

RESOLUTION NO. P18-12

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE SPECIAL REVIEW USE FOR THE REVEL DANCE CENTER, LLC BUSINESS, A COMMERCIAL AMUSEMENT, INDOOR USE, AT 460 JONES COURT, LOT 8, AUSTIN INDUSTRIAL PARK, TOWN OF ERIE, COLORADO.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered the Special Review Use application for the Revel Dance Center, LLC business, a Commercial Amusement, Indoor use at 460 Jones Court, Erie, Colorado, on Wednesday, September 5, 2018, on the application of Revel Dance Center, LLC, Christine Rhode, 600 Mathews Circle, Erie, Colorado, 80516 for the following real property; to wit:

Lot 8, Austin Industrial Park, Town of Erie, County of Weld, State of Colorado; and

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 the Town of Erie Municipal Code, Title 10.
2. The Special Review Use has met Town of Erie Municipal Code, Title 10 Section 7.13.C.9 Approval Criteria:
 - a. The proposed use is generally consistent with the Town's Comprehensive Master Plan and all applicable provisions of this UDC and applicable State and Federal regulations;
 - b. The proposed use is generally consistent with the purpose and intent of the zoning district in which it is located;
 - c. The proposed use is generally consistent with any applicable use-specific standards set forth in Section 3.2;
 - d. The proposed use is 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);
 - e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent reasonably practicable;
 - f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and streets and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

- g. Adequate assurances of continuing maintenance have been provided; and
 - h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent reasonably practicable.
- 3. The Special Review Use as proposed, with the following conditions, preserves the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado:
 - a. A Town of Erie business license is issued for the use, contingent upon approval of the Special Review Use for 460 Jones Court.

Section 2. Conclusions and Order Recommending Approval with Conditions to the Board of Trustees of the Special Review Use for the Revel Dance Center, LLC business, a Commercial Amusement, Indoor use at 460 Jones Court, Lot 8, Austin Industrial Park, Erie, Colorado.

- 1. The applicant's application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.
- 2. The Special Review Use has met Title 10, Section 7.13.C.9 Approval Criteria.
- 3. The Special Review Use as proposed, with the condition listed above, preserves the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.

INTRODUCED, READ, SIGNED AND APPROVED this 5th day of September 2018.

TOWN OF ERIE, PLANNING COMMISSION

J. Eric Bottenhorn, Chair

ATTEST:

Melinda Helmer, Secretary

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, September 5, 2018

6:30 PM

Council Chambers

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chairman Bottenhorn called the September 5, 2018 Planning Commission Meeting to order at 6:30pm.

II. ROLL CALL**Roll Call:**

Commissioner Witt - present
Commissioner Fraser - present
Commissioner Ames - present
Commissioner Harrison - present
Commissioner Hedahl - present
Commissioner Zuniga - present
Chairman Bottenhorn - present

III. APPROVAL OF THE AGENDA

Commissioner Harrison moved to approve the Agenda of the September 5, 2018 Planning Commission Meeting. The motion, seconded by Commissioner Witt, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

[18-314](#) Approval of the August 15, 2018 Planning Commission Meeting Minutes

Attachments: [8-15-2018 PC Meeting Minutes](#)

Commissioner Zuniga moved to approve the Meeting Minutes of the August 15, 2018 Planning Commission Meeting. The motion, seconded by Commissioner Harrison, carried with all voting in favor thereof.

V. PUBLIC COMMENTS

Public Comment was not taken.

VI. RESOLUTIONS

[18-307](#) PUBLIC HEARING: A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For The Revel Dance Center, LLC Business, A Commercial Amusement, Indoor Use, At 460 Jones Court, Lot 8, Austin Industrial Park, Town Of Erie, County Of Weld, State Of Colorado.

