

RESOLUTION NO. 18-___

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 Board of Trustees of the Town of Erie, Colorado, conducted a public hearing, Tuesday, January 23, 2018, pursuant to the published notice, on the Special Review Use application for Outdoor Storage, at 1121 Telleen Ave., Erie, Colorado, on Tuesday, 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 Approving With Conditions 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 23rd day of January 2018.

TOWN OF ERIE, COLORADO,
a Colorado municipal corporation

Tina Harris, Mayor

ATTEST:

Nancy Parker, Town Clerk

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

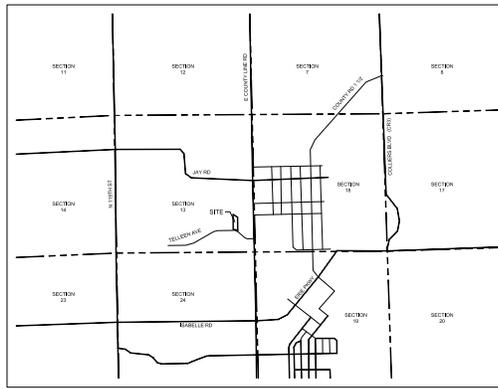
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13 TOWNSHIP 1 NORTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO
SPECIAL REVIEW USE SRU-000933-2017

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:

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN FIVE YEARS FROM THE DATE OF THE CERTIFICATION HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFEATS ANY PUBLIC LAND SURVEY MONUMENT OR ACCESSORY COMBATS A CLASS TWO (2) MISDEMEANOR PUNISHABLE TO STATE STATUTE 18-65.0-101.
- BASED UPON A REVIEW OF FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 0801300414, MAP REVISED DECEMBER 18, 2012, THE SUBJECT PROPERTY IS NOT WITHIN THE 100-YEAR FLOOD PLAIN AREA.
- LOT MONUMENTATION SHALL BE IN ACCORDANCE WITH THE COLORADO REVISED STATUTES (CRS 38-1-101).
- THE LEGAL DISTANCE UNIT USED IN THE PREPARATION OF THIS DOCUMENT IS THE UNITED STATES SURVEY FOOT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY DEFINES THE UNITED STATES SURVEY FOOT AS 1200/3937 METERS.
- THE 12' ACCESS EASEMENT, 5' UTILITY EASEMENT AND THE 20' BY 45' LEASE ARE SET FORTH IN THE UNRECORDED LEASE AGREEMENT DATED JANUARY 15TH, 2007, BETWEEN THE TOWN OF ERIE AND VERZON WIRELESS.
- ALL CONTRACTORS ARE REQUIRED TO OBTAIN A RIGHT-OF-WAY PERMIT FROM THE TOWN OF ERIE FOR ALL WORK WITHIN CITY RIGHT-OF-WAY.
- WATER AND SANITARY SERVICE LINES ARE SHOWN AS THEY ARE CURRENTLY UNDERSTOOD TO BE LOCATED. SERVICES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION.



VICINITY MAP
1" = 2000'

SHEET INDEX:

- SHEET 1 - COVER SHEET
- SHEET 2 - SITE RELEASE
- 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 247
EASTLAKE, CO 80614-0247
(303) 465-2966
ENGINEER AND SURVEYOR: WARE MALCOMB
900 SOUTH BROADWAY SUIT 230
DENVER, CO 80209
(303) 561-3333

LEGEND

- SITE BOUNDARY
- - - - - EASEMENT LINE
- LOT LINE
- SECTION LINE
- SET POINT
- SANITARY LINE
- GAS LINE
- ELECTRIC LINE
- TELEPHONE LINE
- (R) AS MEASURED COURSE
- (R) RECORDED COURSE
- FOUND MONUMENT AS DESCRIBED
- AIR CONDITIONING UNIT
- POWER POLE
- ELECTRIC METER
- TRANSFORMER
- FIBER OPTICS VAULT
- FIBER OPTICS PEDESTAL
- GAS METER
- WATER METER
- FIRE HYDRANT
- FIRE DIRECT CONNECT
- WATER VALVE
- STORM MANHOLE
- SANITARY MANHOLE
- BALLAST
- GUARD POST
- LIGHT POLE
- TELEPHONE PEDESTAL
- FUEL TANK
- WATER CONNECTION
- ELECTRIC CONNECTION
- DIRECTION OF DRAINAGE FLOW
- STOP SIGN

