



City of Laramie

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LARAMIE PLANNING COMMISSION January 27, 2020 STAFF REPORT

FILE: Z-19-03 Zoning Amendment from B1 to B2 for 1171 & 1271 W Baker Street (KOA)

REQUEST: An amendment to the City of Laramie's Official Zoning Map rezoning 1171 & 1271 W. Baker Street from B1 (Limited Business) to B2 (Business) Zone District

LOCATION: 1171 & 1271 W Baker Street (Laramie KOA)

APPLICANT(S)/AGENT: KOAM Properties, LLC/Nick Briskey

OWNER(S): KOAM Properties, LLC/Nick Briskey

PURPOSE: To allow for uses compatible with the B2 Zoning District, primarily to allow for expansion and conformance of an existing Campground, RV Park and Travel Trailer Park

CURRENT ZONING: B1 (Limited Business)

PREPARED BY: Derek T. Teini, AICP, Planning Manager

RECOMMENDED MOTION:

Move to recommend that the City Council **approve** an amendment to The City of Laramie's Official Zoning Map, rezoning 1171 & 1271 W Baker Street from B1 (Limited Business) to B2 (Business) Zone District, based on findings of fact and conclusions of law.

APPLICABLE CODE SECTION(S):

Zoning Amendments must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation.

- Laramie Municipal Code Title 15, Unified Development Code
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Comprehensive Plan

BACKGROUND:

The applicant currently operates a pre-existing, non-conforming Campground, RV Park and Travel Trailer Park (KOA) on approximately 14 acres of the 19 total acres related to the application. On the remaining 5 acres the applicants operated a Mobile Home Park that contained about 40 mobile homes. About 1 year ago the applicant began removal of the 40 mobile homes, with the intent of

expanding the existing KOA into the area that was once occupied with the 40 mobile homes. However, due to the pre-existing, non-conforming status of current KOA, expansion of the KOA into this area would not be allowed under the current zoning designation of B1 and the pre-existing non-conforming status of the KOA. In order to allow for the expansion the applicants have submitted a Comprehensive Plan Amendment, as well as a zoning amendment application (this application), Conditional Use Permit and Site Plan Application. The multiple applications, if approved, would allow the applicants to expand the KOA and bring the full 19 acre KOA into full compliance with current zoning.

This application is requesting the subject area to be rezoned from B1 (Limited Business) District to B2 (Business) District. The rezoning application if approved would allow for the applicant to apply for a Conditional Use Permit that would allow for a Campground, RV Park and Travel Trailer Park. In the event this Land Use Plan Amendment or Rezoning is not approved by the Planning Commission, the requested rezoning from B1 to B2 cannot be approved, nor could the Conditional Use Permit.

In the event the Comprehensive Plan and Zoning Amendment is approved, the applicant will be required to complete the Conditional Use Permit process, which is considered by the Planning Commission, as one of the last steps in the process before the KOA would be allowed to expand. Details regarding the conditional use will be presented to the Planning Commission following conclusion of the Comprehensive Plan Amendment and Zoning Amendment. The application will include details regarding site modifications, additional landscaping and other modifications to the site.

Finally, in 2018 the applicant applied for a Temporary Use Permit to allow for a Temporary Campground, RV Park and Travel Trailer Park in the area where the mobile homes were removed. City code has extensive requirements for temporary uses, that were met by the applicant. It was the intent of the applicant to use this Temporary Use Permit to get them through the summer and allow them time to prepare necessary application materials for the permanent conversion of the site into the intended use.

SURROUNDING LAND USE AND ZONING:

Future Land Use:

| | Future Land Use Designation (Map 3.2) | Zone District | Land Use |
|-------------------------|--|-----------------------|--|
| Subject Property | AUM (Auto Urban Multi-Family) | B1 (Limited Business) | Campground, RV Parks and Travel Trailer Parks & Mobile Home Park |
| North | AUC (Auto Urban Commercial) | B1 (Limited Business) | Mobile Home Park |
| South | AUM (Auto Urban Multi-Family) | B1 (Limited Business) | Mobile Home Park |
| East | AUC (Auto Urban Commercial) | B2 (Business) | Vacant/Hotel |

| | | | |
|-------------|--|---|---------------------------|
| West | AUM (Auto Urban Multi-Family)/UR (Urban Residential) | B1 (Limited Business)/R3 (Multi-Family Residential) | I-80/Storage Unit Complex |
|-------------|--|---|---------------------------|

ANALYSIS:

Relationship to the Comprehensive Plan

The proposed zoning amendment has a companion application for a Comprehensive Plan Amendment (CPA-19-02) to amend the Future Land Use Map (Map 3.2) and change the Future Land Use designation for the site for AUM (Auto Urban Multi-Family) to AUC (Auto-Urban Commercial). If approved, the B2 zoning designation would be in conformance with the Comprehensive Plan, and the Future Land Use designation of Auto-Urban Commercial (AUC). If the Comprehensive Plan Amendment is not approved, then the B2 zoning district designation would not be in conformance with the Comprehensive Plan.

Staff supports the change in the Comprehensive Plan’s designation of this area to Auto-Urban Commercial. Historically the use of this site has been as a mobile home park and Campground, RV Park and Travel Trailer Park and designated as Auto Urban Multifamily in the Comprehensive Plan. Although this designation is more constant with the other existing uses in the area, two large mobile home parks, this designation is not consistent with the use of the site as a Campground, RV Park and Travel Trailer Park, instead it is more consistent with the Auto Urban Commercial designation based on use and proximity to the interstate. Staff believes the Auto Urban Commercial designation and any potential rezoning allowed within this designation will be more compatible and better suited for the future, than allowing this area to revert back to a mobile home park or other housing type.