Attachments: [P18-307 Staff Memo](#)
[P18-307 Resolution P18-12](#)
[P18-307 Applicant Materials](#)

Chairman Bottenhorn opened the Public Hearing for Agenda Item 18-307; Resolution P18-12: A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For The Revel Dance Center, LLC Business, A Commercial Amusement, Indoor Use, At 460 Jones Court, Lot 8, Austin Industrial Park at 6:32pm.

Audem Gonzales, Planner, presented the Resolution to the Commission. Revel Dance Center, LLC requests approval for the Special Review Use application for a Commercial Amusement, Indoor business located in the Light Industrial zone district. More specifically, to operate a dance center for dance education for both children and adults.

The property is surrounded by other Industrial designated properties with Low Density Residential located to the far east.

A Site Plan was approved for 460 Jones Court in 2017. It included 4 industrial/commercial units, 23 parking spaces, an outside storage area and site landscaping. Revel Dance Center, LLC is proposing to move into unit 102 which is a central unit in the building.

The applicant is proposing to operate a dance center in the Light Industrial zone district. The use is classified in the Municipal Code as a Commercial Amusement, Indoor use which requires Special Review Use approval. Revel Dance Center, LLC provides dance education for both children and adults for all levels of interest. The applicant stated the intent is to provide 4-5 classes a day with 1 instructor on-site with between 5-12 students per class. Additional staff may be added in the future.

The proposed operating times of the dance center are primarily late afternoon/early evening.

Staff is recommending Approval of the Special Review Use With The Condition that the applicant obtain a Town of Erie Business License contingent upon the approval of the Special Review Use for 460 Jones Court.

There was no Public Comment taken.

Chairman Bottenhorn allowed for the Commission to ask questions/comments of staff and the applicant.

Commissioner Hedahl asked if there was enough lighting, crosswalks, safety in the parking lot for the students of the dance center.

Christine Rhode, applicant/owner of Revel Dance Center addressed Commissioner Hedahl's concern and question stating that there is enough lighting on the site, provided information on the parking lot configuration and noted that students are not permitted to leave the studio without their parent for their safety.

Chairman Bottenhorn closed the Public Hearing at 6:38pm.

Chairman Bottenhorn asked if there was a motion regarding Agenda Item# 18-307/Resolution P18-12 for this Special Review Use.

Commissioner Zuniga moved to approve Agenda Item#18-307/Resolution P18-12. The motion, seconded by Commissioner Harrison, carried with all voting in favor thereof.

[18-308](#)

PUBLIC HEARING: Resolution P18-13: A Resolution Making Certain

Findings Of Fact And Conclusions Favorable To The Special Review Use For The Erie Training Systems, LLC Business, A Commercial Amusement, Indoor Use, At 460 Jones Court, Lot 8, Austin Industrial Park, Town Of Erie, County Of Weld, State Of Colorado.

Attachments: [P18-308 Staff Memo](#)
[P18-308 Resolution P18-13](#)
[P18-308 Applicant Materials](#)

Chairman Bottenhorn opened the Public Hearing for Agenda Item# 18-308/Resolution P18-13: A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For The Erie Training Systems, LLC Business, A Commercial Amusement, Indoor Use, At 460 Jones Court, Lot 8, Austin Industrial Park at 6:39pm.

Audem Gonzales, Planner, presented the Resolution to the Commission. Erie Training Systems, LLC requests approval for the Special Review Use application for a Commercial Amusement, Indoor business located in the Light Industrial zone district. More specifically, to operate a personal training and small group fitness facility.

The project is generally located at the west end of Jones Court and proposed within an existing building. Its surrounded by various industrial and commercial businesses, with single family residential homes located to the far east. The property is zoned LI- Light Industrial and is surrounded by other industrial zoned properties.

The applicant is proposing to operate a personal training and small group fitness facility in the Light Industrial zone district. The use is classified in the Municipal Code as a Commercial Amusement, Indoor use which requires Special Review Use approval. Erie Training Systems, LLC provides personal training and small group Cross-Fit style classes to adults. The applicant stated the intent is to provide 5 classes a day with 1 instructor on-site with 1-12 clients per class/session. Additional staff and services may be added in the future. The majority of the classes will be held in the morning and evening hours.

