

AGENDA MEMORANDUM

TO: Johnstown Planning and Zoning Commission
FROM: John Franklin, Town Planner
DATE: For May 23, 2018
SUBJECT: Conditional Use for Single Family Dwelling in CB District –
5 S. Raymond Ave.

PROPERTY DATA:

Applicant: Kelly Bloom

Owner(s): Same

Location: 5 South Raymond Ave.

Property Size: 4,320sf

Current Zoning/Land Use(s): CB Central Business/vacant building

Surrounding Zoning/Land Uses:

North: CB/ Great Western Railroad spur, Residential

South: CB/ Residential, Commercial

East: CB/ Raymond Avenue, Residential

West: SF-1/Great western Railroad spur, Residential

Comprehensive Plan Designation: Commercial

Summary of Request:

General Description: The applicant has requested approval to remodel the former Spreng elevator to include a single family dwelling.

Prior actions: The property is part of the Original Johnstown Plat as submitted by Harvey J. Parish and approved in 1902. The elevator was constructed in 1905. The Spreng family operated the elevator until the early 1980s. The building has not been in use for more than 12 months.

Potential Impacts:

Site Conditions: The site is flat and almost fully covered by structure.

Architecture: The appearance of the proposed use will not be significantly altered.

Offstreet parking: Available.

Traffic: Residential

Stormwater Management: The proposed use should have no additional effect on storm runoff conditions.

Attachments: Application materials, photos.

Municipal Code Review Provisions:

ARTICLE VII

Conditional Use Grants

Sec. 16-101. Intent.

The conditional use classification is intended to provide for the inclusion within a district of uses of such unique nature or character, or uses which are so dependent upon specific contemporary conditions, that predetermination of permissibility by right, or the detailing within the ordinance of specific standards, requirements or conditions necessary or appropriate to such permissibility are not practical; but which may be permitted in the district where listed subject to conditions and requirements as hereinafter specified. (Prior code Appx. B, § 7.01)

Sec. 16-102. Approval of conditional use grants.

Uses listed as conditional uses may be permitted upon petition to the Planning Commission for a conditional use grant and subject to approval of the Commission. The Planning Commission shall base its determination on general considerations as to the effect of such permit on the health, safety, welfare and economic prosperity and specifically on the effect of such use upon the immediate neighborhood in which it would be located, including the considerations listed in Section 16-105 below. (Prior code Appx. B, § 7.02)

Sec. 16-103. Application to existing uses.

A use which existed lawfully on a lot at the time the lot was placed in a district where such use would be permitted only upon approval of a conditional use grant shall automatically be granted conditional use status. In such cases, the grant of conditional use status shall be based upon the existing conditions at that time and any expansion or change in use shall require changing of the conditional use grant. Petition may be made at any time for expansion or other change of the conditional use grant, and such petition shall not prejudice the existing grant as herein authorized. (Prior code Appx. B, § 7.03)

Sec. 16-104. Termination of conditional uses.

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, or where a use is no longer compatible with the surrounding area, the conditional grant may be terminated by the Board of Trustees upon referral to the Planning Commission and public hearing thereon. Such use shall thereafter be classified as a legal non-conforming use; except that where the action is due to failure to comply with the conditions of the conditional grant, the Board of Trustees may require complete termination of the use. (Prior code Appx. B, § 7.04)

Sec. 16-105. Standards and requirements.

(a) Approval of a conditional use grant shall be based on an evaluation of such factors as the following: the character and quality of the area in which the use will be located;

the physical appearance of the use, including suitability of architectural and landscaping treatment; appropriate location of the building or buildings on the lot; adequate provision of parking, loading and circulation facilities; potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion; potential effect of the use on storm drainage in the area; adequacy of planting screens where necessary; provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences; and the general compatibility of the proposed use with the area in which it is to be located.

(b) Conformity with regulations. Except as may be specifically otherwise provided, any conditional use shall conform to the lot size, building location, building size, open space and height limitation regulations of the district in which it is located.

(c) Accessory uses. Uses and structures accessory to a principal conditional use shall be subject to appropriate regulations in the same manner as herein set forth for the principal conditional use. (Prior code Appx. B, § 7.05)

Sec. 16-106. Procedure.

*(a) Filing. A petition for a conditional use grant shall be submitted in writing and filed with the Town Clerk, who shall promptly refer such petition of the Planning Commission. **Such petition shall be accompanied by building, site and operational plans as provided in Section 16-145(c) and by such other data and information as necessary for proper evaluation of the request.***

(b) Hearing. The Planning Commission shall conduct a study and investigation on the petition and shall give public notice and hold a public hearing thereon as provided in Section 16-48.

