

**DOUGLAS CITY COUNCIL
STAFF REPORT
AUGUST 28, 2023**

**320 SOUTH 5TH STREET
SHORT-TERM RENTAL – CONDITIONAL USE PERMIT**

CASE NUMBER: CUP 09-23

PREPARED BY: Heidi McCullough, Planning Technician

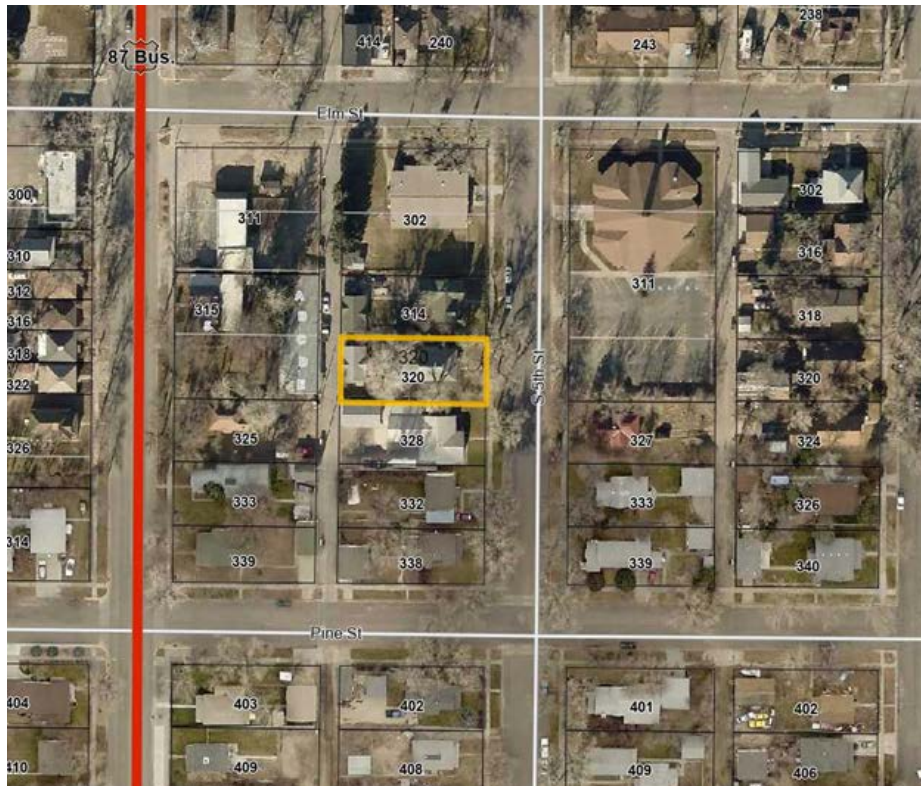
MEETING DATES: August 21, 2023 – Planning and Zoning Commission
August 28, 2023 – City Council

REQUEST: Conditional Use Permit, R-1 Neighborhood Residential Zone

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

RECOMMENDATION: The Community Development Department recommends approval of the conditional use permit to allow the short-term rental of the dwelling at 320 South 5th Street in an R-1 Neighborhood Residential zone with staff recommendations.

VICINITY MAP:



OWNER: Lightning Creek Enterprises LLC
1 Crestview Way
Douglas, WY 82633

LOCATION:

- (1) Legal Description: Original Town of Douglas, Block 26, Lot 4
- (2) General Location: The subject property is located mid-block on the west side of South 5th Street between Elm Street and Pine Street.
- (3) Address: 320 South 5th Street, Douglas, WY

LOT SIZE: 8,400 SF

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.”

Council approval of a conditional use permit for this type of use is a requirement of the Unified Land Development Code, due to its possible impact on neighboring properties.

