



Town of Johnstown

Planning & Zoning Commission Meeting

6:30 PM, Wednesday, September 30, 2020

Council Chambers, Town Hall

Agenda

- I. Call to Order for Planning & Zoning Commission**
- II. Roll Call**
- III. Introduction of New Planning & Zoning Commission Member**
 - a. Isaiah Flores
- IV. Public Comments Regarding Items Not on the Agenda (limited to three minutes each)**
- V. New Business**
 - a. **Public Hearings – USR20-0002 Smith Residence**, a residential use in the CB-Central Business zone
 - i. Property located at 301 W. South 1st St.
 - ii. A Conditional-Use Grant is required for a residential use in this zone if the residential use is not a legal non-conforming use.
- VI. Departmental Report**
- VII. Commissioner Reports and Comments**
- VIII. Resignation of Chairwoman Lila Montez**
- IX. Election of New Planning & Zoning Commission Chair**
- X. Adjournment**

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ZONING COMMISSION AGENDA MEMORANDUM

ITEM:	USR20-0002: Smith Residence
DESCRIPTION:	Conditional Use Grant for use of a property in the CB (Central Business) zone as a single-family residence
LOCATION:	301 W. South 1 st St. (Parcel #105905423006)
APPLICANT:	Bonnie K. Smith, owner
STAFF:	Darryll Wolnik, Planner II
HEARING DATE:	September 30, 2020

PROPERTY INFORMATION

The applicant, Bonnie Smith, is requesting a Conditional Use Grant to allow for a single-family residential use on the property located at 301 W. South 1st St. (*See exhibit A – Application Materials*), at the northwest corner of W South 1st St. (CO-60) and Raymond Ave. The property is .162 acres (7,040 square feet) and is located in the CB – Central Business zone. The surrounding properties are zoned CB as well.

The property is surrounded by a variety of uses. The property to the west is a detached single-family residence being used as a commercial office, complete with monument sign in the front yard. West-adjacent to that property is a detached single-family residence that is being used as such, though it is also in the CB zone. North-adjacent (rear) is an old grain silo and accompanying buildings. Currently, it is being converted into a residence by the owner. To the south and across W. South 1st St. is Johnstown Center, a commercial development which includes a grocery store, fast food restaurant, and strip mall on one side of Johnstown Center Dr, while a bank sits on the other side. The property directly across Raymond Ave. to the east is a detached single-family residence. Adjacent to that property is another similar structure and use, though the detached single-family residence further to the east along W. South 1st St. is operating as a commercial business.

An active spur line of the Great Western Railway runs behind this property, adjacent to the Hillsboro ditch, separating the CB zone from the SF-1 single-family detached zone.

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HISTORY

The property in question was subdivided in 1902 as part of the original plat of Johnstown, and was annexed with that original plat. The property contains a single-family detached home that was built in 1905. There was no zoning until June, 1953, when the property was zoned “B” Residence, which allowed for the single-family residence built upon it. Zoning code was further updated in September, 1972. It was at this time the property received its current zoning designation of CB- Central Business. The property was replatted in 1999, condensing the original five (5) lots on the block into three (3).

The residence on the property was traditionally used as a single-family residence. It was not until May, 2018 that the residence was turned from a full-time residence to a commercial office.

NOTICE

Notice was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, September 10, 2020. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed project and surrounding area. Note that a community meeting was not held for this project at the request of the Planning & Development Director.

PROJECT OVERVIEW AND ANALYSIS

The applicant is proposing to revert the use of the property back to single-family residential from commercial office. The structure is a 1,318 square-foot detached single-family residence, featuring one above-grade floor. There is a 280 square-foot attached garage accessible from Raymond Ave. The rear yard is fenced in, and it appears the north and west neighbors’ improvements are encroaching upon the property. This is not an uncommon occurrence in areas that were platted and built at the turn of the 20th century. It should be noted that the CB zone stipulates no minimum setbacks, building sizes, or lot sizes. In this way, the zone accounts for the unique nature of century-old development.

The structure was not altered from its residential state when the primary use was changed to commercial in 2018. The kitchen, bedrooms, and bathroom facilities still remain from the previous use. Per the applicant, the only thing required to utilize the property as a residence, other than this permit, is furniture. It should be noted, however, that the Weld County Assessor’s Office classifies this property as commercial, rather than residential. This classification changed for the 2019 valuation, as shown in Weld County records. Per the applicant, the classification of the property as

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commercial was the impetus for the conditional use grant. Applicant stated she cannot sell the property as a residence because of the Assessor's classification of the property as commercial.

