

USR20-0003
Warren Residence
305 W. South 1st St.





Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

ITEM:	USR20-0003: Warren Residence
DESCRIPTION:	Conditional Use Grant for use of a property in the CB (Central Business) zone as a single-family residence
LOCATION:	305 W. South 1 st St. (Parcel #105905423007)
APPLICANT:	Lora Warren, owner
STAFF:	Darryll Wolnik, Planner II
HEARING DATE:	October 14, 2020

PROPERTY INFORMATION

The applicant, Lora Warren, is requesting a Conditional Use Grant to allow for a single-family residential use on the property located at 305 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 .118 acres (5,140 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, a legal non-conforming use 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. Property directly west is the subject of USR20-0002, which is seeking to change front a commercial office to a detached single-family residential use.

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, though it has been used as a commercial office for a number of years. Its use as a commercial offices predates the applicants' purchase and use of the property as such.

NOTICE

Notice was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, October 8, 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 1,125 square-foot detached single-family residence, featuring one above-grade floor. There is a parking pad for at least two vehicles at the rear of the property, though according to GIS it does not appear to be located on the property. Access to this pad crosses Great Western Railroad ROW from S. Raymond Ave. However, it appears the railroad company has at least acknowledged this access across their property, as they signed the replat of the lots in 1999. That replat called out the outbuildings to the rear of the property, and historic aerial imagery from 1998 and later shows vehicles parked in the railroad ROW. Such use would constitute at the least a prescriptive easement, as the use has been historical in nature and, though without the owner's permission, has continued uninterrupted in the open for a significant period of time; in this case at least 20 years.

The exterior of the structure retains its detached single-family appearance. There is a monument sign in the front yard, and one ground-mounted banner on the east side in addition to numerous other small commercial signs. Staff will recommend removal of these signs as a condition of approval.

The rear yard is fenced in, though some structures appear to cross property lines. 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. Within this rear yard is a secondary dwelling, or what one might consider a guest house. Per Weld County records, this structure, built in 1930, is 464 square-feet and contains one (1) bedroom and one (1) bathroom. Staff will request a condition of approval such that this guest house cannot be separately rented as another dwelling unit, as detached single-family residential uses, defined in the SF-1 zone, do not permit such uses.

The main residence seems to have retained its residential facilities. The kitchen, bedrooms, and bathroom facilities still remain from the historic residential 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 prior to 2014 valuation, as shown in Weld County records. The exact date is unknown, as Weld County only provides notices of valuation back to 2014. Per the applicant, the classification of the property as commercial was the impetus for the conditional use grant. Applicant stated she cannot afford the taxes on a commercial property, and intends to live on the property, using it as a detached single-family residence.

The property has one parking area, containing two (2) spaces for vehicles, at the rear of the property, accessible from Raymond Ave by way of the aforementioned railroad ROW. There is additional space for on-street parking, if needed. There is one entrance, accessible by paved walkway from the public sidewalk along W. South 1st St.

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.

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Staff Concerns

Staff is concerned with the monument signage in front of the house, located in the front yard. 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.

Staff is also concerned about the access to the property. Though it appears as though Great Western Railroad acknowledged the historic access by signing the 1999 replat, this cannot be known for sure. And while it appears property owners have a prescriptive easement through railroad property to access parking for their property, planning staff are not attorneys, and therefore cannot make such presumptions regarding land use law. At the very least, this is something the applicant needs to be aware of regarding their property.

Finally, staff is concerned with the guest house at the rear of the property. Because it is outfitted with a bedroom and bathroom, there is the potential for the applicant or future property owners to use it as an income property. Such use would add a second dwelling unit to the property, and the SF-1 zone, which governs detached single-family residential uses such as this one, does not permit multiple dwelling units on the same property. As a condition of approval, staff will request the additional structure not be rented out as a separate dwelling unit.

