

## **RESOLUTION NO. P20-05**

### **A RESOLUTION REGARDING ERIE TOWN CENTER PLANNED DEVELOPMENT (PD) ZONING, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE PLANNED DEVELOPMENT ZONING.**

**WHEREAS**, the Planning Commission of the Town of Erie, Colorado, has received and considered at a public hearing the Erie Town Center Planned Development (PD) Zoning Map and Development Guide on Wednesday, March 3, 2020, on the application of the Town of Erie, PO Box 750, Erie, Colorado for Rezoning of the following real property:

Lot 1, Block 5, Erie Commons Filing No. 4, Town of Erie, County of Weld, State of Colorado;

Tract A, B and C, Ranchwood Minor Subdivision, Town of Erie, County of Boulder, State of Colorado; and

Lot 1 and 2, Block 1 and Tract A and B, Canyon Creek Subdivision Filing No. 10, Town of Erie, County of Boulder, State of Colorado

**WHEREAS**, the application for Erie Town Center PD Rezoning is detailed on the attached Erie Town Center PD titled Erie Town Center PD Zoning Map and Erie Town Center PD Development Guide, attached hereto and incorporated herein as Exhibit "A," and

**WHEREAS**, said Erie Town Center PD is incorporated herein and made a 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. Following a duly noticed and conducted public hearing, the Planning Commission determined that the application meets the approval criteria in Municipal Code Title 10, Section 10.7.23 C.9. Approval Criteria:
  - a The PD district zoning is generally consistent with the purpose of the PD zone district as set forth in UDC Sections 2.5 and 7.6.
  - b The modification to the UDC regulations is based on creative and innovative design and amenities incorporated in the PD zone district that could not otherwise be achieved through other standard zoning districts or through another modification processes such as Alternative Equivalent Compliance in UDC Subsection 6.1.C or the PUD Overlay District in UDC Subsection 2.7.D.

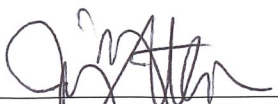
- c The PD zoning district will promote the public health, safety, and general welfare.
  - d The PD zoning district is generally consistent with the Town of Erie Comprehensive Master Plan; Transportation Master Plan; Parks, Recreation, Open Space, and Trails Master Plan, and other pertinent Town plan and policy documents.
  - e Adequate and sufficient public safety, utility facilities and services, recreation facilities, parks, open space, and schools are available to serve the property, while maintaining sufficient levels of service to existing development.
  - f The PD zone district provides adequate vehicular circulation and parking facilities in terms of traffic volumes, convenience, safety, access, screening and noise.
  - g A pedestrian and bicycle circulation system that provides connections to adjacent properties, existing and future trails, parks, open space, recreational facilities, schools, and other places of public gathering.
  - h The PD zone district is not likely to result in significant adverse impacts to the natural environment, and significant scenic and historic features.
  - i The PD zone district will not result in significant adverse impacts on properties in the vicinity of the PD zone district, or such impacts will be substantially mitigated.
  - j Proposed uses will be compatible in scale with uses on properties in the vicinity of the PD zone district.
  - k The residential areas of a PD zone district allocate a variety of housing types and densities appropriate to the size of the residential development area.
  - l Visual relief is provided through building placement, shortened or interrupted street vistas, visual access to open space, parks, and other design methods.
  - m The modifications permitted in the PD zone district have been made in exchange for greater public benefits that would not have otherwise be achieved through development under another zone district.
3. That the proposed Erie Town Center PD, subject to the following conditions, will preserve the health, safety, welfare, and interest of the citizens of Erie, Colorado:
- a. Staff may direct the consultants to make technical corrections to the documents.

**Section 2. Conclusions and Order Recommending Approval to the Board of Trustees for the Erie Town Center PD.**

- 1. The applicant's application and supporting documents are in substantial compliance with Municipal Code, Title 10.
- 2. Based on the above, Findings of Fact, the Planning Commission hereby forwards the Erie Town Center PD application to the Board of Trustees with the Planning Commission's recommendation for approval with the conditions listed above.

