

RESOLUTION NO. P18- 01

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE SPECIAL REVIEW USE FOR OUTDOOR STORAGE, AT 1121 TELLEEN AVE., LOT 1 BLOCK 2, ERIE INDUSTRIAL EMPIRE VENTURE BLOCK 2, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered the Special Review Use application for Outdoor Storage, at 1121 Telleen Ave., Erie, Colorado, on Wednesday, January 3, 2018, on the application of Erie Holdings LLC, P.O. Box 247, Eastlake CO, 80614 for the following real property; to wit:

Lot 1, Block 2, Erie Industrial Empire Venture Subdivision Block 2, Town Of Erie, County Of Boulder, 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 development plans provided by the applicant are incorporated into this resolution as Exhibit A; development shall comply with these plans.
3. 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.
4. 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. Materials may not be stored higher than the height of the screening wall.
 - b. The use of recycled asphalt as the surface of the storage area is approved.
 - c. The exterior lighting fixtures on site shall be updated to ensure they cast light downward.
5. 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:
- a. The Municipal Code 10.6.4.G.10.a.v, requirement for landscape Screening of Non-Residential Outdoor Storage is:
Seven feet outside the exterior perimeter of the fence or wall shall be landscaped and shall contain a minimum of 1 tree for every 150 sq. ft. of lot area. The 7 foot landscaped area shall not be located in a street right of way.

Applicant Request for Alternative Equivalent Compliance:

The Landscape Plan details the proposed alternative landscaping of the site. The applicant's narrative states "The lot area for 1121 Telleen Avenue is 123,969 square feet. The number of trees that would have to be provided under the MC is 826 trees. The outdoor storage area is 65 feet by 25 feet. It is not feasible to install 826 trees in a 7-foot strip around the outdoor storage area. The landscape plan for the proposed storage area calls for three Ponderosa Pine trees on the north side of the storage area that will substantially screen the outdoor storage wall from the users of the regional trail immediately north of the lot when the trees reach mature size. Screening the other three sides of the outdoor storage area with landscaping is not practical nor necessary given the particulars of the site and location of the storage area. The south side of the storage area lies adjacent to an access easement for the Verizon cell tower site located immediately west of the storage area. Landscaping in the Verizon easement would interfere with Verizon's access to their facility. The

proposed storage area is screened from view from the property to the west by the equipment building for the Verizon cell tower. Also, landscaping on the west side of the outdoor storage area would take up space needed for the parking of equipment by Verizon. The proposed outdoor storage area is adjacent to an asphalt drive on the east. Also, the properties to the east contain buildings that are either storage building or buildings that don't have any windows or view of the proposed outdoor storage area.”

- b. The applicable Municipal Code 10.6.4.G.10.c.ii, requirement for Additional Screening for Outdoor Storage for Industrial Uses is:
A minimum 15 foot wide planting area composed of screening landscaping is required around the perimeter of the site when the site is adjacent to non-residential districts or street right-of-ways. The 15 foot wide planting area shall not be located within a street right-of-way.

Applicant Request for Alternative Equivalent Compliance:

The Landscape Plan details the proposed alternative landscaping of the site. The applicant's narrative states “the existing building is 20-feet off of the west property line. Installing a 15-foot planting area along the west property line would significantly impact access to the west side of the building. There is also a 5' wide Verizon utility easement along the west side of the property. Landscaping along the north property line wouldn't provide screening from the regional trail given that the north side of the property is approximately 15' lower than the proposed outdoor storage. The property to the east contains a storage building and a building with no windows on the west side. So, there is no need for screening along the east property line. The proposed landscape plans for the project landscapes the frontage of the lot along Telleen Avenue. Currently, the site contains two driveways off of Telleen Avenue. The property owner has agreed to remove the west driveway and landscape the entire area between the existing building and the Telleen Avenue right-of-way. The building is approximately 55 feet from the Telleen Avenue right-of-way. The area east of the east driveway is also being landscaped with a 15-foot wide planting area. The proposed landscape plan landscapes and beautifies the front of the lot to a level greater than what is required by the MC.

The proposed landscape plan meets the intent of the Municipal Code to screen and beautify those areas of the property and proposed improvements visible to the public”.

Additionally, the property owner has committed to reviewing the exterior lighting fixtures and updating them as needed to ensure they cast light downward.

