

TOWN OF ERIE
BOARD OF TRUSTEE AGENDA ITEM
Board Meeting Date: August 23, 2016

SUBJECT: **RESOLUTION:**
Consideration Of A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For An Accessory Dwelling Unit At 190 Briggs Street; And, Setting Forth Details In Relation Thereto.

PURPOSE: Consideration of a Special Review Use for an Accessory Dwelling Unit in the NMU-Neighborhood Mixed Use zone district.

CODE: Erie Municipal Code, Title 10

DEPARTMENT: Community Development

PRESENTER: R. Martin Ostholthoff, Director

FISCAL INFORMATION: Cost as Recommended: n/a
Balance Available: n/a
Budget Line Item Number: 000.00.000.000000.000000
New Appropriation Required: ☐ Yes ☒ No

STAFF RECOMMENDATION: Staff supports the Special Review Use application for the Accessory Dwelling Unit at 190 Briggs Street and recommends the Board of Trustees approve the application.

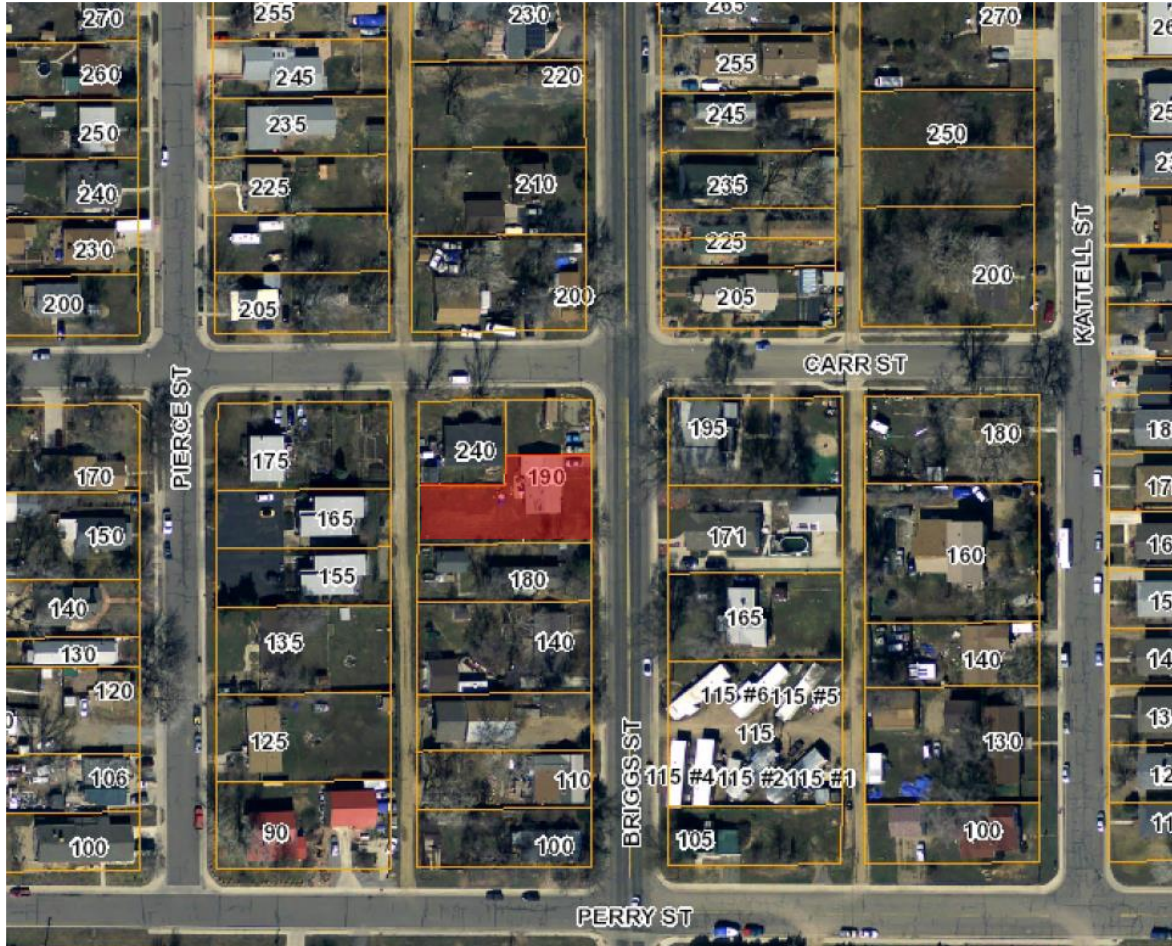
PLANNING COMMISSION: At the August 3, 2016 public hearing, the Planning Commission approved Resolution P16-12, by unanimous vote, recommending approval of the Special Review Use application allowing an Accessory Dwelling Unit.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

