



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** November 16, 2020

**SUBJECT:** Public Hearing for Conditional Use Grant – Warren Residence, 305 W. S. 1<sup>st</sup> Street (Case #USR20-0002)

**ACTION PROPOSED:** Consider Resolution 2020-36 approving the Conditional Use Grant for Warren Residence, 305 W. S. 1<sup>st</sup> Street – use of an historically single-family structure as a single-family residence in the CB (Central Business) zone

**ATTACHMENTS:**

1. Vicinity Map
2. PZC Agenda Memorandum
3. Application
4. Resolution 2020-36

**PRESENTED BY:** Kim Meyer, Planning & Development Director

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### AGENDA ITEM DESCRIPTION:

The Planning & Zoning Commission held a public hearing on October 14, 2020, regarding a Conditional Use Grant for the Warren Residence at 305 W. S. 1<sup>st</sup> Street, to grant the use of this structure and property as a single-family residence in the CB (Commercial Business) zone, as required by Johnstown Municipal Code.

The two structures on site appear to have been used historically as a single-family home and a guest house (464 SF), with a change to a commercial use prior to 2014, per Weld Co Assessor records. The structures were reportedly built in 1910 and 1930. According to the application, this change of use to commercial did not require any modifications to the existing structure and it remains largely intact. The request is to change the use back to residential. The existing commercial signage would need to be removed as a condition of this conditional use grant to revert to the residential appearance.

The small guest house on-site may be used as an accessory structure in conjunction with the primary residence; were it to be leased separately, it would constitute an “accessory dwelling unit,” which is not a permitted use in the Johnstown Municipal Code. Use of the property as a single-family residence, in compliance with current municipal code, is a recommended condition. If the Town’s land use codes are modified in the future such that this use may be permitted, this issue could be revisited.

Parking is provided on-site with a parking pad at the rear of the lot, with access gained via apparent railroad right-of-way. There is no known easement to utilize this right-of-way and the Town is unable to guarantee continued use of the that right of way to access the property.

The Planning & Zoning Commission voted to recommend approval of the Conditional Use Grant with conditions reflected in the Resolution.

*The Community That Cares*

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**LEGAL ADVICE:**

Resolution was prepared by the Town Attorney.

**FINANCIAL ADVICE:**

NA

**RECOMMENDED ACTION:**

Approve Resolution 2020-36 approving the Conditional Use Grant for 305 W S 1<sup>st</sup> Street (Warren Residence) with conditions.

**SUGGESTED MOTIONS:**

**For Approval**

I move that the Town Council approve Resolution 2020-36 approving the Conditional Use Grant for 305 W S 1<sup>st</sup> Street (Warren Residence) with conditions.

**For Denial**

I move that the Town Council deny Resolution 2020-36 related to the Conditional Use Grant for 305 W S 1<sup>st</sup> Street (Warren Residence).

*Reviewed and Approved for Presentation,*

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Town Manager