



Use-by-Permit Report

Case #AU24-0001

Board of Adjustment Date: July 9, 2024

GENERAL INFORMATION

PROJECT NAME	5567 Newport Street
LOCATION	5567 Newport Street
SITE SIZE	0.46 Acres
CURRENT ZONING	I-2 (Medium Intensity Industrial District)
APPLICANT	Steven Welsh
OWNER(S)	Steven Welsh
CASE PLANNER	Dalton Guerra

REQUEST

The request is for a Use-by-Permit to allow a night watchman's quarters within the I-2 (Medium Intensity Industrial) zoning district, required per Land Development Code §21-5200. The purpose of a night watchman's quarters is to provide security for a business by allowing one individual to live in a dwelling on site and monitor the property for potential theft or vandalism.

BACKGROUND AND CASE HISTORY

The subject property has an existing industrial building and night watchman's quarters on site. In May 1995 the property was rezoned from R-2 to I-2 and a Use-by-Permit was approved to allow the existing residential home to remain on site with the industrial use. In January 1997 two variances were granted to allow a reduction in the setbacks. As a condition of approval for the variance request the residential use was to be discontinued by December 1997. However, if the applicant wanted to use the residential building for a night watchman's quarters they would need to submit for a Use-by-Permit. In February 1998 a Use-by-Permit was approved to allow a night watchman's quarters on site. In July 2010 a Use-by-Permit was approved to allow the continued use of a night watchman's quarters on site. The ownership of the site has changed and therefore a new Use-by-Permit must be approved to allow the continued use of a night watchman's quarters.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is designated on the Future Land Use Plan as Industrial/Distribution. The proposed use of night watchman's quarters is consistent with the Comprehensive Plan.

PROJECT ANALYSIS

Site Overview

The requested Use-by-Permit is for a night watchman's quarters to continue existing in conjunction with an existing industrial use at 5567 Newport Street. The industrial use and night watchman's quarters have been in operation together since 1998. There are no changes proposed to the existing site, buildings, or uses. The surrounding properties are zoned I-2 and R-2 with a mixture of residential and industrial uses in the neighborhood.

Road Network Impacts

Access to the subject property is off of Newport Street. There are no changes being proposed to the site or access point.

Overall Analysis

The proposed Use-by-Permit has been reviewed by the Development Review Team, including both Commence City Planning and Engineering. The case was also referred to other review agencies including Building Safety, Economic Development, GIS, South Adams County Water and Sanitation District, and South Adams County Fire Department. There are no outstanding comments or concerns from referral agencies related to this request.

USE-BY-PERMIT APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3221(3) of the Land Development Code. An application may be approved if:

(a) All of the following criteria are met:

Criteria (i): The use at the proposed location will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program, or ordinance adopted by the city. Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts, including noise, dust, odor, lighting, traffic, safety, and impact on property values of the surrounding area;

The night watchman's quarters has existed on this site since 1998. Continuation of the use is not expected to create a substantial adverse effect on the surrounding area. The night watchman's quarters appears and functions as a residential home but only houses one individual. It will not look or operate any different from the surrounding R-2 and I-2 properties in the neighborhood.

Criteria (ii): The characteristics of the site are suitable for the use considering size, shape, location, topography, existence of improvements and natural features; and

The characteristics of the site are suitable for the proposed night watchman's quarters. The site has been developed in this manner since 1998 and has not changed. There are no changes proposed to the site as part of this request.

Criteria (iii): The use at the proposed location will be adequately served by and will not impose an undue burden on any of the improvements, facilities, and services of the city, special districts, or its residents. Where any such improvements, facilities, utilities or services are not available or adequate to service the use in the proposed location, the applicant shall, as a part of the application and as a condition of approval of the use-by-permit, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use; and

The site has been developed with the existing structures and uses for over 20 years. The proposed continuation of the existing use and structures is not expected to impose an undue burden on any improvements, facilities, utilities, or services.

(b) One of the following criteria is met:

Criteria (i): The use is in harmony with the general purposes, goals, objectives, and standards of the comprehensive plan or any other plan or program adopted by the city; or

The proposed use is in harmony with the general purposes, goals, objectives, and standards of the City's Comprehensive Plan. The subject site is identified as Industrial/Distribution on the Future Land Use Plan. The night watchman's quarters will allow for the industrial use on site to continue operating with a level of security deemed appropriate by the owner.

Criteria (ii): There is a proven community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use.

Not applicable.

CONSIDERATIONS FOR DISCUSSION

1. The proposed use has existed on this site since 1998.
2. The site has existed as it is today since 1998.
3. The proposed use is consistent with the Comprehensive Plan.
4. The proposed use would help the owner deter potential theft and vandalism on the property.