GENERAL INFORMATION:

Applicant: Joseph Wilson and Carole Dougan
1656 Alpine Drive
Erie, CO 80516

Location: The site is located at 190 Briggs Street, and is described as Lots 12, 13 and the east ½ of Lot 14, Block 17, Town of Erie Subdivision, Town of Erie, County of Weld, State of Colorado.



Existing Conditions:

Comprehensive Plan Designation:	MU-Mixed Use
Existing Zoning:	NMU-Neighborhood Mixed Use
Existing Land Use:	Single-family residential
Site Size:	9,375 square feet
Principal DU Size:	Approximately 1,136 square-feet

Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	NMU – Neighborhood Mixed Use	Single-family residential
SOUTH	NMU – Neighborhood Mixed Use	Single-family residential
EAST	NMU – Neighborhood Mixed Use	Single-family residential
WEST	OTR – Old Town Residential	Single-family residential

BACKGROUND INFORMATION:

The applicant is requesting an ADU on a 9,375 square foot lot that has an existing residence located on the property. The ADU is proposed to be 512-square-feet in size and is proposed as a standalone ADU.

Title 10; Table 3-2 ‘Table of Accessory Uses’ of the Municipal Code indicates that an ADU is a Special Review Use in the all residential zone districts. The applicants’ proposal meets the ADU Use Specific Standards outlined in Section 3.3.G.1 of the Municipal Code as summarized below.

1. Districts Allowed

ADU allowed as an accessory use in all residential zone districts with a minimum lot size of 6,000 square feet.

- Property is zoned NMU-Neighborhood Mixed Use with a lot size of 9,375 square feet.

2. Where Permitted on Lot

ADU shall comply with applicable site, building and access standards.

- ADU is to be located within a proposed detached structure in the backyard area of the property that will comply with accessory building setback standards.

3. Size of ADU

ADU cannot exceed 33 percent of the size of the habitable floor area of the principal dwelling unit, or 800 square feet, whichever is less. ADU located in Old Town are required to be a minimum of 500 square feet.

- The principal unit is approximately 1,136 square feet in size and the proposed ADU is 512 square feet. Note that this exceeds the 33 percent requirement of the Code, however, the Code requires ADU’s within Old Town to be a minimum of 500 square feet.

4. Limit on Number

Only one ADU may be located on a lot.

- One ADU is proposed.

5. Parking Requirements

Parking not required for properties that have on street parking on an adjacent street.

- Parking is provided on site.

6. Design Standards

ADU designed to maintain the style of principal unit.

- ADU proposed will utilize building materials consistent with the existing house.

ANALYSIS:

The Special Review Use Application to allow an ADU at 190 Briggs Street was reviewed for conformance with Erie Municipal Code, Title 10, Section 7.13.C.9 Approval Criteria. Staff makes the following findings.

- a. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Code and applicable State and Federal regulations;

- Staff:** *The proposed ADU is compatible with the surrounding land uses and is not anticipated to have an impact on surrounding properties.*
- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
Staff: *The applicant has demonstrated that the use specific standards of Section 3.3.G.1 of the Code and are met.*
- c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;
Staff: *The applicant has demonstrated that the use specific standards of Section 3.3.G.1 of the Code are met.*
- d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
Staff: *The proposed ADU is compatible with the surrounding land uses and is not anticipated to have an impact on surrounding properties.*
- e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
Staff: *The proposed ADU does not create adverse impacts on the surrounding properties.*
- f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
Staff: *The proposed ADU will utilize existing utility connections and not have an impact on municipal services.*
- g. Adequate assurances of continuing maintenance have been provided; and
Staff: *The property owner will be required to maintain the property in compliance with the Code.*
- h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.
Staff: *The proposed ADU does not create adverse impacts on the natural environment.*

PUBLIC NOTICE:

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Weekly:	August 3, 2016
Property Posted as required:	August 5, 2016
Letters to Adjacent Property Owners:	August 5, 2016