6. The requests for Alternative Equivalent Compliance listed above were reviewed for conformance with Municipal Code 10.6.1. C.5. Approval Criteria. Staff finds the requests in compliance with the Approval Criteria listed below.
 - a. The proposed alternatives achieve the intent of the subject design standard to the same or better degree than the subject standard;
 - 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;
 - c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject design standard.

Section 2. Conclusions And Order Recommending Approval With Conditions To The Board Of Trustees Of The Special Review Use For Outdoor Storage, At 1121 Telleen Ave.

1. The applicant's application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.
2. The applicant shall construct the site improvements in accordance with Exhibit A. The Town shall inspect and accept the improvements before the outdoor storage area may be utilized for outdoor storage of materials.
3. The Special Review Use has met Title 10, Section 7.13.C.9 Approval Criteria.
4. 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. Materials may not be stored higher than the height of the screening wall.
 - b. The use of recycled asphalt as the surface of the storage area is approved.
 - c. The exterior lighting fixtures on site shall be updated to ensure they cast light downward.
5. Municipal Code 10.6.1.C "Alternative Equivalent Compliance", permits a site-specific plan that contains design standards equal to or better than the strict application of the design standards contained in the Municipal Code. The requested changes to the design standards are found to be equal to or better than the strict application of the design standards and are granted approval.
6. The design standards that have been recommended to the Board of Trustees for approval for "Alternative Equivalent Compliance" have met Erie Municipal Code, Title 10, Section 6.1 C.5. Approval Criteria for "Alternative Equivalent Compliance".

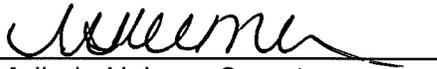
INTRODUCED, READ, SIGNED AND APPROVED this 3rd day of January 2018.

TOWN OF ERIE, PLANNING COMMISSION



J. Eric Bottenhorn, Chair

ATTEST:



Melinda Helmer, Secretary

Exhibit A

CAUTION: IF THIS SHEET IS NOT 24"x36" IT IS A REDUCED PRINT

LOT 1, BLOCK 2, ERIE INDUSTRIAL EMPIRE VENTURE SUBDIVISION - BLOCK 2

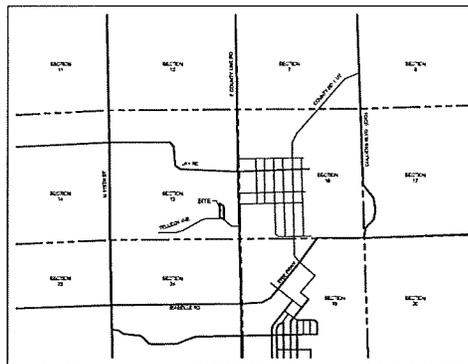
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13 TOWNSHIP 1 NORTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO
SPECIAL REVIEW USE SRU-000933-2017

LEGAL DESCRIPTION:

LOT 1, BLOCK 2, ERIE INDUSTRIAL EMPIRE VENTURE SUBDIVISION - BLOCK 2, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, LOCATED IN THE TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO.

NOTES:

1. NOTICE ACCORDING TO COLORADO LAW YOU MUST CONSULT AN ATTORNEY BEFORE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU RECEIVE THIS SURVEY. THERE IS NO EXEMPTION IN ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY IF THE COMMISSIONER HAS TAKEN STEPS FROM THE DATE OF THE ORIGINAL SURVEY TO CORRECT ANY ERROR.
2. ANY PERSON WHO INDEMNIFY, NEGOTIATE, ALTERS OR DELAYS ANY PUBLIC LAND SURVEY MONUMENT OR MONUMENTARY CORNER & CLASS TWO (2) MONUMENTS PURSUANT TO STATE STATUTE IS SUBJECT TO PENALTY.
3. BASED UPON A REVIEW OF FLOOD RISK MAPS, THIS MAP COMMUNITY PANEL NO. 060004416 MAP REVISION 06/2008 IS 20' TO THE SUBJECT PROPERTY IS NOT 40' IN THE 100-YEAR FLOOD PLAIN LIMITS.
4. LOT MONUMENTATION SHALL BE IN ACCORDANCE WITH THE COLORADO REVISED STATUTES (CRS 38-6-101).
5. THE LINEAL DISTANCE LISTED IN THE PREPARATION OF THIS DOCUMENT IS LIMITED BY THE SURVEY FOOT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY DEFINES THE UNITED STATES SURVEY FOOT AS 1200MM METERS.
6. THE 10' ACCESS EASEMENT, IF EXISTENT, IS SHOWN AND THE 30' W/4' LEASE ARE SET FORTH IN THE LEASE AGREEMENT DATED JANUARY 17TH, 2007, BETWEEN THE TOWN OF ERIE AND VISION SERVICES.
7. ALL CONSTRUCTION ARE REQUIRED TO OBTAIN A RIGHT-OF-WAY PERMIT FROM THE TOWN OF ERIE FOR ALL WORK WITHIN CITY FRONT OF HWY.
8. WATER AND SANITARY SERVICE LINES ARE SHOWN AS THEY ARE CURRENTLY UNDERSTOOD TO BE LOCATED. SERVICES SHALL BE FIELD VIEWED PRIOR TO CONSTRUCTION.