RECOMMENDED FINDINGS AND MOTIONS

Based on the application received and the preceding analysis for the Smith Residence Conditional Use Grant, located at 305 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.
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 305 W. South 1st St, with the following conditions:

ATTACHMENT 2

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. The property be used as a single-family detached residence, and that only the primary structure be used as the dwelling unit, and the secondary structure not be used as a separate dwelling unit..
4. Upon change in zoning code, and so long as this conditional use grant is valid, the single-family use shall be governed by the most appropriate zoning for detached single-family residential.
5. 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 305 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 305 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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ATTACHMENT 2

ATTACHMENTS

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

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Town of Johnstown

LAND USE APPLICATION

Project Name: 7 Parcels - Convert Commercial to Residential
 Description: Turn Original House (turned Commercial) back to house.
 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 #: 305 W. South 1st Street Johnstown
 Applicant/Project Owner: 7 Parcel LLC Lora Warren
 Applicant Address: 2125 Bluebell Ave Greeley 80631
 Email: lora@mayfields.com Telephone: 970 690 2423
or 7cyclearsearch@gmail.com
 Consultant /Representative: N/A
 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): Bora Warren Lora Warren
 Email: same as above Telephone: _____
Bora Warren _____
 Signature of Landowner Signature of Landowner

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Town of Johnstown

1 message

Lora Mayfield-Warren <7cycleresearch@gmail.com> Mon, Sep 21, 2020 at 4:11 PM
To: Me Email <lora@mayfields.com>

We purchased the building at 305 West South 1st Street in January of 2019. We were told/sold this building (by the realtor) that it was the perfect opportunity to grow a business.

I had a successful Christian weight loss business that I ran in downtown Windsor. Unfortunately, the building I was in -sold and I was forced to relocate.

We really believed this Johnstown office was a prime location -as it was right on a very busy 'main' street, much like my office was, in Windsor. In over a year and a half, I have gotten zero business from anybody from Johnstown.

Almost a year ago -the next door neighbor (an insurance company) came over and told me she's gotten no business in her location and she wasn't making it. Naturally, this scared me!

Over the course of the last year and a half, I've learned from many, that our location is actually quite difficult to network and bring in business. I've had an opportunity to talk with several business owners that have been in my building and they've all told me that it was not good for their business to be there. Heart of the Rockies counseling confided in me that they were not successful in having their counseling service in my building. Even the previous owners left their office space as soon as their lease was up.

In March... when the virus hit... it put an end to my non-essential company and I was forced to get a job. I'm now working full time and don't plan on leaving my position.

Originally, when we purchased this, the realtor told us that the owners were not good managers and that was why they weren't doing well there. He told us we could get a whole lot more for each room than they were asking but they were just too 'soft-hearted' and had a habit of renting to their friends at a reduced rates... what we've learned overall; it's been very difficult to rent any of our rooms.

Ultimately, all of this has been very stressful on my marriage. It is now necessary to convert this office into 'my home' as my husband and I have decided to divorce.


In the 12 months I have spent \$43,000 in mortgage payments, taxes and insurance and my recent appraisal came in \$30,000 less than the original appraisal a year and a half ago.

I need to turn this building into a home that I can now live in.

I do believe Johnstown is a great place to live and my hope is that by having this as my home, in the long run, it will also be a wiser investment.