POTENTIAL OUTCOMES

1. Approval
2. Approval with conditions
3. Denial
4. Continuance

POTENTIAL MOTIONS

Approval

*I move that the Board of Adjustment enter a finding that the requested **Use-by-Permit**, for the property located at 5567 Newport Street contained in case **AU24-0001**, meets the criteria of the Land Development Code and based upon such finding, approve the **Use-by-Permit**.*

Approval with Conditions

*I move that the Board of Adjustment enter a finding that the requested **Use-by-Permit**, for the property located at 5567 Newport Street contained in case **AU24-0001**, meets the criteria of the Land Development Code and based upon such finding, approve the **Use-by-Permit** subject to the following conditions:*

[Insert Conditions]

Denial

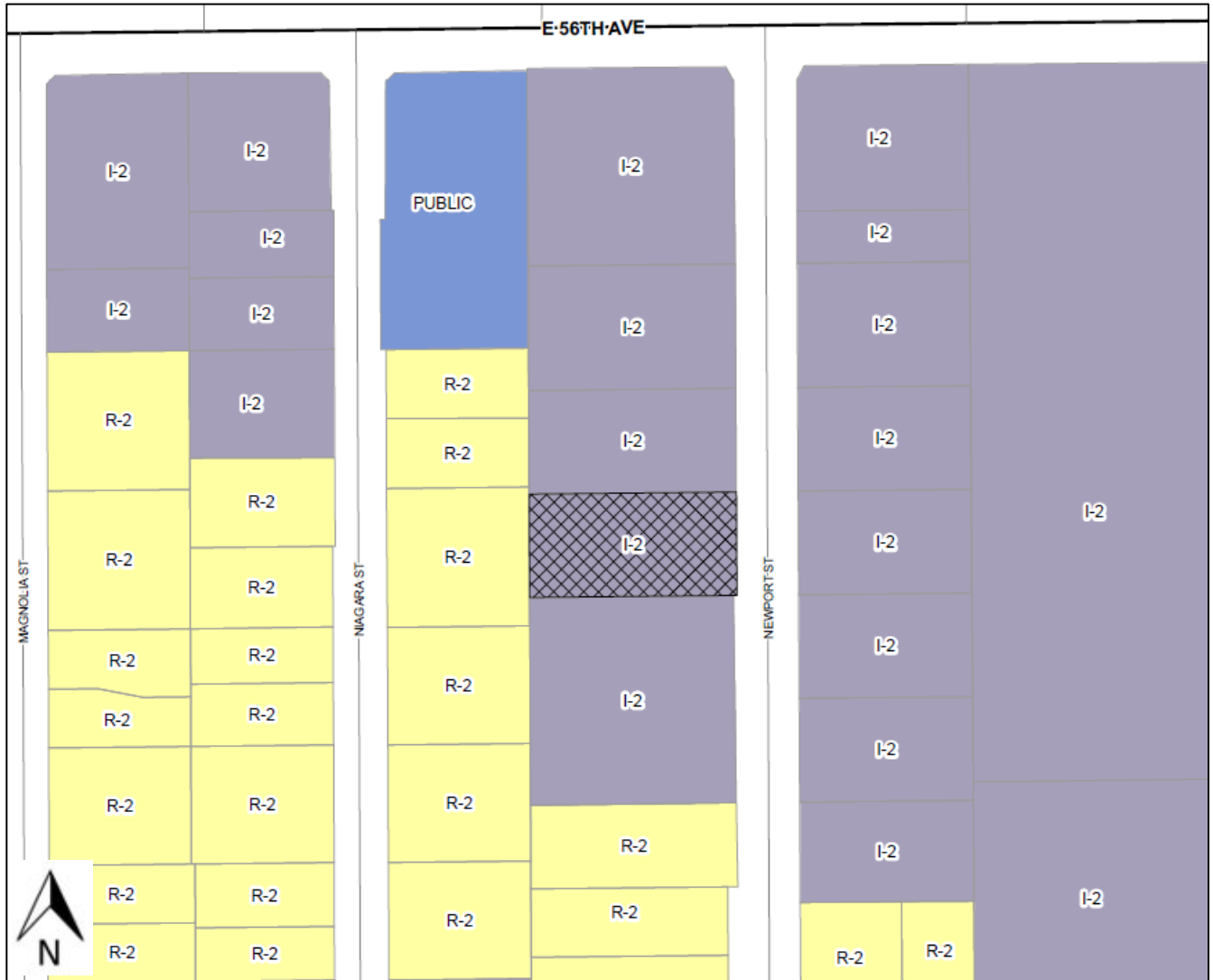
*I move that the Board of Adjustment enter a finding that the requested **Use-by-Permit**, for the property located at 5567 Newport Street contained in case **AU24-0001**, fails to meet the criteria of the Land Development Code and based upon such finding, deny the **Use-by-Permit**.*

[Insert criteria not met]

Continuance

*I move that the Board of Adjustment continue the public hearing of the requested **Use-by-Permit**, for the property located at 5567 Newport Street contained in case **AU24-0001**, to the next regularly scheduled Board of Adjustment hearing on August 8, 2023.*

Zoning Map



Aerial Map



Site Photos

