

## **RESOLUTION NO. P18-14**

### **A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE SPECIAL REVIEW USE FOR THE FITNESS 1440 BUSINESS, A COMMERCIAL AMUSEMENT, INDOOR USE, AT 651 MITCHELL WAY, LOT 3B-1, COAL CREEK CENTER, 2ND AMENDMENT, TOWN OF ERIE, COLORADO.**

**WHEREAS**, the Planning Commission of the Town of Erie, Colorado, has received and considered the Special Review Use application for the Fitness 1440 business, a Commercial Amusement, Indoor use, at 651 Mitchell Way, Erie, Colorado, on Wednesday, September 5, 2018, on the application of Fitness 1440, Matt Mauch, 630 Benton Lane, Erie, Colorado, 80516 for the following real property; to wit:

Lot 3B-1, Coal Creek Center, 2<sup>nd</sup> Amendment, Town of Erie, County of Weld, 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 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.
3. 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. A Town of Erie business license is issued for the use, contingent upon approval of the Special Review Use for 651 Mitchell Way.

**Section 2. Conclusions and Order Recommending Approval with Conditions to the Board of Trustees of the Special Review Use for the Fitness 1440 business, a Commercial Amusement, Indoor use, at 651 Mitchell Way, Lot 3B-1, Coal Creek Center, 2<sup>nd</sup> Amendment, 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 Special Review Use has met Title 10, Section 7.13.C.9 Approval Criteria.
- 3. The Special Review Use as proposed, with the condition listed above, preserves the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.

**INTRODUCED, READ, SIGNED AND APPROVED this 5<sup>th</sup> day of September 2018.**

TOWN OF ERIE, PLANNING COMMISSION

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J. Eric Bottenhorn, Chair

ATTEST:

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Melinda Helmer, Secretary