Staff is recommending approval of the Special Review Use with the condition that a Town of Erie Business License be obtained contingent upon the approval of the Special Review Use for 460 Jones Court.

There was no Public Comment taken.

Chairman Bottenhorn allowed for the Commission to ask questions/comments of staff and the applicant.

The Commissioners had no questions or comments.

Chairman Bottenhorn asked if there was a motion regarding Agenda Item# 18-308/Resolution P18-13 for this Special Review Use.

Commissioner Harrison moved to approve Agenda Item#18-308/Resolution P18-13. The motion, seconded by Commissioner Witt, carried with all voting in favor thereof.

Chairman Bottenhorn closed the Public Hearing at 6:43pm.

[18-309](#)

PUBLIC HEARING: Resolution P18-14: A Resolution 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, County Of Weld, State Of Colorado.

Attachments: [P18-309 Staff Memo](#)

[P18-309 Resolution P18-14](#)

[P18-309 Applicant Materials](#)

Chairman Bottenhorn opened the Public Hearing for Agenda Item# 18-309: A Resolution 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, at 6:43pm.

Audem Gonzales, Planner, presented the Resolution to the Commission. Fitness 1440 requests approval for the Special Review Use application for a Commercial Amusement, Indoor business located in the Light Industrial zone district. More specifically, to operate a fitness facility for group training and personal training to private members.

This project area is generally located near the southeast intersection of Mitchell Way and Lloyd Lane.

The property is zoned LI- Light Industrial and is surrounded by other industrial zoned properties to the west, south and east. Property to north is zoned Community Commercial. An administrative level Site Plan is currently under review for 651 Mitchell Way. It proposes 11,672 square feet of building area and 52 off-street parking spaces.

Staff is recommending approval of the Special Review Use with the condition that a Town of Erie Business License be obtained contingent upon the approval of the Special Review Use for 651 Mitchell Way.

There was no Public Comment taken.

Chairman Bottenhorn allowed for the Commission to ask questions/comments of staff and the applicant.

Commissioner Hedahl asked if there would be adequate lighting given the 24-hour status of the building.

Staff Planner, Audem Gonzales address Commissioner Hedahl's questions confirming that the site does offer adequate and appropriate lighting for this use.

Chairman Bottenhorn asked if there was an Operational relationship between any of the three applications we're seeing here tonight. The applicants responded with a no. Chairman Bottenhorn asked the applicant about timing and the opening of the facility.

Matthew Mauch, owner/applicant of Fitness 1440, stated that he is looking to open the facility March/April 2019 depending on the construction schedule as it is a ground up construction.

Chairman Bottenhorn asked if there was a motion regarding Agenda Item# 18-309/Resolution P18-14 for this Special Review Use.

Commissioner Witt moved to approve Agenda Item#18-309/Resolution P18-14. The motion, seconded by Commissioner Ames, carried with all voting in favor thereof.

Chairman Bottenhorn closed the Public Hearing at 6:48pm.

[18-310](#)

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.

Attachments: [P18-310 Staff Memo](#)
[P18-310 Resolution P18-15](#)
[P18-310 Minor Subdivision Plat](#)
[P18-310 Applicant Materials](#)

Chairman Bottenhorn opened the Public Hearing for Agenda Item# 18-310: A Resolution Regarding The Canyon Creek Subdivision Filing No. 10 Minor Subdivision Plat at 6:49pm.

Audem Gonzales, Planner, presented the Resolution to the Commission. Erie Four Corners, LLC requests approval of the Minor Subdivision application in order to create 2 commercial lots and 2 future development tracts.

The Minor Subdivision is generally located near the southwest corner of Erie Parkway and County Line Road. The property is zoned PD – (Canyon Creek Planned Development) and is surrounded by other PD zoned properties to the west and south. Property to the north is zoned Community Mixed Use and Business. Property to the east is zoned Community Commercial. On the Land Use map of the Comprehensive Plan the property is designated as MU Mixed Use and CC Community Commercial. Low Density Residential is found to the west and south and CC to the north, east and south.