VICINITY MAP
1" = 2000'

SHEET INDEX:

- SHEET 1 - 200' x 200' SHEET
- SHEET 2 - SITE PLAN
- SHEET 3 - NOTES AND DETAILS
- SHEET 4 - OUTDOOR STORAGE PLAN AND DETAIL
- SHEET 5 - LANDSCAPE PLAN

OWNER AND APPLICANT: RYAN CARLSON
ERIE HOLDINGS, LLC
PO BOX 242
ERIE, CO 80524
(303) 437-2668

ENGINEER AND SURVEYOR: W. M. MALCOMB
800 SOUTH BROADWAY, SUITE 200
DENVER, CO 80202
(303) 851-3000

LEGEND

- SITE BOUNDARY
- - - - - EASEMENT LINE
- LOT LINE
- - - - - SECTION LINE
- BATTERY
- WATER METER
- SANITARY METER
- GAS METER
- ELECTRIC METER
- TELEPHONE METER
- AS-BUILT COURSE
- RECORDED COURSE
- FOUND MONUMENT AS DESCRIBED
- AIR CONDITIONING UNIT
- POWER POLE
- ELECTRIC METER TRANSFORMER
- FIBER OPTICS VALVE
- FIBER OPTICS PRESTAL
- GAS METER
- WATER METER
- FIRE HYDRANT
- FIRE EXTINGUISHER
- WATER VALVE
- STORAGE METER
- SANITARY MANHOLE
- BULLHEAD
- GUARD POST
- LIGHT POLE
- TELEPHONE PRESTAL
- FUEL TANK
- WATER CONNECTION
- ELECTRIC CONNECTION
- DIRECTION OF DRAINAGE FLOW
- STOP SIGN

850 South Broadway
Suite 200
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p 303.851.3333

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COVER SHEET					
NO.	DATE	REVISIONS	NO.	DATE	REVISIONS
1	12/2017	CITY COMMISSIONER			

JOB NO.	EGS17-070
DATE	12/12/17
SCALE	P = N/A

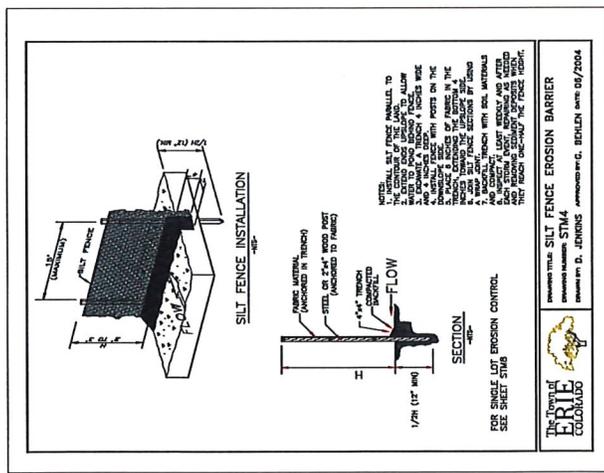
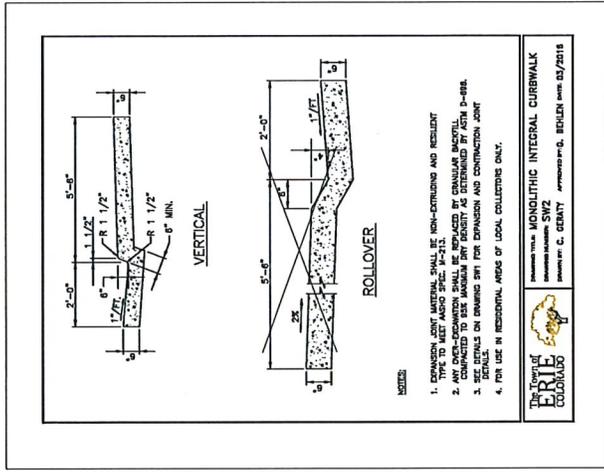
SHEET
1
OF
5

