

RESOLUTION NO. P18-10

A RESOLUTION REGARDING THE PRELIMINARY PLAT OF ERIE COMMONS SUBDIVISION FILING NO. 4, 3RD AMENDMENT, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE PRELIMINARY PLAT.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered the Preliminary Plat for 77 single-family attached townhome dwelling units in Erie Commons Filing No. 4, 3rd Amendment, on Wednesday, August 15, 2018, on the application of Century Communities, 8390 E. Crescent Parkway, Suite 650 Greenwood Village, CO, 80111 for the following real property; to wit:

Erie Commons, Filing 4, Lots 2 and 3, Block 6; Lots 1 and 2, Block 7; Lot 1, Block 8; and Tracts D, E, F, G and H, Town Of Erie, County Of Weld, State Of Colorado,

and has held at a public hearing on the proposed Preliminary Plat on Wednesday, August 15, 2018.

WHEREAS, the Preliminary Plat is detailed on the attached “Exhibit A” Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat; and

WHEREAS, said Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat 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 the Town of Erie Municipal Code, Title 10.
2. The Preliminary Plat has met Municipal Code Title 10, Section 10.7.7 C.10. Approval Criteria:
 - a. The subdivision is generally consistent with the Town’s Comprehensive Master Plan.
 - b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.
 - c. 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 this UDC.
 - d. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of this UDC that have not otherwise been modified or waived pursuant to this Chapter or this UDC. Applicants shall refer to the Development Standards in Chapter 5 of this UDC and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
 - e. The subdivision complies with all applicable regulations, standards, requirements, or plans of the Federal or State governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.

- f. 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.
 - g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
 - h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
 - i. 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.
 - j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
3. The Erie Commons PD Amendment No. 8 – Planned Development shall be followed in the development of the property.
 4. A Detailed Development Agreement (DA) will be required at such time as the property is approved for the final plat.
 5. 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. Erie Commons PD Amendment No. 8 shall be approved and recorded before the Preliminary Plat approval comes into effect.
 - b. The Town and Owner shall enter into a Development Agreement, prior to recordation of the Erie Commons Filing No. 4, 3rd Amendment Final Plat.
 - c. If construction is proposed to begin between March 15th and August 31st, a formal migratory bird survey shall be conducted before construction commences.
 - d. Staff may direct the consultants to make technical corrections to the documents.
 - e. The 8 unit building will have a unit removed from the middle of the building while maintaining the ranch style end units on the buildings; the eastern most building having 4 units and the western most building having 3 units.

Section 2. Conclusions and Order Recommending Approval of the Preliminary Erie Commons Filing No. 4, 3rd Amendment to the Board of Trustees.

1. Based on the above Findings of Fact, the Planning Commission hereby forwards the Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat application to the Board of Trustees with the Planning Commission's recommendation for approval with the conditions above.

INTRODUCED, READ, SIGNED AND APPROVED this 15th day of August 2018.

TOWN OF ERIE, PLANNING COMMISSION

By: _____
J. Eric Bottenhorn, Chair

ATTEST:

By: _____
Melinda Helmer, Secretary

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, August 15, 2018

6:30 PM

Council Chambers

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chairman Bottenhorn called the August 15, 2018 Planning Commission Meeting to order at 6:31pm.

II. ROLL CALL**Roll Call:**

Commissioner Witt - present
Commissioner Fraser - present
Commissioner Ames - absent/excused
Commissioner Harrison - absent
Commissioner Hedahl - present
Commissioner Zuniga - present
Chairman Bottenhorn - present

III. APPROVAL OF THE AGENDA

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

IV. APPROVAL OF MINUTES

[18-282](#) Approval of the July 18, 2018 Planning Commission Meeting Minutes

Attachments: [7-18-2018 PC Meeting Minutes](#)

Commissioner Witt moved to approve the Meeting Minutes of the July 18, 2018 Planning Commission Meeting. The motion, seconded by Commissioner Fraser, carried with all voting in favor thereof.

V. PUBLIC COMMENTS

Public Comment was taken from the following residents:

Cynthia VanLingon, 230 Bonanza Drive, Erie, CO 80516. Ms. VanLingon voiced concerns regarding the increase in demand on the Town's infrastructure (Roads, Fire Department, Police Department) and increase in traffic on those roads. She would also like to see a small grocery store in town. In addition, noted concerns regarding the S-Curve on Erie Parkway.

