

**RESOLUTION NO. P1607**

**A RESOLUTION REGARDING THE PRELIMINARY PLAT FOR ERIE HIGHLANDS PRELIMINARY PLAT NO. 2, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE PRELIMINARY PLAT.**

**WHEREAS**, the Planning Commission of the Town of Erie, Colorado, considered the Preliminary Plat of Erie Highlands Preliminary Plat No. 2 on Wednesday, April 20, 2016 on the application of Oakwood Homes, LLC, 4908 Tower Road, Denver, CO; J Dearmin, LLC, 10343 Federal Boulevard, Unit 515, Westminster, CO; J Gaz, LLC, 4955 West 65<sup>th</sup> Avenue, Arvada, CO; The Jack Shell and Sonya Shell Family Trusts, 10015 Meade Court, Westminster, CO; and, WY&K Holdings, LLC, 28221 Hidden Village Drive, Evergreen, CO, such Preliminary Plat being a plat of the following real property; to wit:

See Exhibit "A," attached hereto and incorporated herein, and

**WHEREAS**, the application for Preliminary Plat is detailed on the attached Exhibit "B" Erie Highlands Preliminary Plat No. 2, dated March 29, 2016.

**WHEREAS**, said Erie Highlands Preliminary Plat No. 2 is incorporated herein and made part hereof by this reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:**

**Section 1. Findings of Fact.**

1. The applicant's application and supporting documents are in substantial compliance with Section 7.7.C of Title 10, Town of Erie Municipal Code.
2. The Town of Erie Municipal Code shall be followed in the development of the property.
3. A Detailed Development Agreement (DA) will be required at such time as the property is approved for the final plat.
4. The Preliminary Plat as proposed, subject to the following conditions, will preserve the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.
  - a. The applicant has executed Surface Use Agreement's (SUA) with Encana and Anadarko/Kerr-McGee; the applicant is responsible with meeting the SUA requirements with the Final Plat submittals.
  - b. At final plat and building permit the applicant shall follow recommendations made by CTL Thompson in the soils, geotechnical, and geological subsidence reports and the Colorado Geological Survey (CGS) recommendations.
  - c. The applicant shall follow the actions recommended in the Erie Highlands Property - Ecological Site Assessment – Vegetation, Wildlife, Wetlands, Special Status Species report.

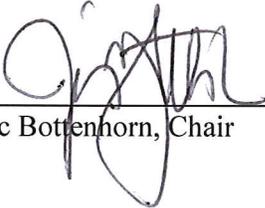
- d. The approval of the Erie Highlands Preliminary Plat No. 2 shall not come into effect until the Erie Highlands Zoning Map Amendment No. 1 and Erie Highlands PUD Zoning Map Amendment No. 1 is approved and recorded for the property.
- e. Technical corrections to Erie Highlands Preliminary Plat No. 2 shall be made to the Town's satisfaction.

**Section 2.** Conclusions and Order Recommending Approval of the Preliminary Plat of Erie Highlands Preliminary Plat No. 2 to the Board of Trustees.

- 1. Based on the above Findings of Fact, the Planning Commission hereby forwards the Erie Highlands Preliminary Plat No. 2 application to the Board of Trustees with the Planning Commission's recommendation for approval with the conditions of approval listed above.

**INTRODUCED, READ, SIGNED AND APPROVED this 20<sup>th</sup> day of April 2016.**

TOWN OF ERIE, PLANNING COMMISSION

  
\_\_\_\_\_  
Eric Bottenhorn, Chair

ATTEST:

  
\_\_\_\_\_  
Hallie S. Sawyer, Secretary

Exhibit A

**OVERALL BOUNDARY DESCRIPTION**

TRACTS J AND L, ERIE HIGHLANDS FILING NO. 1 AS RECORDED UNDER RECEPTION NO. 4044915 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO.

CONTAINING AN AREA OF 212.311 ACRES, (9,248,275 SQUARE FEET), MORE OR LESS.

**Exhibit B**  
**Erie Highlands Preliminary Plat No. 2**





**Town of Erie**  
**Planning Commission Regular Meeting**  
**Wednesday, April 20, 2016**  
**6:30 p.m.**  
**Board Room, Erie Town Hall, 645 Holbrook, Erie, Co 80516**

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**I. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**

Chairman Bottenhorn called the Regular Meeting of the Erie Planning Commission to order at 6:30 p.m.

**II. ROLL CALL**

Commissioner Bottenhorn - Present  
Commissioner Burgard – Excused  
Commissioner Campbell – Present  
Commissioner Fraser - Present  
Commissioner Gippe - Excused  
Commissioner Harrison - Present  
Commissioner Kemp - Present

Staff Present: R. Martin Ostholthoff, Community Development Director;  
Deborah Bachelder, Senior Planner;  
Todd Bjerkaas, Senior Planner; and  
Hallie Sawyer, Secretary to the Commission

**III. APPROVAL OF THE AGENDA**

Commissioner Campbell moved to approve the April 20, 2016, Regular Meeting Agenda as submitted. The motion, seconded by Commissioner Kemp, carried with all voting in favor thereof.

**IV. APPROVAL OF MINUTES**

**a. Minutes from the April 6, 2016, Regular Meeting.**

Commissioner Campbell moved to approve the April 6, 2016, Minutes as submitted. The motion, seconded by Commissioner Kemp, carried with all voting in favor thereof.

**V. PUBLIC COMMENTS** (This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but if warranted, will place them on a future agenda.)

**None.**

**VI. RESOLUTIONS** (This agenda item is for all matters that should be decided by resolutions.)

**1. Public Hearing - Erie Highlands Rezoning**

Purpose: Rezoning

Request: Consideration of Resolution Reso. P16-05, A Resolution Regarding The Erie Highlands Zoning Map Amendment No. 1, Rezoning, Adopting Certain Findings Of Fact and Conclusions Favorable To The Rezoning.

