

**TOWN OF ERIE**  
**BOARD OF TRUSTEE AGENDA ITEM**  
**Board Meeting Date: July 26, 2016**

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**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 340 Kattell Street; And, Setting Forth Details In Relation Thereto.

**PURPOSE:** Consideration of a Special Review Use for an Accessory Dwelling Unit in the OTR-Old Town Residential zone district.

**CODE:** Erie Municipal Code, Title 10

**DEPARTMENT:** Community Development

**PRESENTER:** R. Martin Ostholtzoff, Director

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**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

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**STAFF RECOMMENDATION:** Staff supports the Special Review Use application for the Accessory Dwelling Unit at 340 Kattell Street and recommends the Board of Trustees approve the application.

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**PLANNING COMMISSION:** At the July 6, 2016 public hearing, the Planning Commission approved Resolution P16-09, by unanimous vote, recommending approval of the Special Review Use application allowing an Accessory Dwelling Unit.

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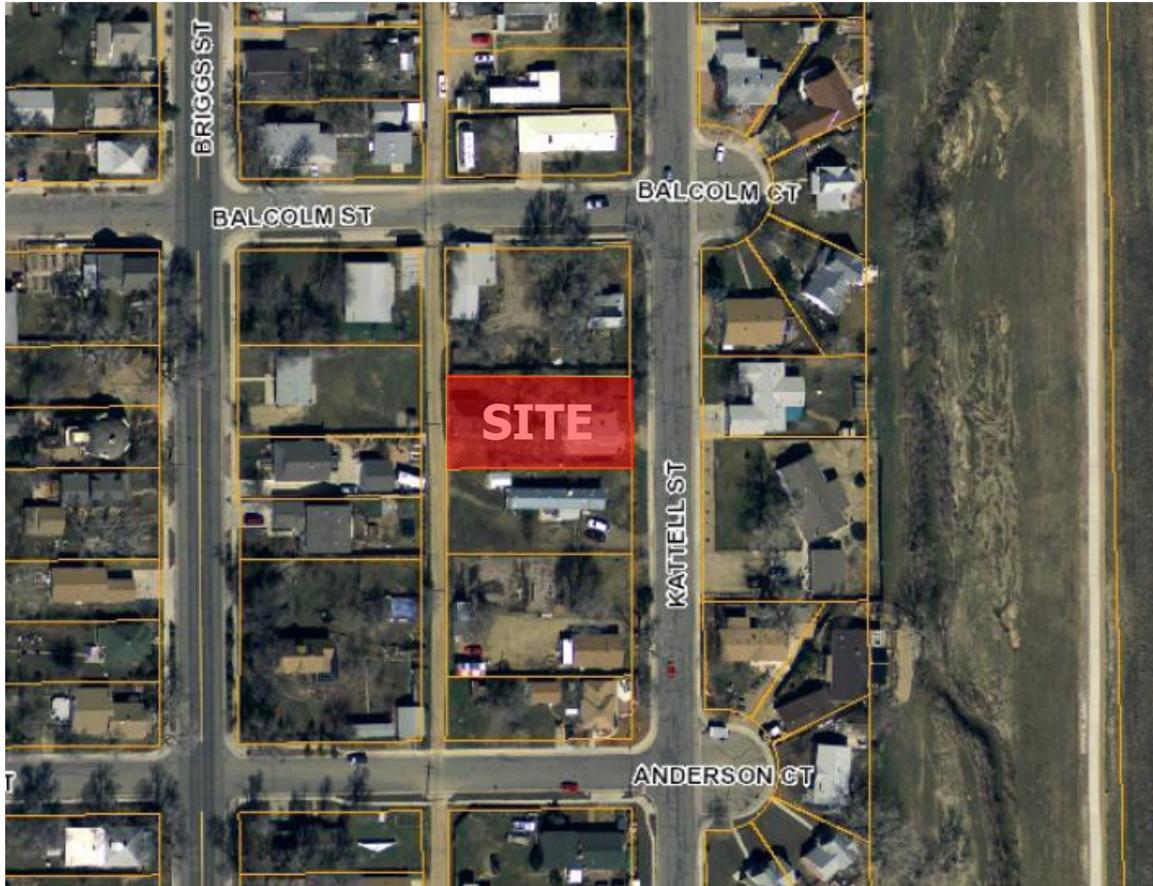
**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

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**GENERAL INFORMATION:**

**Applicant:** Barbara Hooks  
10486 West 82<sup>nd</sup> Avenue  
Arvada, CO 80005

**Location:** The site is located at 340 Kattell Street, and is described as Lots 10, 11 and 12, Block 3, Town of Erie Subdivision, Town of Erie, County of Weld, State of Colorado.



**Existing Conditions:**

Comprehensive Plan Designation:	MDR-Medium Density Residential
Existing Zoning:	OTR-Old Town Residential
Existing Land Use:	Single-family residential
Site Size:	11,250 square feet
Principal DU Size:	Approximately 1,200 square-feet

**Adjacent Land-Use/Zoning:**

	ZONING	LAND USE
<b>NORTH</b>	OTR – Old Town Residential	Single-family residential
<b>SOUTH</b>	OTR – Old Town Residential	Single-family residential
<b>EAST</b>	OTR – Old Town Residential	Single-family residential
<b>WEST</b>	OTR – Old Town Residential	Single-family residential

## **BACKGROUND INFORMATION:**

The applicant is requesting an ADU on a 11,250 square foot lot that has an existing residence located on the property. The ADU is proposed to be 504-square-feet in size by converting a portion of an existing detached garage.

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 OTR-Old Town Residential with a lot size of 11,250 square feet.

### **2. Where Permitted on Lot**

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

- ADU is proposed to be located within an existing detached garage that complies 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.

- Principal unit is approximately 1,200 square feet in size and the proposed ADU is 504 square feet. Note that this exceeds the 33 percent requirement of the Code, however, the Code requires ADU’s within OTR zone district 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 is proposed within an existing structure.

## **ANALYSIS:**

The Special Review Use Application to allow an ADU at 340 Kattell 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:	July 6, 2016
Property Posted as required:	July 8, 2016
Letters to Adjacent Property Owners:	June 17, 2016