

**TOWN OF ERIE
PLANNING COMMISSION
RESOLUTION NO. P18-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
ERIE RECOMMENDING THAT THE BOARD OF TRUSTEES APPROVE
THE ERIE HIGHLANDS PRELIMINARY PLAT NO. 3 WITH
CONDITIONS**

WHEREAS, Clayton Properties Group II, Inc., 4908 Tower Road, Denver CO 80249 ("Applicant") filed an application (the "Application") for approval of a preliminary plat (the "Erie Highlands Preliminary Plat No. 3") for the real property legally described as Tract K and Tract L Erie Highlands Filing No. 11 A Portion of Section 20, Township 1 North, Range 68 West of the 6th Principle Meridian, Town of Erie, County of Weld, State of Colorado (the "Property");

WHEREAS, on December 5, 2018, the Planning Commission held a properly-noticed public hearing on the Application; and

WHEREAS, upon consideration of the Application and supporting documentation, the recommendation of Town staff and any public comment received at the public hearing, the Planning Commission wishes to recommend that the Board of Trustees approve the Erie Highlands Preliminary Plat No. 3 with conditions.

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

Section 1. Findings of Fact.

- a. The Erie Highlands Preliminary Plat No. 3 is in substantial compliance with Title 10 of the Erie Municipal Code (the "UDC").
- b. Specifically, the Application satisfies the following criteria set forth in Section 10.7.7(C)(10) of the UDC:
 - i. The subdivision is generally consistent with the Town's Comprehensive Plan;
 - ii. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located;
 - iii. The general layout of lots, streets, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the Town's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the UDC;

- iv. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of the UDC that have not otherwise been modified or waived pursuant to this Chapter or the UDC;
 - v. The subdivision complies with all applicable federal and state regulations, standards, requirements and plans, including without limitation wetlands, water quality, erosion control, and wastewater regulations;
 - vi. The 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;
 - vii. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features;
 - viii. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated;
 - ix. 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; and
 - x. The proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
- c. The Erie Highlands Preliminary Plat No. 3 will preserve the public health, safety and welfare.

Section 2. Decision. Based on the foregoing Findings of Fact, the Planning Commission hereby approves the Erie Highlands Preliminary Plat No. 3, subject to the following conditions:

- a. The Erie Highlands Planned Unit Development shall be followed in the development of the Property;
- b. At the time of final plat, Applicant shall executed a detailed Development Agreement, in the form provided by the Town;
- c. Applicant shall remove the gas line located perpendicular to Erie Parkway (Reception No. 4351303) and vacate the associated easements, and Applicant shall submit appropriate documentation to the Town with the final plat application;
- d. With the final plat application, Applicant shall submit the additional geotechnical studies proposed in the response to the CGS comments related to expansive soils and bedrock;

- e. Applicant shall remove the existing oil and gas access road (for Encana and Kerr-McGee), relocate it from WCR 5 to Glacier Drive, and remove the existing access road, and Applicant shall submit appropriate documentation to the Town, including final construction documents, with the final plat application;
- f. In the final plat application, Applicant shall clarify the width and location of the existing gas line located along CR 5, as set forth in Reception No. 2331355 and the associated surface use agreement recorded at Reception No. 3952706; and
- g. Applicant shall make technical corrections to the Erie Highlands Preliminary Plat No. 3, as directed by Town staff.

ADOPTED this 5th day of December, 2018.

J. Eric Bottenhorn, Chair

ATTEST:

Melinda Helmer, Secretary