(c) Determination. Following public hearing, the Planning Commission shall make a determination and set forth its decision in writing, indicating conditions of approval, or if the petition is disapproved, indicating the reason therefore.

*(d) Recording. **When a conditional use grant is approved, such approval shall be appropriately noted on building permits and certificates of zoning compliance.** Indication of such grant shall also be made on the Official Zoning District Map by appropriate symbol. (Prior code Appx. B, § 7.06)*

Crucial Referral Responses: As to the land use, there are no crucial referrals which require agreements or other attention.

Applicant Response: The applicant had worked with staff to submit information as requested.

Technical Analysis: The proposed use is expected to not generate unusual parking demand or traffic. The appearance and scale of the existing elevator will remain. There is no water and sanitary sewer service to the property.

Staff Recommendation: Based upon the above, Staff recommends approval of the Conditional Use, with the following conditions:

- 1) The property must have water and sewer service, extended at owner's expense, prior to occupancy;
- 2) The building must be in compliance with Town construction and fire code prior to occupancy.

Planning Commission Action:

1. If the Commission desires to approve:

"I move that the Commission approve the Conditional Use for Single Family Dwelling in CB District – 5 S. Raymond Ave."

Or,

2. If the Commission desires to recommend approval with conditions:

"I move that the Commission approve the Conditional Use for Single Family Dwelling in CB District – 5 S. Raymond Ave. with the following condition(s):

- a. _____
- b. _____
- etc. "

Or,

3. If the Commission desires to recommend denial:

"I move that the Commission deny the Conditional Use for Single Family Dwelling in CB District – 5 S. Raymond Ave. for the following reasons:

- a. _____
- b. _____
- etc. "

Town of

Johnstown

450 S. Parish Ave. Johnstown, CO 80534
Ph: 970-587-4664 Fax: 970-587-0141

COMMUNITY DEVELOPMENT APPLICATION

Date: 18 APRIL 2018

Project Name: 5 SOUTH RAYMOND AVE

Application is for: ☐ Annexation ☐ Zoning ☐ Subdivision ☐ USR ☒ Cond. Use ☐ Other

Landowner: KELLY BLOOM

Address: 5 SOUTH RAYMOND AVE, JOHNSTOWN CO 80534

PO BOX 154

Telephone: 307-262-6139

Authorized Applicant/Representative: KELLY BLOOM


Address: 5 SOUTH RAYMOND AVE, JOHNSTOWN CO 80534

PO BOX 154

Telephone: 307-262-6139; Fax Number: _____; E-Mail: vertikel@hotmail.com

Landowner Authorization:

The undersigned affirms ownership of the property pertaining to this application, and hereby applies to the Town of Johnstown, Colorado for the above indicated development review process, and authorizes the individual or company stated as "authorized representative" to represent me/us in all aspects of said process.



Signature of Landowner

Signature of Landowner

STATE OF COLORADO

COUNTY OF Weld

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The foregoing application was subscribed and sworn to before me this 18th day of April, A.D., 2018, by Kelly Bloom.

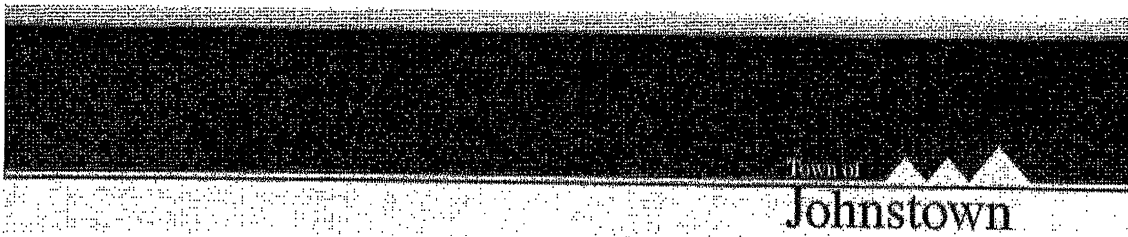
Witness my hand and official seal.

