

RESOLUTION NO. P17-___

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE SITE PLAN FOR 460 JONES COURT, AUSTIN INDUSTRIAL PARK, LOT 8, TOWN OF ERIE, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Board of Trustees of the Town of Erie, Colorado, conducted a public hearing, Tuesday, February 28, 2017, pursuant to the published notice, on the Site Plan application for 460 Jones Court, Austin Industrial Park, Lot 8, Town of Erie, Colorado, on the application of Mike Amend, 408 East Geneseo Street, Lafayette, Colorado, 80026 for the following real property; to wit:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES 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 Site Plan has met Erie Municipal Code, Title 10, Section 7.12.F.9 Approval Criteria:
 - a. The Site Plan is generally consistent with the Town's Comprehensive Master Plan;
The site plan is generally consistent with the Comprehensive Master Plan.
 - b. The Site Plan is generally consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;
The site plan is consistent with the plat.
 - c. The Site Plan complies with all applicable development and design standards set forth in this Code, including but not limited to the provisions in Chapter 2, Chapter 3, Chapter 4, and Chapter 6;
The site plan generally with the development and design standards of the Code with the exception of those specific requests for alternative equivalent compliance.
 - d. Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
Adverse impacts are not anticipated.

- e. The development proposed on the Site Plan and its general location is or will be compatible with the character of surrounding land uses.

The development is generally compatible with the surrounding land uses.

- 3. The Site Plan as proposed, with the following conditions, preserves the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado:
 - a. The applicant shall submit an executed and recorded maintenance and utility easement to the Town that grants the applicant permission to construct and maintain a portion of their drainage swale on Lot 9 of the Austin Industrial Park plat before a building permit can be submitted to the Town.
 - b. Prior to execution of the Special Review Use Site Plan Approval Certificate on the Site Plan, technical corrections shall be made to the Site Plan document to Town staffs satisfaction.
- 4. Municipal Code 10.6.1.C “Alternative Equivalent Compliance”, permits a site-specific plan that is equal to or better than the strict application of a design standard contained in the Municipal Code. The following alternative equivalent compliance requests are listed below after the Code citations that are being altered. The alternative equivalent compliance requests are found to be equal to or better than the strict application of the design standards and are granted approval:
 - a. Municipal Code Section 10.6.9. D.: *“Primary structures having single walls exceeding 40 feet in length shall incorporate 3 or more of the following features at least every 40 feet in length:*
 - a) *Changes in color, graphical patterning, changes in texture, or changes in material;*
 - b) *Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of 12 inches;*
 - c) *Windows and fenestrations;*
 - d) *Awnings; or*
 - e) *Gable projections or other projecting architectural features.”*
 - i. Alternative Equivalent Compliance – North Elevation:

The applicant’s narrative states: “The proposed length of the northern building wall is 49 feet, which is slightly longer than the 40 feet criteria. The Owner is requesting that intensified landscaping with deciduous and evergreen trees, above the minimum Code requirements, be installed along the north building wall in lieu of the wall articulation. This will also provide the appropriate screening of the gas and electric meters in this specific area.”
 - ii. Alternative Equivalent Compliance – South Elevation:

The applicant’s narrative states: “The proposed length of the northern building wall is 49 feet, which is slightly longer than the 40 feet criteria.

The Owner is submitting an alternative compliance request for this southern building wall by utilizing the following features, in lieu of the wall articulation.

- a) 12'x32' overhang lean-to on the south wall
- b) 12'x16' overhead sliding door on the south wall
- c) Utilize 3 different materials (and colors) on the south building wall as follows: Woodgrain lap siding (power grey), Steel ribbed sheeting (burnished slate), and Thin stoned columns (plum creek)
- d) The south building wall and outdoor storage area will be adequately screened from other properties by utilizing a 6-foot wood fence.
- e) Trees and shrubs along the perimeter of the screening fence will be installed."

- b. Municipal Code Section 10.6.4. G.10.c.ii.: *"A minimum 15 foot wide planting area composed of screening landscaping is required around the perimeter of the site when the site is adjacent of non-residential districts or street right-of-ways. The 15 foot wide planting area shall not be located within a street right-of-way."*

- i. Alternative Equivalent Compliance – Screening of Non-Residential Outdoor Storage for Industrial Uses:

The applicant's narrative states: "The Owner is requesting an alternative compliance request for the southern fence be approved with a 10-foot setback. This setback distance coincides closely with the 8-foot drainage and utility easement, and the proposed water quality swale in the area of the property."

