structure located at 606 S. 8th Street. zoned R3 (Multi-Family Residential) District, based on findings of fact and conclusions of law and subject to all staff's recommended conditions:

1. Whenever the Conditional Use Permit has been discontinued for a period of six consecutive months, the Conditional Use Permit shall automatically terminate, and any use after termination shall fully conform to the basic R3 zoning requirements.
2. The conditional use established herein may be reconvered at any time to basic R3 use without further approval of the Planning Commission or amendment to this Conditional Use Permit; provided, reconversion shall be a termination of the Conditional Use Permit.
3. Child Care Center, Type 2 shall conform to the submitted documents and any change or modification shall be reviewed by the Planning Commission, pursuant to the provisions of LMC 15.06.060.E.4.
4. The Child Care Center, Type 2 shall have 10 (ten) or fewer children, excluding the licensee's children.
5. The Child care Center, Type 2 shall be duly licensed by the Department of Family Services.

ATTACHMENTS:

- 1 – Vicinity Map (1 page)
- 2 – Applicant's Written Statement (5 pages)