The Minor Subdivision consists of 46.61 acres - 2 Commercial Lots, 2 Future Development Tracts. The commercial lots front onto County Line Road and Austin Avenue.

The property is adjacent to Erie Parkway, County Line Road and Austin Avenue, an additional 70 feet of public right-of-way is being dedicated on the plat for Erie Parkway and 40 feet for County Line Road.

The plat includes a new public street, named Pinnacle Boulevard, accessing from Austin Avenue which will serve as the main point of access for Lots 1 and 2. In addition, a private drive will access from County Line Road and will run east west across Lots 1 and 2.

There is an Administrative Level Site Plan running concurrently with the Minor Subdivision application. It proposes an in-line retail building on Lot 1 of the Minor Subdivision. A driveway connection to Lot 1 from Austin Avenue will be provided with the Minor Subdivision.

Pedestrian connectivity is important when subdivisions are proposed. This slide shows Existing sidewalks in red and proposed sidewalks in Orange. The sidewalks will be constructed in phases, with Phase 1 improvements being installed for Lots 1 and 2. sidewalks along Tracts A and B will be installed with a future phase.

Several gas lines and easements exist on the eastern portion of this site. At the time of preparing the staff memo, one 12" gas transmission line belonging to Anadarko was not located within an easement. Staff worked with the applicant on securing that easement, and since completion of the memo, the easement has been established, recorded, and placed on the Final Plat document that appears before you tonight.

In regards to landscaping, Right-of-way landscaping is required for Pinnacle Boulevard, and portions of Austin Avenue and County Line Road for areas in front of Lot 1 and 2.

ROW landscaping along Erie Parkway and County Line Road will be installed with future development of Tract A. right-of-way landscaping along Austin Avenue will be installed with future development of Tract B.

The Marfell 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 Marfell 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.

Staff is recommending approval of the Resolution with the following conditions:

- 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.
- 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.
- The Town and Owner shall enter into a Development Agreement, prior to recordation of the Canyon Creek Subdivision Filing No. 10 Final Plat.
- Staff may direct the consultants to make technical corrections to the documents.

Chairman Bottenhorn swore in and took Public Comment from the following residents:

Ashley Novak, 574 Mathews Circle, Erie, CO - Ms. Novak stated that there has been an issue with the public getting their voices and opinions to the Commission regarding this project. She sent in an email about her concerns and believes that many other residents have concerns regarding the mixed use, residential portion of this project. Ms. Novak asked the process on how residents can get their comments and concerns heard and to the Commission.

Chairman Bottenhorn reminded everyone that this evening's hearing is for a Minor Subdivision and that there will be future applications related to the greater development and the various proposed uses. Comments will be taken at that time.

Doug Lures, 600 Mathews Circle, Erie, CO - has questions on the plan for parking, cap on the well, and concern for any environmental issues. Mr. Lures is looking forward to seeing what buffers are being proposed between the existing residential and the new development and when construction is expected to occur.

Chairman Bottenhorn allowed for the Commission to ask questions/comments of staff and the applicant.

Some questions/comments from the Commissioners included the following:

- zoning of property/exact location
- mine subsidence/mitigation
- distance between new road and County Line Road/Austin Avenue
- traffic light
- traffic mitigation (Pinnacle Street)
- parking
- possible uses of the retail spaces
- application process/responsibility
- noticing clarification and procedures
- Austin Avenue traffic study
- turn lanes
- quasi-judicial rules/public engagement

Chairman Bottenhorn swore in the applicant, Justin McClure prior to him giving testimony and answering questions of the Commission.

Justin McClure addressed some of the Commissioners questions regarding the possible tenants of the proposed retail space. Mr. McClure stated the uses are primarily Commercial but at this point, is mainly inline retail. Mr. McClure also spoke to the mine subsidence and mitigation per State and Town standards. The site will be secured and it would take 10 days to complete the mine mitigation.

