



City of Laramie

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LARAMIE PLANNING COMMISSION January 24, 2022 STAFF REPORT

FILE: CUP-21-11: 107 S. 7th St.—Trinity Lutheran Church

REQUEST: A Conditional Use Permit for operation of a Family Child Care Center

LOCATION: 107 S. 7th St.—Trinity Lutheran Church

APPLICANT: Rachel Franz (Sunflower Day School)

OWNER: Trinity Lutheran Church (Pastor Nathan Keith)

ZONING: R3 (Multi-Family Residential)

PURPOSE: Establishment of a Family Child Care Center not to exceed fifteen (15) children.

PREPARED BY: Philipp Gabathuler, Principal Planner

RECOMMENDED MOTION:

Move to **approve** a Conditional Use Permit for operation of a Family Child Care Center in the Trinity Lutheran Church located at 107 S. 7th St., 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 Family Child Care Center 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 Family Child Care Center with a maximum of fifteen (15) children. This location is currently operating as a church facility with regular meetings and services throughout the week. Sunday is the busiest day of the week with smaller meetings, services and activities throughout the week. The fifteen (15) child limit would not include the operator’s children and would be in operation generally between the hours of 7am to 6pm, Monday – Friday. The facility has a parking lot with 10 spaces—including 1 ADA space—which will be used for student pick-up/drop-off. There is also an adequate amount of street parking adjacent to the property. There is also an outdoor play area that will be fenced off along University Avenue.

SURROUNDING LAND USE AND ZONING:

	Future Land Use Designation (Map 3.2)	Zoning	Land Use
107 S. 7th St.	UR (Urban Residential)	R3 (Multi-Family)	Church
North	UR (Urban Residential)	R3 (Multi-Family)	Multi-Family Residential
South	UR (Urban Residential)	R3 (Multi-Family)	Multi-Family Residential
East	UR (Urban Residential)	R3 (Multi-Family)	Multi-Family Residential
West	PI (Public/Institutional)	R3 (Multi-Family)	Historic Ivinson Mansion

The property is zoned R3 (Multi-Family) and is developed with an established church. The surrounding properties are zoned R3. The surrounding properties are developed with a mix of multi-family homes, an apartment building and the historic Ivinson Mansion. 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 standard sidewalk on the west and north sides of the property. The front entrance exits on 7th Street—which is not identified as a major or minor arterial or collector street.

b) Off-street parking and loading areas:

Staff Response: The facility has a parking lot with 10 spaces—including 1 ADA parking space—which has direct access into the facility. The family child care center will have access to this parking lot for student pick-up and drop off during the proposed times of operation (M-F, 7AM-6PM)

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

Staff Response: The proposed use will be within an existing church in a multi-family residential neighborhood. 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 based on the proposal.

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: The applicant will be installing 4 ft. wood fencing on the North side of the Church along University Ave. to use for an outdoor play area. The dimensions of the enclosed space will be approximately 23.5'x46' (1,081 sqft.) .

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 sign advertising the Sunflower Day School may be placed in an existing glass sign case on the Northwest entrance into the church along 7th St. Applicant indicates that temporary signs—according to LMC 15.14.120.B—may be used to notify public of enrollment periods and/or special events.

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

Staff Response: The proposed use will be within an existing church in a multi-family 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 Family Child Care Center within a multi-family residential area provides a beneficial service for neighborhood residents to have child care close by. 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 an existing church. 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 January 9, 2022. Letters were sent to surrounding property owners within 300 feet of the subject property on January 6, 2022.

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 Family Child Care Center in an existing church located at 107 S. 7th 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. The Family Child Care Center 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 Family Child Care Center shall have 15 (fifteen) or fewer children, excluding the licensee's children.
5. The Family Child Care Center shall be duly licensed by the Department of Family Services.

ATTACHMENTS:

- 1 – Cover Letter (2 pages)
- 2 – Vicinity Map (1 page)