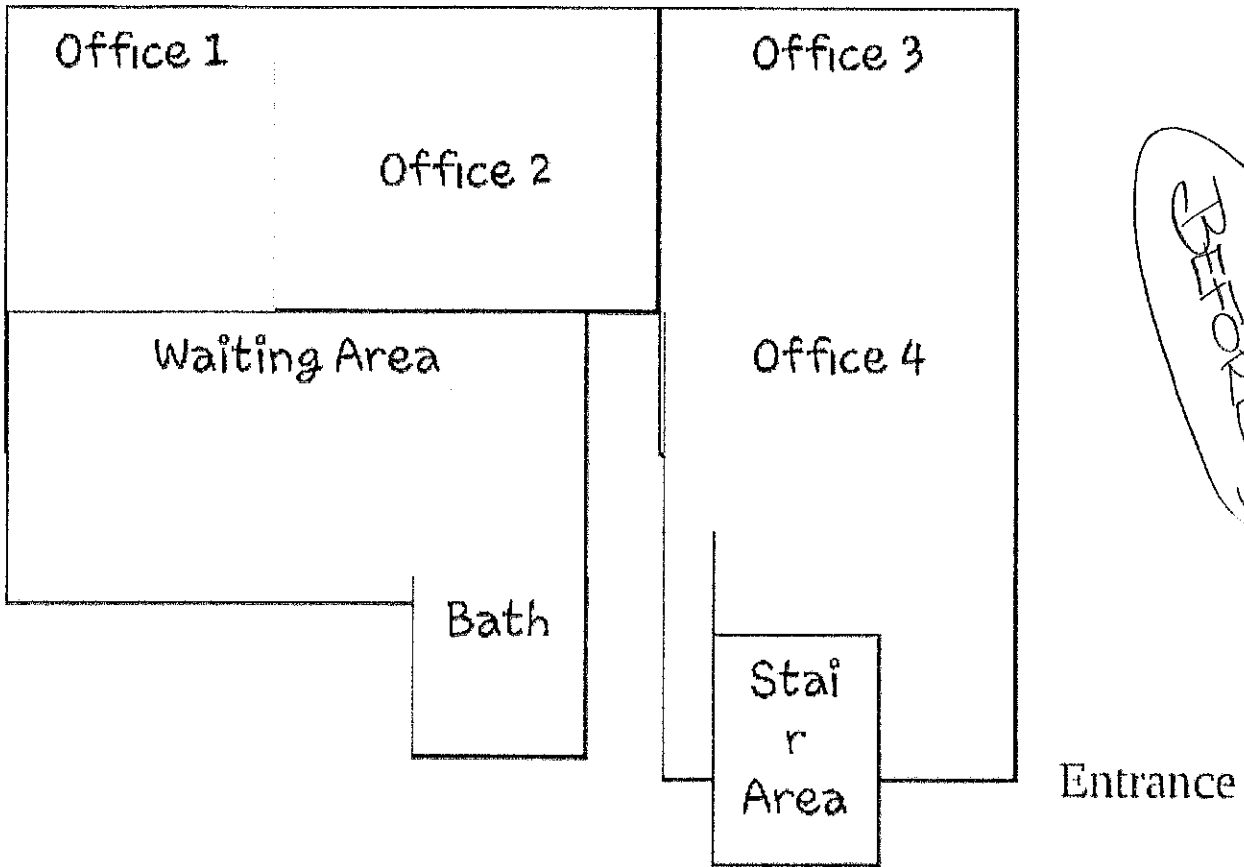
Thank you so much for considering this.