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development, addressed the questions of the Commissioners regarding the application, notification and referral process. Mrs. Bachelder also spoke on how the public can make comments, where to find information on projects and public hearings. The Town is in the process of updating the Town's website so that project information can be viewed by the public earlier.

Chairman Bottenhorn allowed for the Commission to give any last comments

regarding the Minor Subdivision prior to a vote.

Chairman Bottenhorn asked if there was a motion regarding Agenda Item# 18-310/Resolution P18-15 for this Minor Subdivision.

Commissioner Ames moved to approve Agenda Item#18-310/Resolution P18-15. The motion, seconded by Commissioner Zuniga, carried with all voting in favor thereof.

Chairman Bottenhorn closed the Public Hearing at 7:22pm.

VII. GENERAL BUSINESS

18-311

Review of Rex Ranch Filing No. 3 Sketch Plan

Attachments: [18-311 Staff Memo](#)
[18-311 Staff Review Comments](#)
[18-311 Sketch Plan](#)
[18-311 Applicant Materials](#)

Chris LaRue, Senior Planner presented Rex Ranch Filing No. 3 Sketch Plan to the Commission.

A Sketch Plan represents a generalized land use plan and layout for the area proposed to be included within a subdivision. A Sketch Plan application is required to allow for an early, informal evaluation of a proposed subdivision before detailed planning and engineering work has occurred. The Sketch Plan is not part of a formal application for approval of a subdivision and any comments made by the Town in reaction to a Sketch Plan shall not be binding on the Town's consideration of any subsequent Preliminary or Final Plat application, nor result in a vested property right under this UDC or State Statute.

Rex Ranch Filing No. 3 Sketch Plan is generally located west of North 119th Street and is surrounded by Rex Ranch Filing No. 1 single family lots to the north, west, and south. The subject property is approximately 3.76 acres in size. This Sketch Plan proposes ten single-family lots. There is a variety of residential uses surrounding this property. There will be a pocket park in Filing No. 2 that will meet the pocket park requirement for Filing No. 1 as well as Filing No. 3. The open space areas will be satisfied by cash in-lieu.

The applicant, Chad Murphy of HT Flatirons LP gave a presentation to the Commission which included background information of HT Flatirons LP and Hines. Mr. Murphy showed the types of projects they've worked on and other projects they've had in the Town. This property will be called Rex Ranch at Flatiron Meadows. This residential product will be single story ranch homes.

Chairman Bottenhorn allowed for questions/comments of the Commission to staff and the applicant.

Some questions/comments included the following:

- housing type/sizes
- road and traffic mitigation
- water facility concerns/visual mitigation

- traffic study

VIII. STAFF REPORTS

Deborah Bachelder, Planning Manager/Deputy Director of Community Development updated the Commission on their recommendations to the Board of Trustees to split the 8 unit townhome into 3 unit and 4 unit townhomes. The recommendation was made during the Public Hearing for the Erie Commons Filing 4 Preliminary Plat & Site Plan Resolutions that were discussed at the August 15, 2018 Planning Commission meeting. The applicant has made the requested changes and will be ready to present this to the Board of Trustees at their next meeting.

October is slated as Planning Month and the Planning Department will be holding an Open House on October 25, 2018 from 5:00pm to 7:30pm at the Erie Community Center. Melinda will be sending out invites to the Commission if any of the Commissioners could attend.

As of today, there is nothing on the September 19th Planning Commission agenda so we may be cancelling this meeting.

Saturday, September 15th is Biscuit Day and is hosted the Erie Historical Society.

Friday, September 21st if the Erie High School Homecoming Parade.

IX. COMMISSIONER REPORTS AND DISCUSSION ITEMS

There were no Commissioner Reports.

X. ADJOURNMENT

Chairman Bottenhorn adjourned the September 5, 2018 Planning Commissioner Meeting at 7:48pm.