Ari Finkelstein, 192 Montgomery Drive, Erie, CO 80516. Mr. Finkelstein also expressed concerns regarding the S-Curve from Montgomery Drive onto Erie Parkway and the difficulty exiting the Grandview Subdivision.

Deborah Bachelder, Planning Manager/Deputy Director of Planning and Development addressed the concerns of the residents regarding the Public Comments made.

VI. PROCLAMATIONS AND PRESENTATIONS

There were No Proclamations or Presentations.

VII. RESOLUTIONS**18-290**

PUBLIC HEARING: Resolution P18-09: A Resolution Regarding The Erie Commons PD Amendment No. 8, Adopting Certain Findings Of Fact And Conclusions Favorable To The PD Amendment.

Attachments: [18-290 Staff Memo](#)

[18-290 Resolution P18-09](#)

[18-290 Applicant Materials](#)

[18-290 Public Comments](#)

Chairman Bottenhorn stated that the Commission will be presented with 3 Public Hearings on the following Resolutions:

Resolution P18-09: A Resolution Regarding The Erie Commons PD Amendment No. 8;

Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat; and

Resolution P18-11: A Resolution Regarding The Site Plan For Erie Commons Filing No. 4, 3rd Amendment.

Chairman Bottenhorn opened the Public Hearing for these Resolutions at 6:40pm.

Audem Gonzales, Planner for the Town, gave a presentation to the Commission. This project is generally located near the east corner of South Briggs Street and Erie Parkway. The property is zoned PD (Planned Development). This Site Plan consists of 6.72 acres and includes 77 townhome lots (which is 15 less than what was shown on the Sketch Plan), 10 tracts and a pocket park equivalent. The gross density of the site is 11.42 dwellings per acre. All townhome units have alley loaded garages.

This size of development requires specific Park Land Dedications. The parks are as follows:

- 0.11 acres of pocket park are required, the applicant has provided 0.41 acres in 5 separate areas along Coal Creek Trail;
- 0.67 acres of Neighborhood park are required, 0 areas are provided with this project as the overall Erie Commons development has already provided 7 acres;
- 1.11 acres of community park are required, 0 acres are provided, again this has already been satisfied with the overall Erie Commons development; and
- 3.78 acres of Open Space are required; 82 acres were previously dedicated with the Erie Commons development.
- The applicant has provided a pocket park equivalent that is 0.41 acres in size and is spread across five separate areas.

There is an existing Oil and Gas Well Facility east of the project area. The required setback from the well head and above ground equipment is 150 feet. No portion of the site is located within that setback.

The applicant is requesting Alternative Equivalent Compliance for a number of items: The first being building length; the second request is to the number of townhome units in a single building; the third request is to the tree lawn width; and the last request is to minimum garden court widths.

Staff finds the PD Amendment, the Preliminary Plat and the Site Plan meets the approval criteria found in Chapter 10 of the Municipal Code. Staff finds the Alternative Equivalent Compliance requests meet the approval criteria found in Chapter 10 of the Municipal Code.

Staff is recommending Approval of the PD Amendment with the following conditions:

- Erie Commons PD Amendment No. 8 approval requires the Erie Commons Filing No. 4, 3rd Amendment Final Plat be approved and recorded before the PD Amendment is signed and put into effect.
- Staff may direct the consultants to make technical corrections to the documents. Planning Commission is the recommending body to the Board of Trustees for the PD Amendment.

Staff is recommending Approval of the Preliminary Plat with the following conditions:

- Erie Commons PD Amendment No. 8 shall be approved and recorded before the Preliminary Plat approval comes into effect.
- The Town and Owner shall enter into a Development Agreement, prior to recordation of the Erie Commons Filing No. 4, 3rd Amendment Final Plat.
- If construction is proposed to begin between March 15th and August 31st, a formal migratory bird survey shall be conducted before construction commences.
- Staff may direct the consultants to make technical corrections to the documents. Planning Commission is the recommending body to the Board of Trustees for the Preliminary Plat.