The requested B2 zoning designation would conform with the proposed Future Land Use of Auto-Urban Commercial, if the Comprehensive Plan, Land Use Amendment is granted.

JUSTIFICATIONS REGARDING THE AMENDMENT AND ANALYSIS OF REQUIRED FINDINGS:

Pursuant to LMC § 15.06.060.B.1, boundaries of any zone district may be changed by ordinance pursuant to:

1. The proposed amendment complies with the intent of the Comprehensive Plan and Future Land Use Map 3.2;

Staff Response: As noted above the applicant has proposed a companion application, requesting a change to the Comprehensive Plan, Map 3.2, requesting a change from AUM (Auto Urban Multi-Family) to AUC (Auto-Urban Commercial). If approved, the B2 zoning designation would be in conformance with the Comprehensive Plan, and the Future Land Use designation of Auto-Urban Commercial (AUC).

Staff supports the change in the Comprehensive Plan’s designation of this area to Auto-Urban Commercial. Historically the use of this site has been as a mobile home park and Campground, RV Park and Travel Trailer Park and designated as Auto Urban Multifamily in

the Comprehensive Plan. Although this designation is more constant with the other existing uses in the area, two large mobile home parks, this designation is not consistent with the use of the site as a Campground, RV Park and Travel Trailer Park, instead it is more consistent with the Auto Urban Commercial designation based on use and proximity to the interstate. Staff believes the Auto Urban Commercial designation and any potential rezoning allowed within this designation will be more compatible and better suited for the future, than allowing this area to revert back to a mobile home park or other housing type.

2. The proposed amendment does not relieve particular hardships, nor confer special privileges or rights on any person or property;

Staff Response: The proposed amendment does not relieve particular hardships, nor confer special privileges or rights on any person or property. The applicant has applied for both a Comprehensive Plan Amendment and this rezoning application to allow for expansion of the existing KOA. As noted above a portion of the 19 acres, up until about a year ago was being used as a mobile home park. With the removal of the last mobile home in the park, expansion of the KOA in this area was not envisioned at the time of the land use designation in the Comprehensive Plan. Because of the location of this site being nearby an interstate and interchange area, a higher intensity commercial designation in the Comprehensive Plan and a zoning district to reflect that designation is logical, regardless of the current use. This same process would be open to any other member of the public or property owner, thus not creating any special scenario for the person or property.

3. The proposed amendment is necessary due to changed conditions, changes in public policy, to conform to the City's Comprehensive Plan or advance the general welfare of the City;

Staff Response: The property is currently being used, in part, under a non-conforming status and through these applications will allow the desired use to be permitted for the whole site. At the time the Auto Urban Multi-Family destination was the best fit for the existing use as a mobile home park, but with the proposed changes, making this area Auto Urban Commercial would be more in line with the desired use of the site and any future use of the site. The zoning change will allow the zoning to be in conformance with the Comprehensive Plan.

3. The proposed amendment is not being used to legitimize isolated non-conforming use or structures, when a Conditional Use, Variance or Minor Administrative Modification could be used to achieve the same result;

Staff Response: The proposed amendment is not being used to legitimize isolated non-conforming uses or structures when other process could be used to achieve the same results. No other process allowed by the City could allow for the current non-conforming use as a Campground, RV Park and Travel Trailer Park to expand. Instead the Rezoning process, in conjunction with the Comprehensive Plan Amendment, is the correct procedural mechanism that should be used to address this specific issue.

PUBLIC COMMENTS:

Public notice of the request was provided by mail to property owners within 300' of the property on January 10, 2020 and legally advertised in the Laramie Boomerang on January 11, 2020. To date, staff has received one public inquiry related to this item. As of publication of this staff report all comments were simply inquiries, with no comments opposed to the zoning change.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:Findings of Fact:

- The request complies with the applicable zoning requirements of Laramie Municipal Code, Title 15.
- Establishing B2 (Business) zoning for the property is consistent with the Future Land Use Map (Map 3.2) and related goals and policies of the Comprehensive Plan (2007) pending approval of CPA-19-02.

Conclusions of Law:

- The amendment to the zoning map is being processed pursuant to Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning.
- Establishing B2 (Business) zoning for the property is consistent with the Future Land Use Map (Map 3.2) and related goals and policies of the Comprehensive Plan (2007) pending approval of CPA-19-02.

ALTERNATIVES:

1. Approve the rezoning as recommended by staff, based on findings of fact and conclusion of law. **(Staff's recommendation)**
2. Approve the rezoning with other modifications, based on findings of fact and conclusion of law.
3. Deny the rezoning based on findings of denial. Since staff recommends approval, the Planning Commission must conclude that the rezoning does not meet all the findings. As part of the motion, findings for denial must be stated.
4. Postpone the rezoning until issues identified during the meeting can be resolved with the applicant.

STAFF RECOMMENDATION:

Move to recommend that the City Council **approve** an amendment to The City of Laramie's Official Zoning Map, rezoning 1171 & 1271 W Baker Street from B1 (Limited Business) to B2 (Business) Zone District, based on findings of fact and conclusions of law.

ATTACHMENTS:

1. Vicinity Map (1 Page)
2. Rezoning Map (1 Page)
3. Cover Letter (1 Page)