

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
Tuesday, September 11, 2018**

SUBJECT:

PUBLIC HEARING:

A Resolution Of The Board Of Trustees Of The Town Of Erie, Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For The Fitness 1440 Business, A Commercial Amusement, Indoor Use, At 651 Mitchell Way, Lot 3B-1, Coal Creek Center, 2nd Amendment, Town Of Erie, Colorado; Imposing Conditions Of Approval; And, Approving The Special Review Use With Conditions.

PURPOSE:

Fitness 1440 requests approval of the Special Review Use application for a Commercial Amusement, Indoor business at 651 Mitchell Way, Lot 3B-1, Coal Creek Center, 2nd Amendment.

CODE REVIEW:

Erie Municipal Code, Title 10

DEPARTMENT:

Planning and Development

PRESENTER:

Audem Gonzales, Planner

STAFF RECOMMENDATION:

Staff finds the Special Review Use application for the Fitness 1440 business, a Commercial Amusement, Indoor use at 651 Mitchell Way, Lot 3B-1, Coal Creek Center, 2nd Amendment in compliance with the Special Review Use Approval Criteria and recommends the Town Board of Trustees adopt the resolution with the following conditions of approval:

- a. A Town of Erie business license is issued for the use, contingent upon approval of the Special Review Use for 651 Mitchell Way.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant:

Fitness 1440
Matt Mauch
630 Benton Lane
Erie, CO 80516

Owners:

Phil Irwin
720 Austin Avenue #200
Erie, CO 80516

Site Data:

Legal Description:	Lot 3B-1, Coal Creek Center, 2 nd Amendment
Zoning:	LI – Light Industrial
Lot Size:	1.31 acres
Proposed Use:	Commercial Amusement, Indoor
Proposed Building Area:	11,672 square feet
Proposed Parking:	52 off-street

Location:

The Special Review Use for 651 Mitchell Way, Lot 3B-1, Coal Creek Center, 2nd Amendment is generally located near the southeast intersection of Mitchell Way and Lloyd Lane.

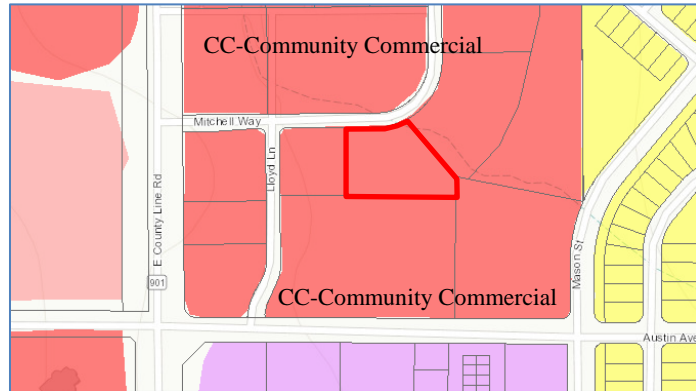


Adjacent Land Use and Zoning:

	ZONING	LAND USE
NORTH	CC – Community Commercial	Vacant Commercial Property
EAST	LI – Light Industrial	Kiddie Academy Childcare Center
SOUTH	LI – Light Industrial	Aspen Ridge Preparatory School
WEST	LI – Light Industrial	Coal Creek Office Park

Compliance with the Town of Erie Comprehensive Plan:

The application is in general compliance with the Land Use designation on the Comprehensive Plan, Land Use Plan Map. The Comprehensive Plan shows the (CC) Community Commercial designation for this property. The property is zoned (LI) Light Industrial which permits several commercial uses by right and by special review.



SITE SPECIFIC DEVELOPMENT INFORMATION:

The applicant is proposing to operate a fitness facility at 651 Mitchell Way that will provide for group training and personal training to private members.

The applicant stated the intent is to provide 1 instructor for 1-2 classes a day with between 10-15 students per class. Also, it was stated that there would be 8-10 personal training sessions per day.

The facility will provide 24-hour badge access to members only. On-site staff will be available 8am-8pm Monday –Thursday and 8am-2pm Friday-Sunday.

The use will be located entirely within the building with no outside storage or loading required. The fitness club would utilize the parking area installed with the building.

Proposed Site Plan:

A Site Plan is currently under review for 651 Mitchell Way. It proposes 11,672 square feet of building area and 23,214 square feet of landscape area. The Site Plan also proposes 52 off-street parking spaces, 1 loading area and 4 bike parking spaces. Per the Municipal Code, a Fitness and Recreational Sports Center requires 1 space per every 4 persons at maximum capacity for a total of 47 parking spaces. The Site Plan provides more parking spaces than are required for the special review use.

SPECIAL REVIEW ANALYSIS:

The Special Review Use Application for the Fitness 1440 business, a Commercial Amusement, Indoor use at 651 Mitchell Way, Lot 3B-1, Coal Creek Center, 2nd Amendment was reviewed for conformance with Municipal Code, Title 10, Section 7.13.C.9 Approval Criteria. Staff finds the application in compliance with the Special Review Use Approval Criteria as listed below:

- 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 use is located within the Light Industrial zoning district which is not consistent with the Community Commercial land use designation in the Comprehensive Plan. The Light Industrial zoning does permit several commercial uses by right and by special review which makes the use consistent with the Community Commercial land use designation in the Comprehensive Plan.

- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;

Staff: A Special Review Use approval is required for Commercial Amusement, Indoor uses within the Light Industrial zone district. The use is consistent with the zoning district.

- c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;

Staff: Not applicable.

- d. The proposed use 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 use is compatible with adjacent uses. The site is surrounded by other light industrial zoned properties and a vacant commercial property. The single-story building in which the use will be located is of similar scale, design and operating characteristics as the adjacent uses. The site contains sufficient parking to accommodate the use.

- e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;

Staff: No adverse impacts are anticipated.

- 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: Facilities and services are available to serve the subject property.

- g. Adequate assurances of continuing maintenance have been provided; and

Staff: Not applicable.

- h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

Staff: No adverse impacts are anticipated.

STAFF RECOMMENDATION:

Staff finds the Special Review Use application for the Fitness 1440 business, a Commercial Amusement, Indoor use at 651 Mitchell Way, Lot 3B-1, Coal Creek Center, 2nd Amendment in compliance with the Special Review Use Approval Criteria and recommends the Town Board of Trustees adopt the resolution with the following conditions of approval:

- a. A Town of Erie business license is issued for the use, contingent upon approval of the Special Review Use for 651 Mitchell Way.

NEIGHBORHOOD MEETING:

As required by the Municipal Code a Neighborhood Meeting was held on August 22, 2018 at 4:00 p.m. at the Erie Community Center, 450 Powers Street, Erie CO. The required notice for the Neighborhood Meeting was provided.

PUBLIC NOTICE:

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly:	August 22, 2018
Property Posted as required:	August 24, 2018
Letters to Adjacent Property Owners:	August 24, 2018

PUBLIC COMMENTS:

Staff has not received public comment for this application.