(Staff Planner: Deborah Bachelder)

Chairman Bottenhorn opened the Public Hearings at 6:32 p.m. Mrs. Bachelder presented the applications for the Erie Highlands Rezoning, PUD Amendment No. 1 and Preliminary Plat No. 2 together, entered all documents into the record, and presented the staff recommendations of approval. Layla Rosales, Terracina Design, 10200 E. Girard Ave., Suite A-314, Denver, presented the applicants background and clarified their requests.

There was no public comment.

Commissioner questions and comments covered: concept for the elementary school traffic into and out of the subdivision; will trail be paved or gravel; additional parking for school and park; traffic lights for school traffic on Erie Parkway and WCR 5; trail system for parks; parking for park; trails thru the oil and gas sites; update on status of Kerr-McGee negotiations; is open space cash in lieu consistent with Town practice; and will either school in Colliers Hill or Erie Highlands or both be built.

Chairman Bottenhorn closed the public hearings at 6:59 p.m.

There were no Commissioner comments.

Commissioner Campbell moved approval of Resolution P16-05, A Resolution Regarding The Erie Highlands Zoning Map Amendment No. 1, Rezoning, Adopting Certain Findings Of Fact And Conclusions Favorable To The Rezoning. The motion, seconded by Commissioner Harrison, carried with all voting in favor thereof.

## **2. Public Hearing - Erie Highlands PUD Amendment No. 1**

Purpose: PUD Amendment

Request: Consideration of Reso. P16-06, A Resolution Regarding The Erie Highlands PUD Zoning Map Amendment No. 1, Adopting Certain Findings Of Fact And Conclusions Favorable To The PUD Overlay Rezoning.

(Staff Planner: Deborah Bachelder)

Commissioner Campbell moved approval of Resolution P16-06, A Resolution Regarding The Erie Highlands PUD Zoning Map Amendment No. 1, Adopting Certain Findings Of Fact And Conclusions Favorable To The PUD Overlay Rezoning. The motion, seconded by Commissioner Kemp, carried with all voting in favor thereof.

## **3. Public Hearing – Erie Highlands Preliminary Plat No. 2**

Purpose: Consideration Of Preliminary Plat No. 2

Request: Consideration of Resolution P16-07, A Resolution Regarding The Preliminary Plat For Erie Highlands Preliminary Plat No. 2, Adopting Certain Findings Of Fact And Conclusions Favorable To The Preliminary Plat.

(Staff Planner: Deborah Bachelder)

Commissioner Campbell moved approval of Resolution P16-07, A Resolution Regarding The Preliminary Plat For Erie Highlands Preliminary Plat No. 2, Adopting Certain Findings Of Fact And Conclusions Favorable To The Preliminary Plat. The motion, seconded by Commissioner Fraser, carried with all voting in favor thereof.

## **4. Public Hearing – Colliers Hill Preliminary Plat No. 2**

Purpose: Consideration of Preliminary Plat No, 2

Request: Consideration of Resolution P16-08, A Resolution Regarding The Colliers Hill Preliminary Plat No. 2, Adopting Certain Findings Of Fact And Conclusions Favorable To The Preliminary Plat.

(Staff Planner: Todd Bjerkaas)

Chairman Bottenhorn opened the Public Hearing at 7:00 p.m. Mr. Bjerkaas presented the application for the Colliers Hill Preliminary Plat No. 2, entered all documents into the record, and presented the staff recommendation of approval.

Jerry Richmond, Raintree Agent for Daybreak Recovery Group and Eva Mahler, Norris Design, gave the applicants presentation and were available for questions.

Public Comment was taken from Anders Tempe, 5555 Summit Way, noted that he does not support the development of the Colliers Hill property, and does not like the construction. He runs Cross Country in the open empty field and likes the native grasses and dirt trail. He feels the parks are too small, bluegrass is not native or water efficient. He used to watch the eagles nest and feels that it was unfair those trees were removed without giving notice to area residents.

Commissioner comments and questions covered: clarification of the encumbrances that need to be removed; how are the County Road intersections being addressed; will there be signalizations at County

Roads 3 & 10 or 5 & 10; where will the future oil and gas wells be relocated; possibility for a park in the drainage to the north; where will parking be located on the school site and what will the traffic flow look like; and who enforces surface storm water regulations.

Chairman Bottenhorn closed the public hearing at 7:51 p.m.

Commissioner comments included thanks and encouragement to Mr. Tempe for coming and speaking out.

Commissioner Campbell moved approval of Resolution P16-08, A Resolution Regarding The Colliers Hill Preliminary Plat No. 2, Adopting Certain Findings Of Fact And Conclusions Favorable To The Preliminary Plat. The motion, seconded by Commissioner Kemp, carried with all voting in favor thereof.

**VII. GENERAL BUSINESS** (This agenda item is reserved for matters that are ready for Commission action, and do not fit into other categories, i.e. resolutions)

None.

**VIII. STAFF REPORTS** (This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

None.

**IX. COMMISSIONER REPORTS AND DISCUSSION ITEMS** (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda)

Chairman Bottenhorn noted that this was probably the last meeting for Commissioners Kemp and Burgard. He extended thanks and appreciation for their service to the Town.

**X. ADJOURNMENT**

There being no further business to come before the Commission, Chairman Bottenhorn adjourned the April 20, 2016, Regular Meeting of the Planning Commission at 7:54 p.m.

Respectfully Submitted,

Town of Erie Planning Commission

By: \_\_\_\_\_  
Hallie S. Sawyer, Secretary

By: \_\_\_\_\_  
J. Eric Bottenhorn, Chair