950 South Broadway
Suite 230
Denver, CO 80209
p 303.561.3333

WARE MALCOMB
LAND SURVEYING | waremalcomb.com

COVER SHEET

NO.	DATE	REMARKS	NO.	DATE	REMARKS
1	12/22/17	CITY COMMENTS			

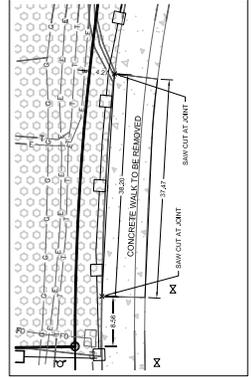
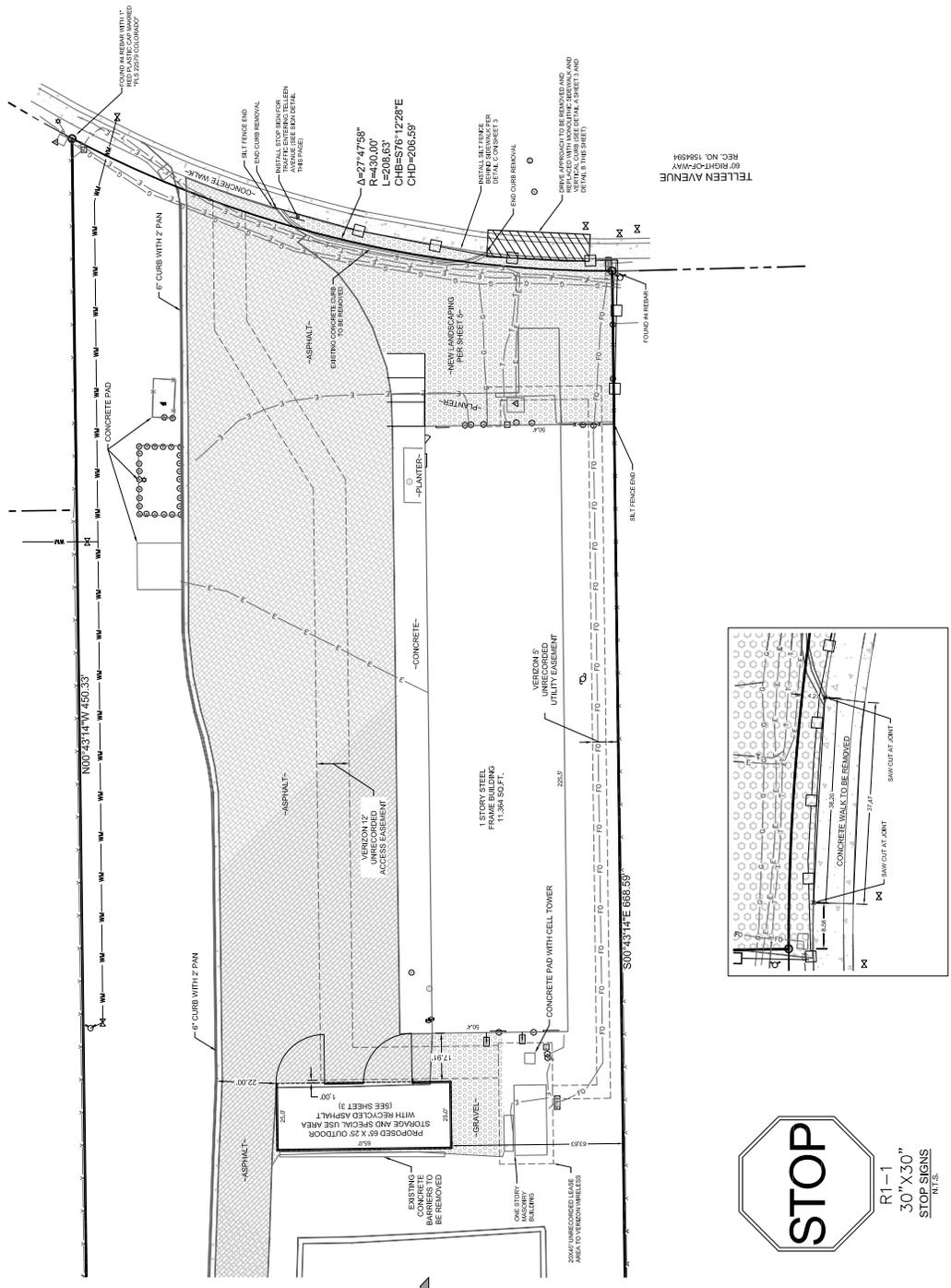
JOB NO.	DCS17-4070
PA/PR	TS
DRAWN	KEB
DATE	12/01/2017
SCALE	1" = 16'

