

**DOUGLAS CITY COUNCIL
STAFF REPORT
JULY 25, 2022**

**406 S. 6TH STREET
SHORT-TERM RENTAL – CONDITIONAL USE PERMIT**

CASE NUMBER: CUP 01-22

PREPARED BY: Heidi McCullough, Planning Technician

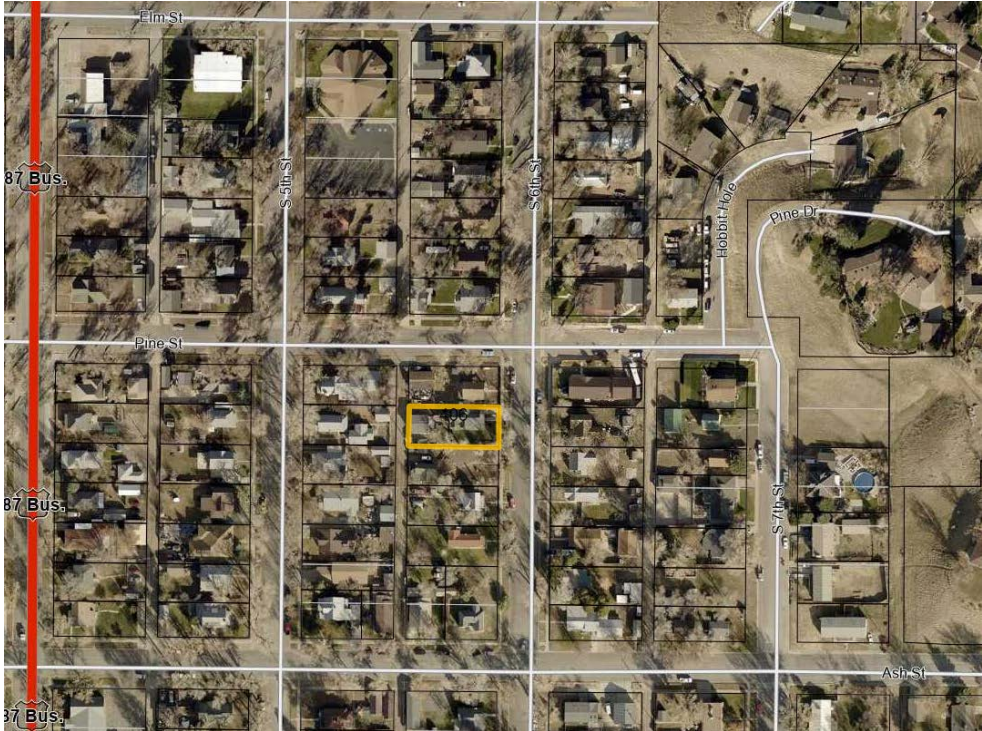
MEETING DATES: July 18, 2022 – Planning and Zoning Commission
July 25, 2022 – City Council

REQUEST: Conditional Use Permit, R-1 Residential Zone

PURPOSE: To operate a Short-Term Rental (Airbnb).

RECOMMENDATION: The Community Development Department recommends denial of the conditional use permit to allow the short-term rental of the dwelling at 406 S. 6th Street in an R-1 Residential Zone with as it is not in compliance with Douglas Municipal Code 16.3.17.6. It is located within 1,000 feet of a day care center. (520 feet from the day care located at 302. S 5th Street)

VICINITY MAP:



OWNER: Justin R. Winney
406 S. 6th Street
Douglas, WY 82633

LOCATION:

- (1) Legal Description: Original Town of Douglas, Lot 2: Block 35
- (2) General Location: The subject property is located mid-block on the west side of South 6th Street between Pine Street and Ash Street.
- (3) Address: 406 S. 6th Street

LOT SIZE: 8,400 SF

ZONING: R-1 Residential



ZONING DATA: The property is currently zoned R-1, Neighborhood Residential Zoning District. This district “to provide for low-density, single-family residential development and to provide for such community facilities and services as will serve the area residents while protecting the residential character and quality of the area.” According to the Douglas Municipal Code, short-term rentals are permitted as a Conditional Use in an R-1 zone.