EXISTING LAND USE: Single Family Residential

PROPOSED USE: Residential with short-term rental component

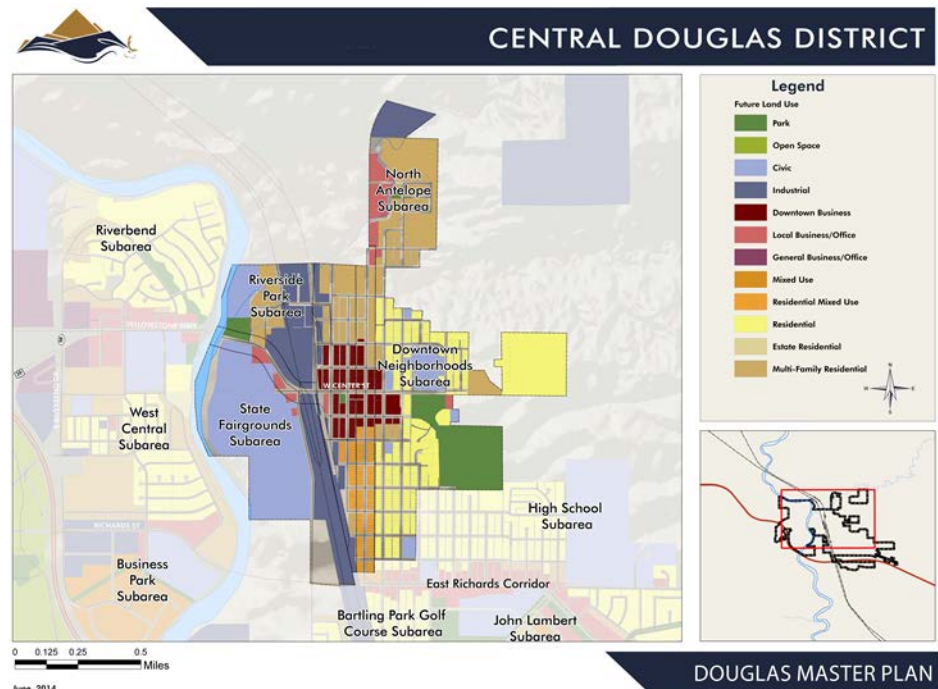
SURROUNDING LAND USE:	ZONING	ANNEXATION STATUS
North: Residential/Church Pre-School	R-1	City
South: Residential	R-1	City
East: Residential/Church	R-1	City
West: Multi-family Residential/Commercial	B-1	City

DESCRIPTION OF SITE: The site does include a primary residence, detached garage with access from the alley, and one out building.

HISTORY: The structure was originally built in 1918 as a single-family dwelling and has remained so throughout its history. The owners purchased the property as an investment and wish to operate the dwelling as a short-term rental through Airbnb year -round. No negative impact to the neighboring properties is anticipated. This property was previously utilized as a short-term rental by a previous owner with no reported issued.

2014 MASTER PLAN: The property is designated as part of the Downtown Neighborhood 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 proposed use is in compliance with the Master Plan.

FY2023 STRATEGIC DOING: Short-term rentals are not referenced in the FY2023 Strategic Doing as Key Performance Indicator (KPI).

PUBLIC COMMENTS: Staff received one comment in opposition for the following reasons:

1. The structure is in poor condition and should not be rented.
2. The property has not been maintained in good condition for several years and short-term renters are not likely to improve that situation.
3. The backyard needs considerable clean-up and maintenance.

Staff reviewed the comments and did an inspection of the property finding no code violations. Staff looked at records back to 2020 and found that the property had not been noticed for any code violations.

STAFF RECOMMENDATION: The Community Development Department recommends approval of a conditional use permit to allow short-term rental of the dwelling at 320 South 5th Street, with the following recommendations:

1. The conditional use permit to provide short-term rental the residence is specific to Lightning Creek Enterprises LLC. 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.
2. The dwelling is in compliance with City short-term rental requirements at all times.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At their regular meeting, the Douglas Planning and Zoning Commission voted unanimously to recommend approval of a conditional use permit to allow short-term rental of the dwelling at 320 South 5th Street, with the following recommendations:

1. The conditional use permit to provide short-term rental the residence is specific to Lightning Creek Enterprises LLC. 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.
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