The property has one parking area, containing two (2) spaces for vehicles, in front of the garage accessible from Raymond Ave. There is additional space for on-street parking, if needed. Two entrances, one on W. South 1st St. and one on Raymond Ave., are accessible by paved walkway from the public sidewalk.

Comprehensive Plan Goals

Goal CC 1 – Walkable, mixed-use economic centers: Residential activity in centers

Use of this property as a residence would provide additional housing within a walkable distance to Johnstown's historic downtown area.

Goal DT 4 – Introduce complementary residential areas into the downtown area: Housing types and character

Allowing this property to be used as a single-family residence will add to the housing mix in Johnstown's downtown area. This property has a smaller-sized residence on a small lot, creating an affordable and unique housing opportunity.

Staff Concerns

Staff is concerned with the signage that is affixed to the house. There is an illuminated wall sign attached to the south side of the home, fronting onto W. South 1st St. This sign is commercial in nature and will need to be removed prior to staff support of this project. Any other signage located on site will also need to be removed. Staff would require removal of any commercial signage as a condition of approval.

RECOMMENDED FINDINGS AND MOTIONS

Based on the application received and the preceding analysis for the Smith Residence Conditional Use Grant, located at 301 W. South 1st St., the Planning & Zoning Commission finds:

1. The property in question was historically used as a single-family residence.
2. Use of the property as a single-family residence will not negatively impact the surrounding area.
3. The proposed Conditional Use Grant will advance the goals set forth in the Johnstown Area Comprehensive Plan.

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4. The proposed Conditional Use Grant is in substantial conformance with all applicable Johnstown regulations, standards, and codes.

and therefore, moves to recommend to the Town Council approval of the Smith Residence Conditional Use Grant, located at 301 W. South 1st St, with the following conditions:

1. Applicant have all commercial signage removed from the property within one (1) year of the final approval of this Conditional Use Grant
2. Applicant work with the Weld County Assessor's Office to change the use classification back to residential within a reasonable timeframe.
3. That this Conditional Use Grant be reviewed upon legitimate complaint, at the sole discretion of the Town.

Alternate Motions

- A. Motion to Approve with No Conditions: "I move that the Commission recommend to Town Council approval of the Smith Residence Conditional Use Grant, located at 301 W. South 1st St., as presented. "
- B. Motion to Deny: "I move that the Commission recommend to the Town Council denial of the Smith Residence Conditional Use Grant, located at 301 W. South 1st St., based upon the following..."

Respectfully Submitted,

Planner:



Darryll Wolnik

Planner II

Reviewed by:



Kim Meyer

Planning & Development Director

File Name: S:\PLANNING\2020 Land Use Projects\USR20-0002 CUG 301 S 1st Street Residential Use\Staff Report.docx

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ATTACHMENTS

- A Application Materials and Conditional Use Grant Letter
- B Vicinity Map

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Exhibit A



Town of Johnstown

LAND USE APPLICATION

Project Name: Request for Conditional Use Grant

Description: Change zone from CB to Residential for 301 W First South Street, Johnstown, CO 80534

Land Use: Site Development Plan Use by Special Review Conditional Use Grant Annexation

Subdivision: Replat/Minor Preliminary Final Combined Prelim/Final

PUD: Outline/ODP Prelim/PDP Final/FDP

Zoning: Establish Zoning Rezone

Wireless: Small Cell EFR Alt. Tower Base Station Tower/Other

Other: Downtown Façade Grant

Site Address or Parcel #s: 301 W First South Street, Johnstown, CO 80534 - Parcel #: 105905423006

Applicant/Project Owner: BONNIE K SMITH

Applicant Address: _____

Email: blinvestments19@gmail.com Telephone: (970) 590-3827

Consultant /Representative: _____

Consultant Address: _____

Email: _____ Telephone: _____

Landowner Authorization to Proceed with Land Use Action: (Required)

The undersigned (1) affirms ownership or authorized representation thereof of the subject property, and (2) hereby authorizes the individuals or entities listed herein as "applicant" and/or "authorized representative" to represent me/us in all aspects of the land use process for the project being submitted with this application. Please keep me informed of the status and progress of this project via email at the address below. I do NOT want to be updated on this project. (To modify this request, contact Planning@TownofJohnstown.com)

Landowner(s): Bonnie K Smith

Email: blinvestments19@gmail.com Telephone: (970) 590-3827

Bonnie K Smith 08/24/2020

Signature of Landowner

Signature of Landowner

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8/24/20

Kim Meyer | Planning & Development Director

Town of Johnstown

450 S Parish Ave. PO Box 609 Johnstown, CO 80534

RE: Conditional Use Grant - **301 W First South Street, Johnstown, CO 80534**

Dear Kim,

I am the current owner of 301 W First South Street, Johnstown, CO 80534, and I am writing to request this property be established as a residential use to increase my ability to sell.

