

**TOWN OF ERIE  
PLANNING COMMISSION MEETING  
Wednesday, September 5, 2018**

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**SUBJECT:**

**PUBLIC HEARING:**

**Resolution P18-15:** A Resolution Regarding The Canyon Creek Subdivision Filing No. 10 Minor Subdivision Plat, Adopting Certain Findings Of Fact And Conclusions Favorable To The Minor Subdivision Plat.

**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

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**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 Planning Commission adopt draft Resolution No. P18-15 recommending approval to the Board of Trustees 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.

**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.

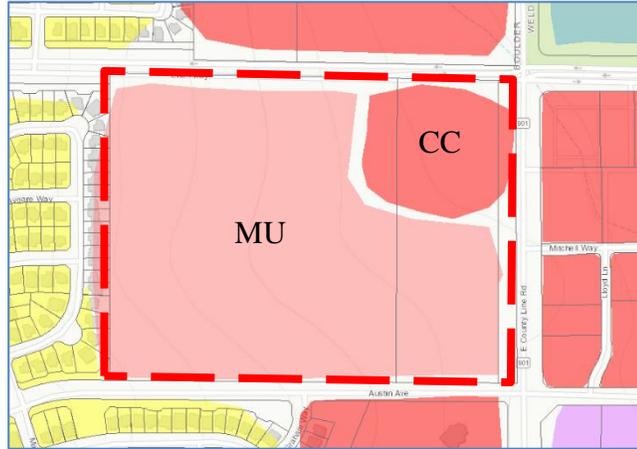


Adjacent Land-Use/Zoning:

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

There are no street improvements associated with 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. One 12" gas transmission line belonging to Anadarko is located on the property without the benefit of an easement. Per Municipal Code, Section 10.6.14.B.3, "The Final Plat shall show easements for gas and oil well pipelines that are a minimum of 30 feet wide." Staff is recommending a condition to add a gas line easement and reception number on the Final Plat before recording of the document.

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 the north portion of Austin Avenue between County Line Road and Pinnacle Boulevard. The east side of Pinnacle Boulevard is also required to contain right-of-way landscaping. County Line Road contains numerous gas easements that limit right-of-way landscaping to be installed at this location. Future right-of-way landscaping along Erie Parkway will be installed with future development of Tract A. Future right-of-way landscaping along Austin Avenue will be installed with future development of Tract B.

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. No development or amendments to the existing Canyon Creek PD 9<sup>th</sup> Amendment are proposed. Future development within the subdivision will be reviewed for compliance with the Canyon Creek PD 9<sup>th</sup> Amendment. The proposed commercial lot layouts meet the requirements 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 9<sup>th</sup> 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.

**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 Planning Commission adopt draft Resolution No. P18-15 recommending approval to the Board of Trustees 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.
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**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:	August 15, 2018
Property Posted as required:	August 17, 2018
Letters to Adjacent Property Owners:	August 17, 2018

**PUBLIC COMMENTS:**

Staff has received no public comment for this application.