Staff is recommending approval of the Alternative Equivalent Compliance requests and Site Plan with the following Site Plan conditions:

- Erie Commons PD Amendment No. 8 shall be approved and recorded before the Site Plan approval comes into effect.
- Erie Commons Filing No. 4, 3rd Amendment Final Plat shall be approved and recorded before the Site Plan approvals come into effect.
- Staff may direct consultants to make technical corrections to the documents. Planning Commission is the decision making body for the Alternative Equivalent Compliance requests and Site Plan.

Mr. Gonzales concluded his presentation and stated that Mr. Jon Lee of Community Development Group and Ms. Eva Mather of Norris Design would also be presenting to the Commission and would be available to answer questions of the Commission regarding this project.

Mr. Lee is the developer of Erie Commons and provided some history on the project, timeline and park dedications when the Erie Commons project first began. Fifty-nine acres of land was dedicated for the Erie Community Center and Park; eighty-two acres of land was dedicated for the Open Space of Coal Creek; and seven acres was also dedicated to the development of Lehigh Park. Mr. Lee stated that this area has an overabundance of parks and has been working with staff to comply with the requirements and regulations for this project.

Eva Mather of Norris Design provided information on the team that has worked on the project and reiterated some of the project specifications, history, and product design.

Chairman Bottenhorn took comment for this Public Hearing at 7:28pm.

Bruce Bailey, 251 South Briggs Street, Erie, CO 80516 addressed the Commission regarding his opposition of this project. Mr. Bailey stated the lack of community involvement; the location is a great opportunity for stores; parking congestion; the need for parks; and an increase in setbacks as his reasons for his objection to this development.

Sherri Bailey, 251 South Briggs Street, Erie, CO 80516 addressed the Commission regarding her opposition of this project. Ms. Bailey stated her concerns regarding the increase in traffic and parking; inadequate setbacks; and a need for the addition of trees between her property and the proposed development.

Ari Finkelstein, 192 Montgomery Drive, Erie, CO 80516 addressed the Commission noting that it's not "2002" anymore and understands what it means to do work-arounds. Mr. Finkelstein asks the Commission what they want Erie's community to be with all the growth that's happening and how is it going to differentiate itself from the urban sprawl that has become Thornton, Westminster, and to some extent, that has become Boulder. A big part of that has to do with the Master Plan that the town has come up with in 2010. Mr. Finkelstein reminded the Commission of some of the limits that are now in place. Mr. Finkelstein also noted the conflict with pedestrians and bikers along the spine trail; as well as the setbacks in place and the loss of mountain views.

Bonnie Nelson, 287 South Briggs Street, Erie, CO 80516 addressed the Commission regarding this project as she has been aware of the zoning of the property, has expected it and is not opposed to it but does have some reservations. Ms. Nelson agrees with staff's recommendations that the building length not exceed what the statutes currently are and that the number of units not be exceeded by six. Ms. Nelson also has concerns about the orientation of the townhomes particularly along Coal Creek. Ms. Nelson also believes that a 3,000 sq.ft. sod area in the park is necessary. In addition, Ms. Nelson would like to see a buffer between the townhomes and the existing properties on Briggs Street.

Kyle Martz, 216 McAfee Circle, Erie, CO 80516 addressed the Commission regarding this project. Mr. Martz is the president of the Grandview HOA for the last ten years and states that they have not received notice or been contacted regarding this proposed project. Mr. Martz feels that this project directly affects their (Grandview) subdivision as well as their parks and believes that parks should be installed in this proposed project as to not overwhelm their subdivision. Mr. Martz's main concern is that they were never contacted regarding this project.

At 7:43pm, Chairman Bottenhorn opened the meeting up for questions and comments of the Commission to staff and the applicants.

Commissioner Fraser asked that staff explain the process of notification to the residents when new projects are proposed in Town and what the term "quasi-judicial" means with regards to communication with citizens and the Commission.

Deborah Bachelder, Planning Manager/Deputy Director of Planning and Development spoke to Commissioner Fraser's request. Mrs. Bachelder noted the Town's website as an excellent resource as well as the Town's noticing policy.

Quasi-Judicial is where our Planning Commission or our Board of Trustees acts as a judge in which the only testimony they are to take for their consideration of the application is that which is presented at the Public Hearing. The Commission cannot have outside communication before the meeting. The Commission would take testimony in different forms such as email and in person at the Public Hearing.

Brian Mulqueen, Division President of Century Communities also was available and answered questions of the Commission.