SHEET	1
Sheet	1 of 5

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



DETAIL B
 (SCALE 1" = 10')

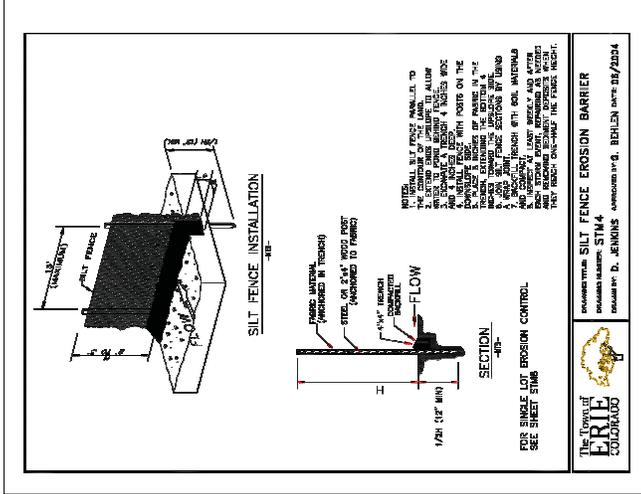
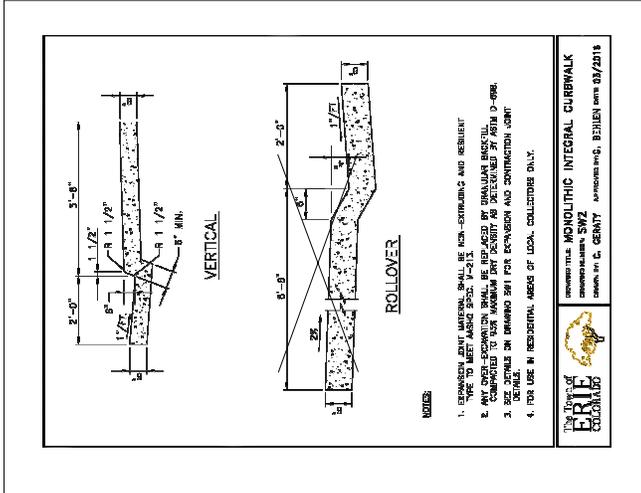
WARE MALCOLM LAND SURVEYING waremalcolm.com 590 South Broadway Suite 230 Denver, CO 80209 P: 303.561.3333		JOB NO.: DC17-409 PAPER: TS DRAWING: KEP DATE: 12/01/2017 SCALE: 1" = 10'	SHEET 2 of 5 Sheet 2 of 5
SITE PLAN NO. DATE REVISIONS 1 12/01/2017 CITY COMMENTS 2 12/01/2017 REVISIONS			