My commission expires: March 31, 2020



Notary Public

LISA LOPEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164012395
MY COMMISSION EXPIRES MARCH 31, 2020



May 7, 2018

Kelly Bloom
12670 County Road 25 1/2
Fort Lupton, CO 80621-9628

Re: 5 S. Raymond Ave. (Former Spreng Elevator)

Kelly,

The review and referral step is completed and comments are as follows:

1. You have been in contact with Building Official Jonathan Gesick relative to converting the property for residential use.
2. According to our Water/Wastewater Department the property does not have a water and sanitary sewer tap, and is a significant distance from water and sewer mains. Please contact Marty Jones, Water/Wastewater Superintendent (970) 534-0244 to discuss.
3. I have attached Front Range Fire Authority comments related to the Conditional Use application. You may contact Chief Drage directly.
4. The immediate neighborhood, aside from the railroad spur, remains residential – the proposed residential use would not be in conflict.

I have tentatively scheduled the Planning and Zoning Commission hearing for Wednesday, May 23 at 7:00 pm in the Council Chambers at Town Hall. Please plan to give a brief description of your request and answer questions.

Please post the hearing sign this week.

Sincerely,

John Franklin, Town Planner
Attachment

Copy to:
Building Department
Water/wastewater Department
Front Range Fire Authority

**SUMMARY MINUTES
PLANNING & ZONING COMMISSION
WEDNESDAY, MAY 23, 2018
COUNCIL CHAMBERS
450 S. PARISH AVE.**

- 1. CALL TO ORDER:** *Chair Dowling called the meeting to order at 7:00 pm.*
- 2. ROLL CALL:** *Present were Commissioners Eady, Montez, Dowling and Geisendorfer
Absent was Commissioner Storms.*
- 3. PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA:** *None*
- 4. PUBLIC HEARINGS:**

A. Site Development Plan – Highpoint Holdings, LLC at I-25 Gateway Center:

Chair Dowling opened the public hearing at 7:05 pm. Town Planner Franklin introduced the item and presented the staff recommendation. The Highpoint Electric owner, Jerry Cardinal, presented the request and answered questions.

Commissioner Questions:

The proposed building is unpainted? (The building walls are proposed as galvanized, with a copper-color metal roof, and applied stone wainscot.

What is the small parcel to the north? (It is apparently owned by a telephone company and is a junction box)

Public Comment:

None.

Chair Dowling closed the hearing at 7:11pm and asked for discussion and a motion.

Motion by Commissioner Eady, seconded by Commissioner Geisendorfer to approve the Site Development Plan for Highpoint Holdings, LLC at I-25 gateway Center.

Unanimous.

B. Conditional Use to Allow a Single Family Dwelling at 5. South Raymond Ave.:

Chair Dowling opened the hearing at 7:14 pm. Town Planner Franklin introduced the item and presented the staff recommendation. The Owner, Kelly Bloom presented the request and answered questions.

Commissioner questions:

What about the railroad's comment concerning setbacks? (The railroad does not have authority to require a setback on private property.

What will be the entrance? (Do not know yet)

Silo improvements? (The silo is filled with grain bins – the owner will paint the exterior)

What about Raymond Ave. right of way? (The Town has no plans to widen or improve the old roadway, so should not be an issue)

Public Comment:

- *Wesley Haas, 25 South Raymond - supports the proposal as the owner will fix up the property and it won't just sit vacant.*
- *Ed Spreng, 903 N. 1st St. - the property was constructed as a flour mill in 1910 and ceased operation in 2005. Raymond Avenue was the wagon short-cut following the railroad besides Parish Avenue to reach the mill.*

Chair Dowling closed the hearing at 7:40 pm and asked for discussion and a motion. Motion by Commissioner Kingsolver, seconded by Commissioner Montez to approve the Conditional Use to Allow a Single Family Dwelling at 5. South Raymond Ave., with the following condition(s):

- 1) The property must have water and sewer service, extended at owner's expense, prior to occupancy;*
- 2) The building must be in compliance with Town construction and fire code prior to occupancy.*

Unanimous.

5. NEW BUSINESS:

A. Approval of Minutes of May 9, 2018: *Motion to approve by Commissioner Montez, seconded by Commissioner Kingsolver. Unanimous.*

B. County Referrals: **None**

6. STAFF REPORT: *Town Planner Franklin reported on the following items:*

A. Recent Town Council Actions

B. Applications in Review

C. Project and Program Updates: *Commissioner vacancy; no June 13 meeting.*

7. COMMISSIONERS' ITEMS: *None.*

8. ADJOURN: Chair Dowling adjourned the meeting at 8:00 pm.

Respectfully submitted by John Franklin, Town Planner, as Secretary to the Planning and Zoning Commission.