

**CITY COUNCIL  
STAFF REPORT  
JULY 24, 2023**

**302 S. 5<sup>TH</sup> STREET  
PRESCHOOL – CONDITIONAL USE PERMIT**

---

**CASE NUMBER:** CUP 04-23

**PREPARED BY:** Heidi McCullough, Planning Technician

**MEETING DATES:** July 17, 2023 – Planning and Zoning Commission  
July 24, 2023 – City Council

**REQUEST:** Conditional Use Permit, R-1 Residential zone

**PURPOSE:** To operate a Preschool.

**RECOMMENDATION:** The Community Development Department recommends approval, with conditions, of this Conditional Use Permit to allow Marissa Beard to operate a Preschool in an R-1 Neighborhood Residential Zone at 302 S. 5<sup>th</sup> Street.

**VICINITY MAP:**



**OWNER:** Church of St. James  
P.O. Box 1500  
Douglas, WY 82633

**APPLICANT:** Marissa Beard  
34 Sierra  
Douglas, WY 82633

**LOCATION:**

- (1) Legal Description: Original Town of Douglas, Block 26, Lots 1 & 2
- (2) General Location: The subject property is located on the southwest corner of the intersection of South 5<sup>th</sup> Street and Elm Street.

**LOT SIZE:** 16,800 square feet

**ZONING:** R-1 Neighborhood Residential



**ZONING DATA:** The property is currently zoned R-1, Neighborhood Residential. This district “is intended 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, daycare/preschool facilities are permitted as a Conditional Use in an R-1 zone.

**EXISTING LAND USE:** Preschool facility

**SURROUNDING LAND USE:**

**North:** Residential  
**South:** Residential  
**East:** Residential/Church  
**West:** Commercial

**ZONING**

R-3  
R-1  
R-1  
B-1

**ANNEXATION STATUS**

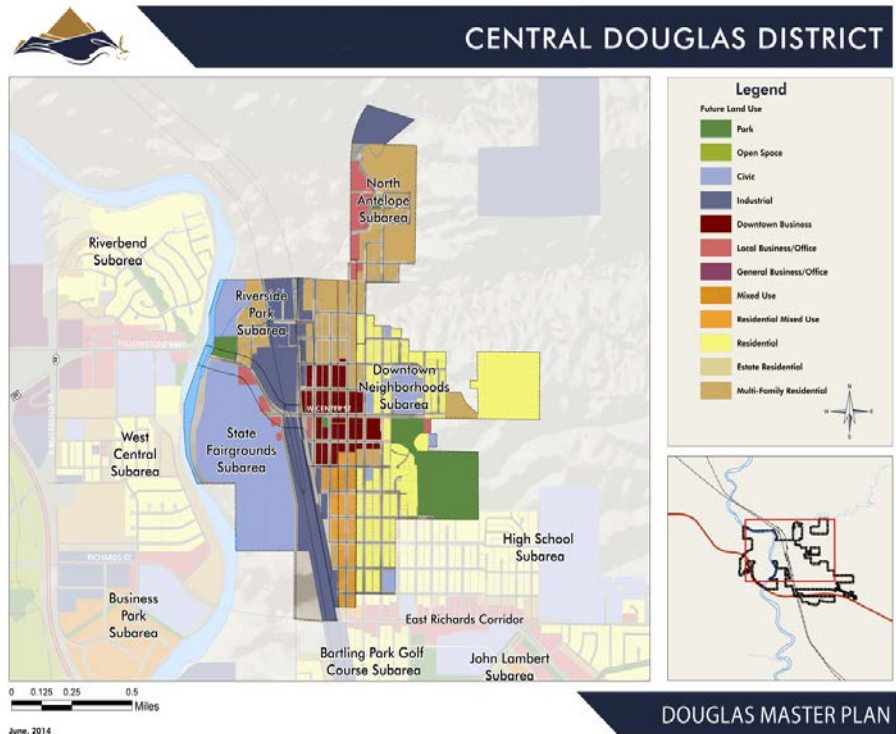
City  
City  
City  
City

**DESCRIPTION OF SITE AND SURROUNDINGS:** The property is owned by St. James Catholic Church and has been predominantly utilized for educational purposes. It includes a large fenced and landscaped play area in addition to the classroom building. The surrounding land uses are noted above. The subject property is adjacent to single family residences to the north and south, St. James Catholic Church to the east, and a commercial building to the west. According to the city-data.com website, there are 2 sex offenders living within a half mile of the location. The applicant has been notified.

**SPECIFICS OF THE PROPOSED USE:** This conditional use permit would be in keeping with others for the same purpose by different applicants, which Council has approved over the last ten years. There are expected to be three to four different individuals conducting preschools from that location at staggered times. Pre-schools have been operating simultaneously in different sections of the location with no difficulties and no complaints from neighboring property owners. This applicant has previously operated a preschool at this location with no issues. The applicant’s stated hours of operation would be Monday and Wednesday, from 8:00 AM to 11:00 AM, with a capacity for up to twelve (12) children no additional employees. St. James Church has approved the application, as the property owner. The applicant is in the process of completing state licensing, pending the issuance of the conditional use permit.

**DOUGLAS MASTER PLAN:**

The Douglas Master Plan, adopted June 23, 2014, designates the property as part of the Downtown Neighborhoods Subarea of the Central Douglas District. According to the Master Plan, the existing character of 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 than complements this emerging medical and downtown residential district.*”



The addition of a pre-school facility in this location conforms with the Douglas Master Plan.

**STAFF RECOMMENDATION:** The Community Development Department recommends approval of the request for a conditional use permit to allow for a Preschool in an R-1 Mixed Residential Zone at 302 S. 5<sup>th</sup> Street with the following conditions:

1. The conditional use permit to operate a preschool facility is specific to Marissa Beard. If this applicant, in the future, ceases operation or moves the facility to another location, the Conditional Use Permit will be null and void for the subject property.
2. The applicant shall adhere to the required State regulations pertaining to a daycare/pre-school facility.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At their regular meeting on July 17, 2023, the Douglas Planning and Zoning Commission voted to recommend approval of the request for a conditional use permit to allow for a preschool in an R-1 Mixed Residential Zone at 302 S. 5<sup>th</sup> Street with the following conditions:

1. The conditional use permit to operate a preschool facility is specific to Marissa Beard. If this applicant, in the future, ceases operation or moves the facility to another location, the Conditional Use Permit will be null and void for the subject property.
2. The applicant shall adhere to the required State regulations pertaining to a daycare/pre-school facility.