LOT 1, BLOCK 2, ERIE INDUSTRIAL EMPIRE VENTURE SUBDIVISION - BLOCK 2

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13 TOWNSHIP 1 NORTH,
 RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO
 SPECIAL REVIEW USE SRU-000933-2017

GENERAL NOTES - CONSTRUCTION:

1. ALL CONSTRUCTION SHALL CONFORM TO THE LATEST EDITIONS AND SPECIFICATIONS FOR DESIGN AND CONSTRUCTION OF PUBLIC UTILITIES AND THE TOWN OF ERIE. THE TOWN OF ERIE SHALL HAVE ASST ON SITE AT ALL TIMES.
2. THE OWNER SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE TOWN OF ERIE ENGINEERING STAFF PRIOR TO THE START OF CONSTRUCTION. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE TOWN OF ERIE ENGINEERING STAFF. THE TOWN OF ERIE ENGINEERING STAFF SHALL HAVE THE RIGHT TO REFUSE ANY SUCH MATERIALS AND WORKMANSHIP THAT DOES NOT CONFORM TO TOWN OF ERIE ENGINEERING STAFF OF THE CONTRACTOR'S CONTRACTUAL COMMITMENT. REQUESTS FOR INSPECTION BY THE TOWN OF ERIE SHALL BE MADE BY THE CONTRACTOR A MINIMUM OF TWENTYFOUR (24) HOURS IN ADVANCE.
4. NOTIFICATION CENTER, PHONE NUMBER 811, THREE (3) BUSINESS DAYS PRIOR TO THE START OF CONSTRUCTION.
5. UTILITIES IN THE AREA OF CONSTRUCTION ARE APPROXIMATE ONLY. THEY HAVE BEEN LOCATED FROM FIELD INVESTIGATION AND THE BEST AVAILABLE LIMITED RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL RESPECTIVE UTILITIES AND HAVE ALL UTILITIES FIELD LOCATED PRIOR TO CONSTRUCTION. IF ANY UNKNOWN SUBSURFACE STRUCTURES ARE DISCOVERED, THE CONTRACTOR SHALL STOP WORK IMMEDIATELY AND NOTIFY THE TOWN OF ERIE ENGINEERING STAFF AND DESIGN ENGINEER PRIOR TO PROCEEDING.
6. DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, SOCIAL, MAN-MADE, OR OTHER SERVICES NECESSARY TO PROTECT PUBLIC SAFETY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND IS NOT LIMITED TO NORMAL WORKING HOURS. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS.
7. WORK ON PUBLIC STREETS, ONCE BEGUN, SHALL BE PROCEEDED TO COMPLETION WITHOUT DELAY SO AS TO PROVIDE MINIMUM INCONVENIENCE TO ADJACENT PROPERTY OWNERS AND TO THE TRAVELING PUBLIC.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF ERIE ENGINEERING STAFF. ALL PERMITS SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS. THE TOWN OF ERIE ENGINEERING STAFF SHALL BE PRESENT AT ALL MEETINGS.
9. THE CONTRACTOR SHALL IMMEDIATELY REMOVE ANY CONSTRUCTION DEBRIS OR MUD TRACKED ONTO DUSTING ROADWAYS.
10. ALL CONCRETE SHALL BE A MINIMUM OF CLASS 6, IN CONFORMANCE WITH BEST PRACTICES.
11. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE TOWN OF ERIE ENGINEERING STAFF DRAWINGS.
12. ONE (1) INCH THICK DIMENSION JOINTS SHALL BE INSTALLED AT ALL CURB RETURNS, CURB CUTS AND DUSTING STRUCTURES. CONTROL JOINTS SHALL BE INSTALLED PER THE TOWNS STANDARDS AND SPECIFICATIONS.