Some of the questions/comments/concerns from the Commission included the following:

- building setbacks
- trail setbacks
- fencing of yards/perimeter fencing
- target demographic
- distribution of traffic
- architectural standards
- alley access - snow removal, drainage, snow storage
- fire equipment in the alleyways
- automobile egress from garages
- staff approvals - Alternative equivalent compliance
- Townhome with 8 units - exceeding length and number of units
- happy to see fewer units
- diversity
- alternative uses for parks - fitness trail
- shifting of 3rd park area
- re-adjusting the spine trail
- pollinator garden
- smaller units/attainable price point
- trees adjacent to the existing home
- right-of-way width
- on street parking spaces
- community involvement/applicant requirements

Bruce Bailey, 251 South Briggs Street, Erie, CO 80516 addressed the Commission. Mr. Bailey stated that he attended the meetings, He stated the HOA meeting was rather energetic, a lot of emotion but lacked organization. Mr. Bailey noted there was a lot of angry people in attendance and wanted the Commission to be aware of that.

Mr. Jon Lee clarified with the Commission that the HOA meeting was with the Board and there was not a lot of people in attendance. There were approximately 5 Board Members and that Mr. Bailey was not in attendance at this meeting. There were other Neighborhood Meetings about the adjacent parcel which was attended by more people and believes this was the meeting Mr. Bailey was in attendance at.

Chairman Bottenhorn closed the Public Hearing at 8:32pm.

Chairman Bottenhorn moved on to Commissioner comments at this time.

Commissioner Zuniga pointed out that there is a 3 unit building, next to a 4 unit building with a space in between them that could be done on the building with 8

units.

Commissioner Fraser re-visited the concern with the 8 unit building. Commissioner Fraser would accept 7 units and feels that it would ease up the congestion at the end of the Tract alley. Commissioner Fraser doesn't feel we need to get caught up in the parks issue. Commissioner Fraser also noted that the Town has to have a certain density of people in order to attract those grocery stores and businesses. The project is also providing diversity which the Town needs.

Commissioner Hedahl stated the preponderance of exemptions is significant with regard to the building length, number of units, the pocket park and change in setbacks. Commissioner Hedahl looks at Equivalent Compliance Alternatives as being equal or better; some of these are not equal or better and he has trouble with the sheer volume of these exemptions.

Chairman Bottenhorn stated his concerns as being the pocket park and the size of the 8 unit building. Chairman Bottenhorn thinks the single story ranch style townhome end units does a nice job of breaking down the mass and offers additional product type that is in high demand. With regards to transition and density transition, it'd be best on Erie Parkway. The five distributed, usable pocket parks is a great amenity allowing access to the Coal Creek open space and trail. The pollinator garden, bike fix it and fitness stations are great elements to add to the project that people will use.

Chairman Bottenhorn explained to the Commission what they would be voting on and what the various options are regarding the Resolutions before them.

Chairman Bottenhorn asked if there is a motion regarding Resolution P18-09: A Resolution Regarding The Erie Commons PD Amendment No. 8.

Commissioner Fraser moved to approve Resolution P18-09: A Resolution Regarding The Erie Commons PD Amendment No. 8. The motion, seconded by Commissioner Witt, carried with a 3-2 vote. Commissioners Hedahl and Zuniga voting no.

Chairman Bottenhorn asked if there is a motion regarding Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat.

Commissioner Fraser moved to approve Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat. There was no second on this motion, therefore, the motion failed.

Commissioner Zuniga moved to deny Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat. There was no second on this motion, therefore, the motion failed.

Commissioner Zuniga moved to continue the Public Hearing to a later date for Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat to allow the applicant time to make an adjustment to the 8 unit building to break it into a 3 unit and a 4 unit building. The motion, seconded by Commissioner Witt, carried with a 3-2 vote. Commissioner Fraser and Chairman Bottenhorn voting no.

At 8:52pm, Chairman Bottenhorn re-opened the Public Hearings to continue the Public Hearing to a future date.

Mr. Jon Lee addressed the Commission regarding their concerns on the 8 unit building. Mr. Lee stated that Century Communities stated they would drop the middle unit on the 8 unit building and agree to the 3 unit and 4 unit building. Mr. Lee has been working on this project for 2 1/2 years and would like to move forward.

