

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
Tuesday, September 25, 2018**

SUBJECT: **PUBLIC HEARING:** A Resolution Of The Board Of Trustees Of The Town Of Erie Approving With Conditions The Minor Subdivision Plat For Canyon Creek Subdivision Filing No. 10.

PURPOSE: Consideration of a Minor Subdivision for 2 commercial lots and 2 future development tracts to be known as Canyon Creek Subdivision Filing No. 10.

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Audem Gonzales, Planner

STAFF RECOMMENDATION:

Staff finds the Canyon Creek Subdivision Filing No. 10 Minor Subdivision Plat in compliance with the Minor Subdivision Approval Criteria and recommends the Town Board of Trustees adopt the resolution with the following conditions of approval:

- a. All mineshafts shall be capped and monumented in accordance with Town and State requirements, and accepted by the State before recording the Final Plat. The surveyed monument locations and setbacks shall be shown on the Final Plat.
- b. Easements and the associated reception numbers shall be shown on the Final Plat for all oil and gas well pipelines per Municipal Code, Section 10.6.14.B.3.
- c. The Town and Owner shall enter into a Development Agreement, prior to recordation of the Canyon Creek Subdivision Filing No. 10 Final Plat.
- d. Staff may direct the consultants to make technical corrections to the documents.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission held a public hearing for the Minor Subdivision application on September 5, 2018. At that time, the Planning Commission approved Resolution No. P18-15, recommending approval of the application with the following conditions:

- a. All mineshafts shall be capped and monumented in accordance with Town and State requirements, and accepted by the State before recording the Final Plat. The surveyed monument locations and setbacks shall be shown on the Final Plat.
 - b. Easements and the associated reception numbers shall be shown on the Final Plat for all oil and gas well pipelines per Municipal Code, Section 10.6.14.B.3.
 - c. The Town and Owner shall enter into a Development Agreement, prior to recordation of the Canyon Creek Subdivision Filing No. 10 Final Plat.
 - d. Staff may direct the consultants to make technical corrections to the documents.
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SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant: Erie Four Corners, LLC
Justin McClure
1002 Griffith Street
Louisville, CO 80027

Owners: Erie Four Corners, LLC
Justin McClure
1002 Griffith Street
Louisville, CO 80027

Existing Conditions:

Zoning: PD – Canyon Creek PD Amendment No. 9
Project Size: 46.61 Acres
Existing Use: Vacant property

Location:

The property is generally located near the southwest corner of Erie Parkway and County Line Road.

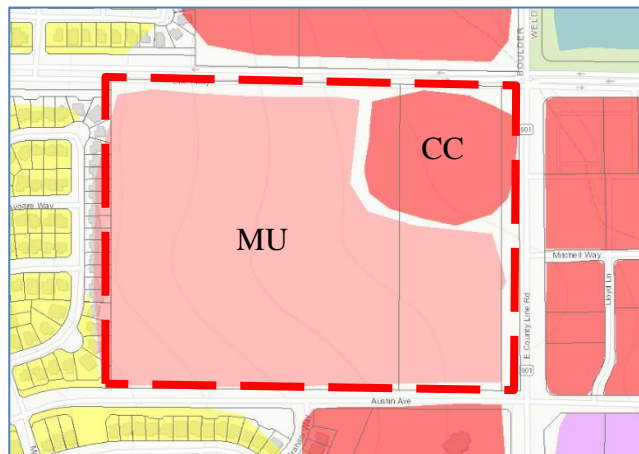


Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	Community Mixed-Use & Business	Vacant Property
EAST	Community Commercial	Commercial/Retail and Vacant Property
SOUTH	Canyon Creek PD – Planned Development	Single-Family Residential & Religious Assembly
WEST	Canyon Creek PD – Planned Development	Single-Family Residential

Compliance with Town of Erie Comprehensive Plan:

The application is in general compliance with the Land Use Plan Map designations on the Comprehensive Plan. The Comprehensive Plan shows the Community Commercial (CC) and Mixed-Use (MU) land use designations for this property. The layout and size of lots, access, circulation, and utilities are consistent with commercial developments in these land use designations.



SITE SPECIFIC DEVELOPMENT INFORMATION:

Development Data:

- Minor Subdivision Plat Size: 46.61 acres
- Commercial Lots 2 lots
- Future Development Tracts 2 tracts

Roadways:

The property is adjacent to Erie Parkway, County Line Road and Austin Avenue. The Final Plat will dedicate 70 feet of right-of-way for Erie Parkway and 40 feet ± of right-of-way for County Line Road. Austin Avenue requires no additional right-of-way. The plat includes a new public street (Pinnacle Boulevard) accessing from Austin Avenue which will serve as the main point of access for Lots 1 and 2, Block 1 of this plat. A private drive will be installed across the northern portions of Lots 1 and 2 and will access from both Pinnacle Boulevard and County Line Road. Public access is granted across the private drive via notes on the plat.