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 STANDARDS AND SPECIFICATIONS FOR DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS BY THE TOWN OF ERIE. COPIES OF THE TOWN OF ERIE STANDARDS AND SPECIFICATIONS MAY BE OBTAINED FROM THE TOWN OF ERIE WEBSITE. CONTRACTOR SHALL HAVE A SET ON-SITE AT ALL TIMES.
2. THE TOWN OF ERIE ENGINEERING STAFF PRIOR TO THE START OF CONSTRUCTION. THOSE IN ATTENDANCE SHALL INCLUDE THE OWNER, HIS ENGINEER, THE TOWN OF ERIE ENGINEERING STAFF, REPRESENTATIVES OF THE CONTRACTORS AND OTHER AFFECTED AGENCIES. PLANS SIGNED AND ACCEPTED BY THE TOWN OF ERIE WILL BE DISTRIBUTED AT THE PRECONSTRUCTION MEETING. CONTRACTOR SHALL HAVE (1) COPY OF THE SIGNED PLANS ON-SITE AT ALL TIMES.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE TOWN OF ERIE ENGINEERING STAFF. THE TOWN RESERVES THE RIGHT TO ACCEPT OR REJECT ANY SUCH MATERIALS AND WORKMANSHIP THAT DOES NOT CONFORM TO TOWN ENGINEERING STAFF OF THE CONTRACTORS' 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. THE CONTRACTOR SHALL COORDINATE HIS ACTIVITIES WITH THE AFFECTED UTILITY COMPANIES AND SHALL NOTIFY THE UTILITY UTILITIES IN THE AREA OF CONSTRUCTION ARE APPROXIMATE ONLY. THEY HAVE BEEN LOCATED FROM INVESTIGATION AND THE BEST AVAILABLE UTILITY RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND ALL UTILITIES RELOCATED PRIOR TO CONSTRUCTION. ANY UNKNOWN SUBSURFACE STRUCTURES ARE ENCOUNTERED DURING CONSTRUCTION IT SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE TOWN OF ERIE ENGINEERING STAFF AND DESIGN ENGINEER PRIOR TO PROCEEDING.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK.
7. WORK IN PUBLIC STREETS, ONCE BEGUN, SHALL BE PROSECUTED TO COMPLETION WITHOUT DELAY SO AS TO PROVIDE MINIMUM INCONEVENIENCE TO ADJACENT PROPERTY OWNERS AND TO THE TRAVELING PUBLIC.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK.
9. THE CONTRACTOR SHALL IMMEDIATELY REMOVE ANY CONSTRUCTION DEBRIS OR WAD TRACKED ONTO EXISTING ROADWAYS.
10. ALL CONCRETE SHALL BE A MINIMUM OF CLASS B, IN CONFORMANCE WITH CDOT STANDARDS.
11. ALL CONCRETE EDGES MUST BE ROUNDED TO A FOURTH (1/4) INCH RADIUS, EXCEPT WHERE SHOWN OTHERWISE ON DRAWINGS.
12. ONE HALF (1/2) INCH EXPANSION JOINTS SHALL BE INSTALLED AT ALL CURB RETURNS, CURB CUTS AND EXISTING STRUCTURES. CONTOUR JOINTS SHALL BE INSTALLED PER THE TOWN'S STANDARDS AND SPECIFICATIONS.



590 South Broadway
 Suite 230
 Denver, CO 80209
 P: 303.561.5333

WARE MALCOLM
 LAND SURVEYING | wwaremalcolm.com

NOTES AND DETAILS

NO.	DATE	REVISIONS
1	12/20/2017	
2	12/20/2017	
3	12/20/2017	

JOB NO.: DC17-4070
 DRAWN: KEB
 DATE: 12/20/2017
 SCALE: 1" = 10'

DESIGNER: T. G. GENTY
 REVISION: 08/2018

SHEET **3** of 5
 Sheet 3 of 5