Bruce Bailey, 251 South Briggs Street, Erie, CO 80516 addressed the Commission regarding the 2 buildings adjacent to his property which was originally 1 building that was exceeding the length. This is why the developer split the building and put an alleyway in the middle. The buildings moved closer to his house so they lost all their trees. Mr. Bailey is requesting that the building that is closest to his property be eliminated so that he doesn't lose the trees.

Commissioner Hedahl asked for clarification on the length of the building and splitting the building.

Chairman Bottenhorn closed the Public Hearing at 8:55pm.

Commissioner Zuniga moved to approve Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat based on the condition that the 8 unit building be changed to a 3 unit and a 4 unit building.

There was no second as Todd Bjerkaas, Director of Planning and Development took the podium to address the Commission. Mr. Bjerkaas requested a brief recess to discuss process.

Chairman Bottenhorn called for a recess of the meeting at 8:57pm.

Chairman Bottenhorn reconvened the meeting at 9:03pm.

Chairman Bottenhorn explained the process to the Commission in order to move forward.

Commissioner Zuniga moved to rescind her previous motion to continue the Public Hearing on Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat which would allow the applicant time to make an adjustment to the 8 unit building that breaks into a 3 unit and a 4 unit building to a later date. The motion, seconded by Commissioner Witt, carried with all voting in favor thereof.

Chairman Bottenhorn noted that the table was now open for a new motion.

Commissioner Zuniga moved to approve Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat with the condition that the 8 unit building will have a unit removed from the middle of the building while maintaining the ranch style end units on the buildings; the eastern most building having 4 units and the western most building having 3 units. The motion, seconded by Commissioner Witt, carried with all voting in favor thereof.

Chairman Bottenhorn asked if there is a motion regarding Resolution P18-11: A Resolution Regarding The Site Plan For Erie Commons Filing No. 4, 3rd Amendment.

Commissioner Zuniga moved to approve Resolution P18-11: A Resolution Regarding The Site Plan For Erie Commons Filing No. 4, 3rd Amendment with the condition that the 8 unit building will have a unit removed from the middle of the building while maintaining the ranch style end units on the buildings; the eastern most building having 4 units and the western most building having 3 units. The motion, seconded by Commissioner Witt, carried with all voting in favor thereof.

18-291

PUBLIC HEARING: Resolution P18-10: A Resolution Regarding The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat, Adopting Certain Findings Of Fact And Conclusions Favorable To The Preliminary Plat.

Attachments: [18-291 Staff Memo](#)

[18-291 Resolution P18-10](#)

[18-291 Applicant Materials](#)

[18-291 Public Comments](#)

18-292

PUBLIC HEARING: Resolution P18-11: A Resolution Regarding The Site Plan For Erie Commons Filing No. 4, 3rd Amendment, Adopting Certain Findings Of Fact And Conclusions Favorable To The Site Plan.

Attachments: [18-292 Staff Memo](#)

[18-292 Resolution P18-11](#)

[18-292 Applicant Materials](#)

[18-292 Public Comments](#)

VIII. GENERAL BUSINESS

There was no General Business discussion.

IX. STAFF REPORTS

Deborah Bachelder, Planning Manager/Deputy Director of Planning and Development addressed the Commission regarding Public Communication. The Board of Trustees made adjustments on the notification distance for Neighborhood Meetings and Public Hearings from 300 feet to 500 feet.

The Town is about to update and upgrade our Town Website in the next month or so. One of the tools GIS is creating for us is an interactive Development Activities Map. You'll be able to click on properties and understand some of the applications that are in process with the Town and coming to hearings allowing earlier access to the public.

A new event that will take place annually every October is Planning Month. The Planning and Development Department will be hosting an Open House at the Erie Community Center tentatively set for October 25th. This will allow staff and

Commissioners to interact with the residents about new and upcoming projects in the Town; how to get information; and how to make public comment on issues of concern, etc.

Mrs. Bachelder thanked the Commission for the great conversation with each other and staff this evening on our Public Hearing Resolutions.

X. COMMISSIONER REPORTS AND DISCUSSION ITEMS

There were no Discussion Items or Commissioner Reports.

XI. ADJOURNMENT

Chairman Bottenhorn adjourned the August 15, 2018 Planning Commission Meeting at 9:12pm.