Phase 1 Austin Avenue street improvements are shown on the Minor Subdivision construction plan set and include incorporating a street median, 5 foot sidewalks, and building one street stub to the north for Lot 1, Block 1. Phase 1 improvements are associated with Lot 1 and 2,

Block 1 frontage only. Tract B improvements will occur with future development via a separate phase. County Line Road street improvements include an 8 foot sidewalk from Austin Avenue to Erie Parkway.

Utilities:

The property will be served by the Town of Erie water and sanitary sewer service. Utility service providers for the property are Xcel Energy for electric and natural gas, Century Link Communications for telephone services and Comcast for cable television. Utility easements for these providers are established on the final plat.

Easements:

Several gas lines and easements are located along County Line Road on the eastern portion of this property. These lines and easements limit development and landscaping at this location. All lines are located within the appropriate easements which are all shown on the final plat.

Natural Areas Inventory:

There are no known natural areas shown on the Town of Erie Natural Areas Inventory list for this property.

Threatened and Endangered Species and Significant Habitats:

There are no known threatened and endangered species and significant habitats on this property.

Landscaping:

Right-of-way landscaping is required for Pinnacle Boulevard and portions of Austin Avenue and County Line Road, specifically for frontage along Lots 1 and 2, Block 1. Right-of-way landscaping along Erie Parkway, County Line Road and Austin Avenue for frontage along Tracts A and B will be installed when those tracts develop.

Parks, Trails and Open Space:

Commercial development does not require dedications for parks, trails or open space.

Police:

The Erie Police Department will provide service to the property.

Fire Protection:

The Mountain View Fire Protection District will provide fire and emergency medical services.

Soils and Geology:

A Geologic and Preliminary Geotechnical Investigation report were provided by the applicant, addressing, undocumented fill, expansive soils and bedrock, and shallow groundwater. These concerns are proposed to be addressed through grading, foundations, floor systems, surface and subsurface drainage, pavements, etc. Additional geotechnical investigation is required with future development of the property.

Mining:

The Marfel and Pinnacle mines and shafts are located on this property. The Mine Subsidence Investigation report provided by CTL Thompson states that mine subsidence risk is very low and will not preclude development on the site. CTL recommends the shafts be mitigated; after which, passive uses should be planned within 42 feet of the Marfel and 40 feet of the Pinnacle

shaft centers. The applicant has provided the appropriate buffer areas on the final plat document per the recommendation. The Municipal Code requires that mine mitigation be completed before recording the final plat document with capping and documentation data to be shown on the final document.

Compliance with Canyon Creek PD:

The purpose of this application is to create a Minor Subdivision plat. The proposed commercial lot layouts meet the requirements in the PD for commercial subdivisions.

STAFF REVIEW AND ANALYSIS:

Staff finds the application is consistent with the Minor Subdivision plat – non-residential approval criteria in Municipal Code, Section 10.7.7.F.10, as outlined below:

- a. **The Minor Subdivision is generally consistent with the Town's Comprehensive Master Plan;**

Staff: The application is in Compliance with the Land Use designations on the Comprehensive Plan, Land Use Plan Map. The layout and size of lots, access, circulation, and utilities are consistent with commercial developments as identified in the CC – Community Commercial and MU – Mixed Use land use designations on the Comprehensive Plan.

- b. **The Minor Subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located;**

Staff: The proposed commercial lots are located within the Community Commercial plan area of the Canyon Creek Planned Development 9th Amendment. The future development tracts are located within the Community Commercial, High-Density Residential and Medium-Density plan areas. The commercial lot layouts meets the requirements for commercial subdivisions.

- c. **As applicable, the Minor Subdivision is generally consistent with the terms and conditions of any previously approved development Plan;**

Staff: As property which has never been subdivided, there is not a previously approved development plan relevant for consideration.

- d. **The Minor Subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of this UDC that have not otherwise been modified or waived pursuant to this Chapter. Applicants shall refer to the Development Standards in Chapter 5 of this UDC and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible;**

Staff: The design of the minor subdivision plat takes into account applicable use, Development and Design Standards of Chapters 3, 5, and 6 of Municipal Code Title 10.

- e. **The Minor Subdivision complies with all applicable regulations, standards, requirements, or plans of the Federal or State governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations;**

Staff: The minor subdivision plat complies with applicable regulations, standards and requirements of Federal, State and local governments and agencies.

- f. **The Minor Subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;**

Staff: Significant impacts are not anticipated for the natural environment that cannot be substantially mitigated.

- g. **The Minor Subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features;**

Staff: The minor subdivision plat provides vehicular and pedestrian connections to adjacent roadways and properties and future filings within the proposed development.

- h. **The Minor Subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated;**

Staff: The minor subdivision plat will not have significant adverse impacts on adjacent properties.

- i. **Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;**

Staff: Adequate services and facilities currently exist.

- j. **As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.**

Staff: Adequate infrastructure capacity is available for the phasing of development for Canyon Creek Subdivision Filing No. 10.

NEIGHBORHOOD MEETING:

As required by the Municipal Code a Neighborhood Meeting was held on October 17, 2017 at 5:00 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:	September 5, 2018
Property Posted as required:	September 7, 2018
Letters to Adjacent Property Owners:	September 7, 2018

PUBLIC COMMENTS:

Staff has not recieved public comment for this application.