JOB NO. DCST-1470		SHEET	
PAPER	TS	3	
DRAWN	KEB	3 of 5	
DATE	12/01/2017	Sheet	
SCALE	1" = 1'-0"		

NOTES AND DETAILS	
NO.	DATE

WARE MALCOLM	
LAND SURVEYING waresmalcolm.com	
890 South Broadway	
Suite 230	
Denver, CO 80209	
P-30235913333	

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, January 3, 2018

6:30 PM

Council Chambers

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chairman Bottenhorn called the January 3, 2018 Planning Commission Meeting to order at 6:30pm.

II. ROLL CALL

Roll Call:

- Commissioner Campbell - present
- Commissioner Fraser - present
- Commissioner Gippe - present
- Commissioner Harrison - present
- Commissioner Hedahl - present
- Commissioner Zuniga - present
- Chairman Bottenhorn - present

III. APPROVAL OF THE AGENDA

Commissioner Campbell moved to approve the agenda of the January 3, 2018 Planning Commission Meeting. The motion, seconded by Commissioner Gippe, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

[17-429](#) Approval of the November 1, 2017 Planning Commission Meeting Minutes

Attachments: [Draft Meeting Minutes](#)

Commissioner Gippe moved to approve the minutes of the November 1, 2017 Planning Commission Meeting. The motion, seconded by Commissioner Campbell, carried with all voting in favor thereof.

V. PUBLIC COMMENTS

There were no Public Comments taken.

VI. PROCLAMATIONS AND PRESENTATIONS

No Proclamations or Presentations scheduled.

VII. RESOLUTIONS

There were no Resolutions scheduled.

[18-019](#) PUBLIC HEARING: Consideration Of A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For Outdoor Storage, At 1121 Telleen Ave., Lot 1 Block 2, Erie Industrial Empire Venture Block 2, Town Of Erie, County Of Boulder, State Of Colorado.

Attachments: [18-019 1121 Telleen Outdoor Storage SRU Staff Report](#)
[18-019 1121 Telleen Outdoor Storage SRU Resolution](#)
[18-019 1121 Telleen Outdoor Storage SRU Application Materials](#)

Chairman Bottenhorn opened the Public Hearing for Agenda Item #18-019 at 6:31pm.

This is a Public Hearing for consideration Of A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For Outdoor Storage, At 1121 Telleen Ave., Lot 1 Block 2, Erie Industrial Empire Venture Block 2, Town Of Erie, County Of Boulder, State Of Colorado.

Senior Planner Hannah Hippely presented Agenda Item #018-019 to the Commission.

The property, 1121 Telleen Avenue, is located west of East Countyline Road and north of Telleen Avenue. The property is located within a Light Industrial zoning area. This zone district requires that outdoor storage have special review approval. Applicant is proposing to add a 65' x 25' outdoor storage area to this site. This area is proposed to be enclosed by an 8' masonry wall. The UDC includes landscape requirements for outdoor storage for which the applicant has requested alternative equivalent compliance. Staff finds that the alternative equivalent compliance meets the criteria in the UDC. A neighborhood meeting was held and public notice was given. The special review use criteria has been met and staff recommends approval of the resolution by the Planning Commission with the three conditions listed in the resolution.

Chairman Bottenhorn gave an oath at 6:36pm to the applicants who would give testimony regarding this application.

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

Mr. Ryan Carlson and Mr. David Nighswonger answered questions of the Commissioners.

Some questions/comments of the Commission were:

- landscaping materials/planting bed
- ground cover
- irrigation
- primary street access
- storage usage (product type)
- attendance of neighborhood meeting

Chairman Bottenhorn closed the Public Hearing at 6:40pm.

Commissioner Campbell moved to approve Agenda Item#18-019. The motion, seconded by Commissioner Gippe, carried with all voting in favor thereof.

VIII. GENERAL BUSINESS

There were no General Business items.

IX. STAFF REPORTS

Planning & Development Director, Todd Bjerkaas congratulated Commissioner

Gippe for being announced the 2017 Active Adults Volunteer of the Year by the Erie Parks and Recreation Department.

X. COMMISSIONER REPORTS AND DISCUSSION ITEMS

There were no Commissioner reports.

XI. ADJOURNMENT

Chairman Bottenhorn adjourned the January 3, 2018 Planning Commission Meeting at 6:41pm.