- 5. The design standards that have been granted approval for "Alternative Equivalent Compliance", listed above, have met Erie Municipal Code, Title 10, Section 6.1. C.5. Approval Criteria for "Alternative Equivalent Compliance":

- a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;

Wall articulation on the north end of the building has been modified to acknowledge the landscape screening proposed by the applicant. Wall articulation on the south end of the building has been modified to acknowledge the screening elements of the outside storage area adjacent to the south elevation. And, the third request is to reduce the landscape area from 15 feet to 10 feet while maintaining the tree landscape requirements.

- b. The proposed alternative achieves the goals and policies of the Town's Comprehensive Master Plan to the same or better degree than the subject standard;

The alternatives achieve the goals and polices of the Comprehensive Master Plan.

- c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject design standard.

The alternatives are equivalent to the standard.

Section 2. Conclusions and Order Approving the Site Plan for 460 Jones Court, 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 Site Plan has met Town of Erie Municipal Code, Title 10, Section 7.12.F.9 Approval Criteria.
3. The Site Plan as proposed, with the following conditions, preserves the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado:
 - a. The applicant shall submit an executed and recorded maintenance and utility easement to the Town that grants the applicant permission to construct and maintain a portion of their drainage swale on Lot 9 of the Austin Industrial Park plat before a building permit can be submitted to the Town.
 - b. Prior to execution of the Special Review Use Site Plan Approval Certificate on the Site Plan, technical corrections shall be made to the Site Plan document to Town staffs satisfaction.
4. Municipal Code 10.6.1.C "Alternative Equivalent Compliance", permits a site-specific plan that is equal to or better than the strict application of a design standard contained in the Municipal Code. The following alternative equivalent compliance requests are listed below after the Code citations that are being altered. The alternative equivalent compliance requests are found to be equal to or better than the strict application of the design standards and are recommended to the Board of Trustees for approval:
 - a. Municipal Code Section 10.6.9. D.: *"Primary structures having single walls exceeding 40 feet in length shall incorporate 3 or more of the following features at least every 40 feet in length:*
 - a) *Changes in color, graphical patterning, changes in texture, or changes in material;*
 - b) *Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of 12 inches;*
 - c) *Windows and fenestrations;*
 - d) *Awnings; or*
 - e) *Gable projections or other projecting architectural features."*

i. Alternative Equivalent Compliance – North Elevation:

The applicant's narrative states: "The proposed length of the northern building wall is 49 feet, which is slightly longer than the 40 feet criteria. The Owner is requesting that intensified landscaping with deciduous and evergreen trees, above the minimum Code requirements, be installed along the north building wall in lieu of the wall articulation. This will also provide the appropriate screening of the gas and electric meters in this specific area."

ii. Alternative Equivalent Compliance – South Elevation:

The applicant's narrative states: "The proposed length of the northern building wall is 49 feet, which is slightly longer than the 40 feet criteria. The Owner is submitting an alternative compliance request for this southern building wall by utilizing the following features, in lieu of the wall articulation.

- a) 12'x32' overhang lean-to on the south wall
- b) 12'x16' overhead sliding door on the south wall
- c) Utilize 3 different materials (and colors) on the south building wall as follows: Woodgrain lap siding (power grey), Steel ribbed sheeting (burnished slate), and Thin stoned columns (plum creek)
- d) The south building wall and outdoor storage area will be adequately screened from other properties by utilizing a 6-foot wood fence.
- e) Trees and shrubs along the perimeter of the screening fence will be installed."

b. Municipal Code Section 10.6.4. G.10.c.ii.: "*A minimum 15 foot wide planting area composed of screening landscaping is required around the perimeter of the site when the site is adjacent of non-residential districts or street right-of-ways. The 15 foot wide planting area shall not be located within a street right-of-way.*"

i. Alternative Equivalent Compliance – Screening of Non-Residential Outdoor Storage for Industrial Uses:

The applicant's narrative states: "The Owner is requesting an alternative compliance request for the southern fence be approved with a 10-foot setback. This setback distance coincides closely with the 8-foot drainage and utility easement, and the proposed water quality swale in the area of the property."

5. The design standards that have been granted approval for "Alternative Equivalent Compliance", listed above, have met Erie Municipal Code, Title 10, Section 6.1 C.5. Approval Criteria for "Alternative Equivalent Compliance".

**ADOPTED AND APPROVED THIS 28TH DAY OF FEBRUARY 2017 BY THE
BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.**

TOWN OF ERIE, COLORADO,
a Colorado municipal corporation

Tina Harris, Mayor

ATTEST:

Nancy Parker, Town Clerk