

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2020-36**

**RESOLUTION APPROVING A CONDITIONAL USE GRANT FOR
PROPERTY LOCATED AT 305 WEST SOUTH FIRST STREET PURSUANT
TO ARTICLE VII OF CHAPTER 16 OF THE JOHSNTOWN MUNICIPAL CODE**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Lora Warren, the property owner, filed an application for a conditional use grant to allow single-family residential use of property located at Lot 3A, Block 4 of the Replat of Block 4 Town of Johnstown Subdivision, Town of Johnstown, County of Weld, State of Colorado, known by street address as 305 West South Street, and comprised of approximately .118 acres (“Property”); and

WHEREAS, the Property is located in the Central Business CB District; and

WHEREAS, Section 16-242(4) of the Johnstown Municipal Code (“Code”) provides that residential use may be permitted in the Central Business CB District upon approval of a conditional use grant as provided in Article VII of Chapter 16; and

WHEREAS, Article VII of Chapter 16 of the Code regulates conditional use grants, setting forth, among other matters, the petition process and the criteria for consideration of a conditional use grant; and

WHEREAS, on October 14, 2020, pursuant to Section 16-106 of the Code and after due notice, the Planning and Zoning Commission conducted a public hearing and recommended approval of the conditional use grant subject to certain conditions; and

WHEREAS, on November 16, 2020, pursuant to Section 16-106 of the Code and after due notice, the Town Council held a public hearing; and

WHEREAS, after considering the Planning and Zoning Commission’s recommendations and the factors contained in Section 16-105 of the Code, reviewing the file, and conducting such public hearing, the Town Council desires to approve the conditional use grant subject to conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. Approval of Conditional Use Grant. Lora Warren’s (“Applicant”) application for a conditional use grant for property located at Lot 3A, Block 4 of the Replat of Block 4 Town of Johnstown Subdivision, Town of Johnstown, County of Weld, State of Colorado (“Property”), known by street address as 305 West South Street, and comprised of approximately .118 acres, is hereby approved subject to the conditions set forth below.

2. Conditions of Approval. The conditional use grant is approved subject to the following conditions:

- a. The Applicant shall have all commercial signage removed from the Property within one (1) year of the date of this Resolution;
- b. The Applicant shall work with the Weld County Assessor’s Office to change the use classification to residential within a reasonable timeframe;
- c. The Property shall be used as one (1) single-family detached residential dwelling unit, with the primary structure used as a dwelling unit and the secondary structure to the rear of the Property not used as a separate dwelling unit by unrelated persons;
- d. Upon a change in zoning code, if at all, the single-family use shall be governed by the most appropriate zoning for detached single-family residential dwelling units, as determined by the Town;
- e. The conditional use grant may be reviewed and, in Town Council’s discretion, terminated pursuant to Section 16-104 of the Code based upon, among other potential grounds, a substantiated complaint evidencing that the use is not compatible with the surrounding area; and
- f. The Town provides no assurance or commitment regarding access to the rear of the Property from, through or over Great Western Railroad’s right of way.

3. Effective Date. This Resolution shall be effective on the date set forth below.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of _____, 2020.

ATTEST:

By: _____
Diana Seele, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

By: _____
Gary Lebsack, Mayor