Sincerely,

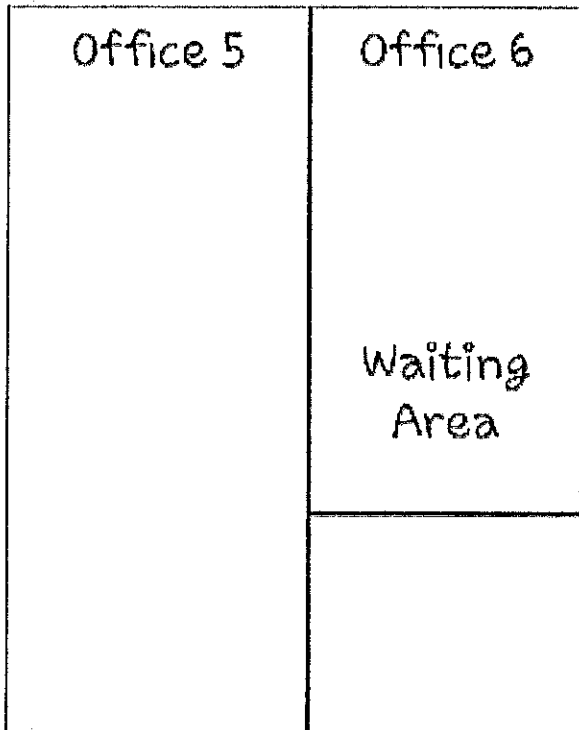


Lora Warren

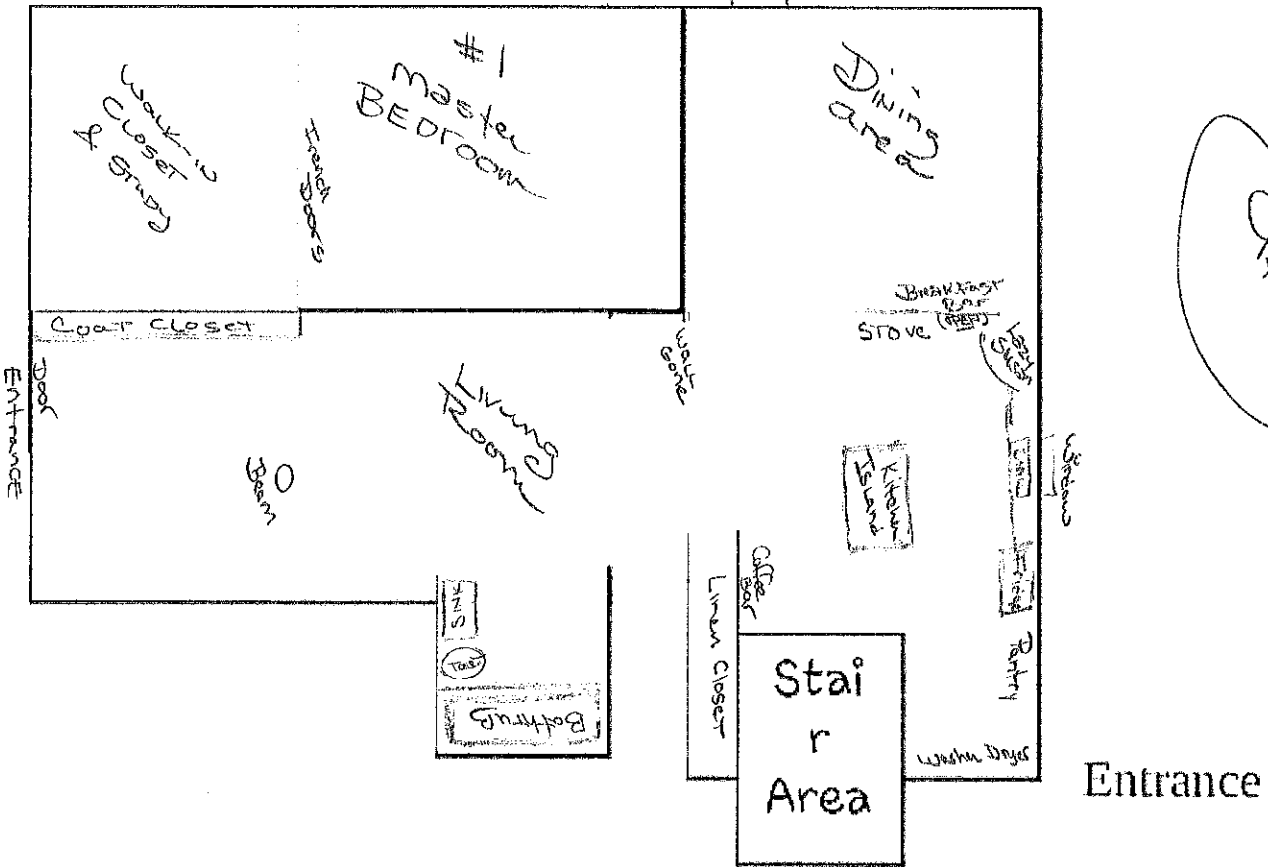
Main Level



Lower Level



Main Level



Lower Level