EXISTING LAND USE: Single Family Residential

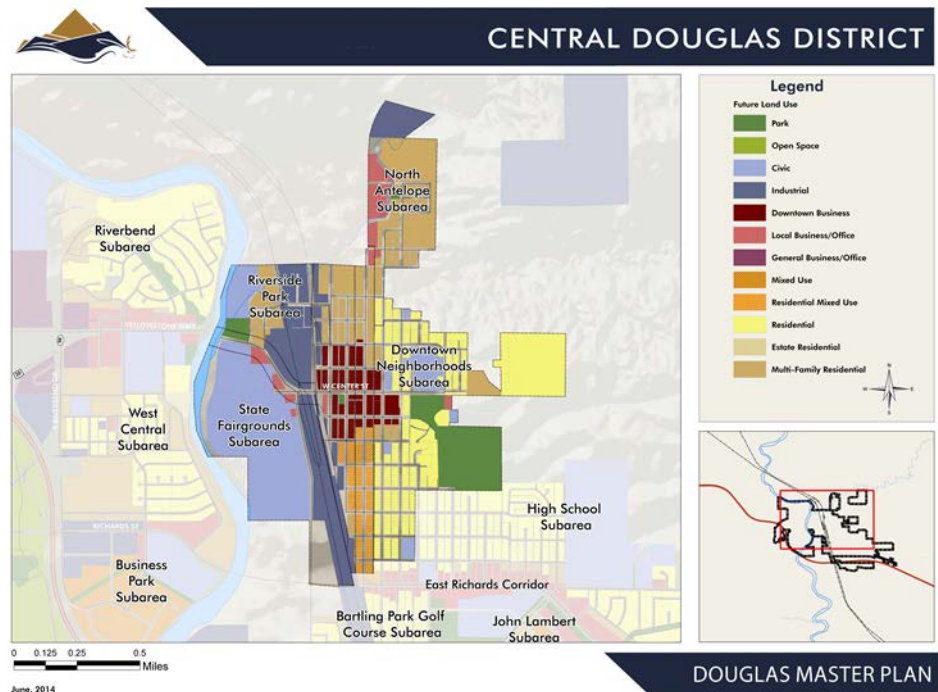
PROPOSED USE: Residential with short-term rental component

SURROUNDING LAND USE:		ZONING	ANNEXATION STATUS
North:	Residential	R-1	City
South:	Residential	R-1	City
East:	Residential	R-1	City
West:	Residential	R-1	City

DESCRIPTION OF SITE AND SURROUNDINGS: The surrounding land uses are noted above. The subject property is surrounded by single family residential and Mobile Home Parks.

HISTORY: The main structure was originally built in 1916 as a single-family dwelling and has remained so throughout its history. There is an accessory building on the property which was built in 1991 which includes a detached garage with ADU (Additional Dwelling Unit) on the 2nd floor. The current owners wish to operate the ADU as a short-term rental through Airbnb year-round. No negative impact to the neighboring properties is anticipated.

MASTER PLAN: The property is designated as part of the Downtown Neighborhoods subarea of the Central Douglas District. *“This area can be considered an extension of Downtown. Its future desired condition combines the preservation of adjacent historic neighborhoods with new medical facilities. Existing buildings should be redeveloped in a manner that compliments this emerging medical and downtown residential district.”*



The request conforms to the Douglas Master Plan as a complement to the existing residential and commercial uses.

STAFF RECOMMENDATION: The Community Development Department recommends denial of the conditional use permit to allow the short-term rental of the dwelling at 406 S. 6th Street in an R-1 Residential Zone with as it is not in compliance with Douglas Municipal Code 16.3.17.6. It is located within 1,000 feet of a day care center. (520 feet from the day care located at 302. S 5th Street)

PLANNING AND ZONING COMMISSION RECOMMENDATION: At their regular meeting on July 18, 2022, the Douglas Planning and Zoning commission voted to recommend approval of this Conditional Use Permit for a Short-Term Rental in an R-1 Residential Zone at 406 S. 6th Street as it meets all other code requirements except the buffer with the following conditions:

- The conditional use permit to provide short-term rental of an accessory dwelling is specific to Justin Winney. If this property owner and/or agent, in the future, ceases operation or moves the facility to another location, the Conditional Use Permit shall be null and void for the subject property.
- The use shall be in compliance with City requirements for short-term rentals at all times.

The Planning and Zoning Commission requested that Council consider an amendment to the code removing the buffering requirement with the following reasons: the restriction did not provide the intended safeguards given hotels do not have the same restriction; the restriction limited short-term rentals to a very small portion of the community; short-term rentals provide a needed accommodation for visitors to our community; the restriction was considered to be “over-reaching” property rights; and finally, that Short-Term Rentals have considerably more oversight and vetting of the occupants by company (e.g. Airbnb) and the operator than in the case of a hotel as the host of the Short-Term Rental is able to research, meet, and deny applicants. Finally, the case was made that children at daycares are supervised by adults when outside and schools have security elements in place.