Please note, I am making no changes to the property, nor were there any changes made when it was transitioned from a residence to an insurance office prior to my purchase of this property.

The last known date this property was used as a residence was 05/09/2018, and the office use established only required a change of furniture but no interior changes whatsoever.

I do feel the property remains residential in character, and the ability to use this property as residential will not be detrimental to the surrounding neighborhood nor the nearby commercial district.

In conclusion, based on the above, I formally request a Conditional Use Grant to allow this property to be eligible for residential use.

Sincerely,

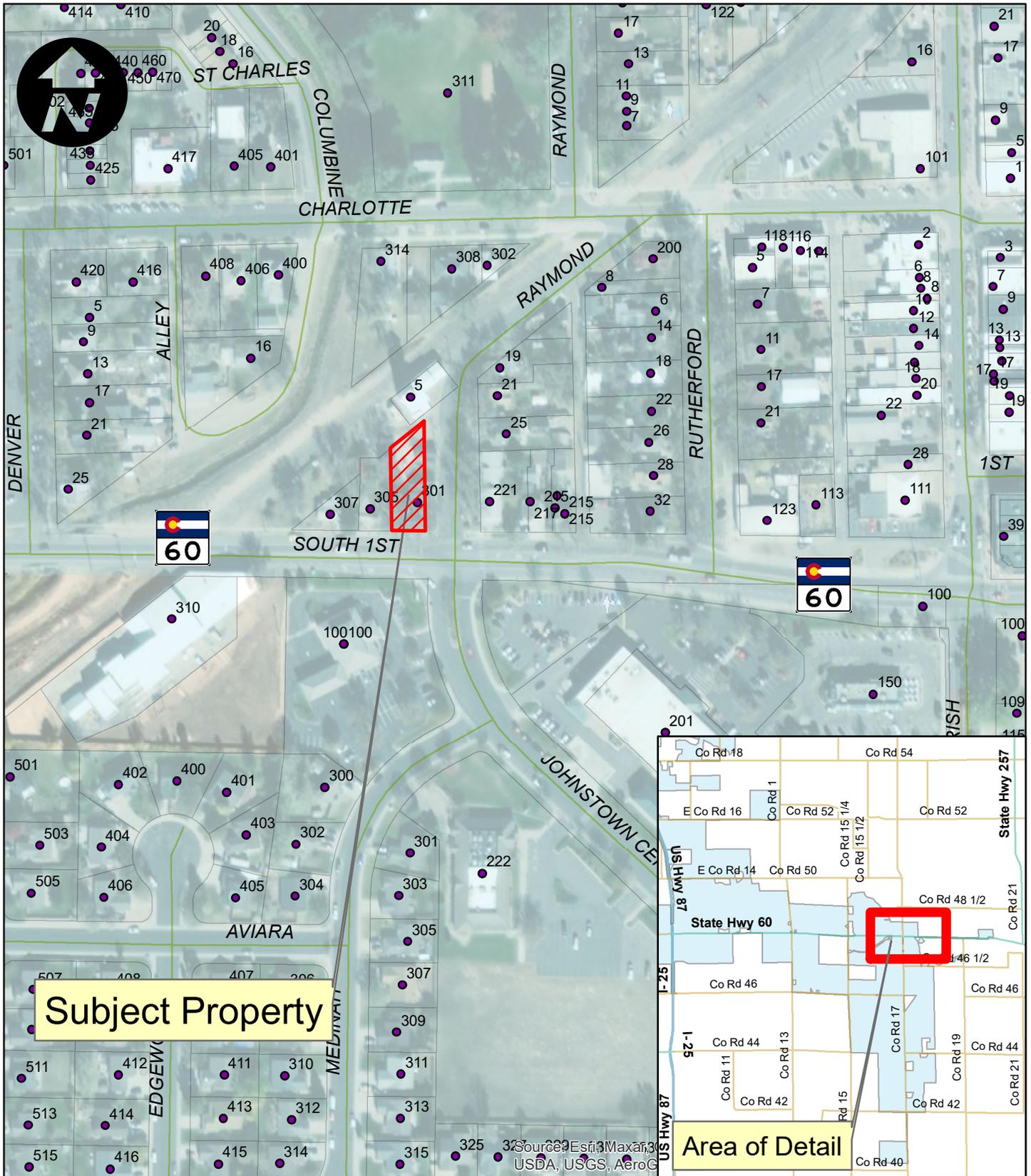
Bonnie K Smith

08/24/2020

Bonnie Smith

Current Owner

Exhibit B



Subject Property

Area of Detail



USR20-0002
Smith Residence
301 W. South 1st St.