**INTRODUCED, READ, SIGNED AND APPROVED** this 3<sup>rd</sup> day of March 2020.

TOWN OF ERIE, PLANNING COMMISSION

By:   
Eric Bottenhorn, Chair

ATTEST:


By:   
Melinda Helmer, Secretary

EXHIBIT A  
ERIE TOWN CENTER PD

# **TOWN OF ERIE**

*645 Holbrook Street  
Erie, CO 80516*



## **Meeting Minutes**

**Wednesday, March 4, 2020**

**6:30 PM**

**Council Chambers**

**Planning Commission**

**I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG**

Chairman Bottenhorn called the March 4, 2020 Planning Commission Meeting to order at 6:30pm.

**II. ROLL CALL****Roll Call:**

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

**III. APPROVAL OF THE AGENDA**

Commissioner Witt moved to approve the agenda of the March 4, 2020 Planning Commission Meeting. The motion, seconded by Commissioner Hedahl, carried with all voting in favor thereof.

**IV. APPROVAL OF MINUTES**[20-126](#)

Approval of the February 5, 2020 Planning Commission Meeting Minutes

**Attachments:** [2-5-2020 PC Meeting Minutes](#)

Commissioner Zuniga moved to approve the Meeting Minutes of the February 5, 2020 Planning Commission Meeting. The motion, seconded by Vice Chairman Harrison, carried with all voting in favor thereof.

**V. PUBLIC COMMENTS**

No Public Comments.

**VI. GENERAL BUSINESS**[20-140](#)

PUBLIC HEARING Resolution P20-05: A Resolution Regarding Erie Town Center Planned Development (PD) Zoning, Adopting Certain Findings of Fact and Conclusions Favorable to the Planned Development Zoning.

**Attachments:** [Resolution No. P20-05](#)  
[Erie Town Center PD Zoning Map](#)  
[Erie Town Center PD Development Guide](#)  
[Staff Memo](#)  
[Land Use Application](#)  
[Public Hearing Notice](#)

Chairman Bottenhorn opened the Public Hearing at 6:32pm for Agenda Item 20-140/Resolution P20-140.



Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development presented Agenda Item 20-140/Resolution P20-05 to the Planning Commission.

Graham Jones of DPZ gave a presentation to the Commission providing additional background and information on the Agenda Item.

Public Comment was taken from the following:

- Bryon Bednar, 280 Skylane Drive, Erie, CO
- Christiaan vanWoudenberg, 1821 Crestview Lane, Erie, CO
- Ward Ritter, 2555 49th Street, Boulder, CO
- Jon Lee, 2500 Arapahoe Avenue, Boulder, CO

An email from Brett Cavanagh of Western Midstream, 1099 18th Street, Ste 1800, Denver, CO, submitted an email to the Commission objecting to the plans as submitted.

Concerns/comments included:

- Fantastic idea but would suggest waiting on approval due to traffic; need a traffic engineering analysis; tree line thoroughfare; 5 intersections in a 650 ft. radius. Development - shallow coal mine constraints and analysis. Area Development Plan vs. Master Plan.
- Exciting, fundamental shift; economic sustainability; housing diversity and opportunity; retail opportunities; likes expedited review process; environmental sustainability; recommending approval of this agenda item.
- Undermining; utilities; traffic
- Excited about the evolution of the process

Chairman Bottenhorn brought it back to the Commission for questions/comments.

Some questions/comments included the following:

- Plan is great and excited about the prospects of this development
- Traffic and mine mitigation from an administrative perspective
- 35' measurement approach on building height
- Likes the process and flexibility of the illustration
- Subzones
- Retail opportunities/marketing
- Exceptional final product
- Good strategic plan
- Appeals process to address developers concerns
- County Line Pedestrian Underpass
- Enjoyed the process
- Mixed Use/Ground Floor Retail
- What will we see first?
- Standards/Guidelines for the Erie Town Center/precedent
- Effective planning
- Continuance of due diligence to address the traffic and mine concerns
- Constant discussion and improvement
- Walkability
- Diversity and accessibility/affordability of housing
- Soil subsidence/evaluation
- Economic growth
- Commercial priorities
- Encourage transparency and communication

- Connectivity/Trail access
- Charrette process/time effort appreciated
- DPZ involvement/contract
- DPZ design review involvement on a consulting basis
- Appreciated the process and the engagement of the public

Commissioner Witt moved to approve Agenda Item 20-140/Resolution P20-05. The motion, seconded by Commissioner Ames, carried with all voting in favor thereof.

### 20-138

PUBLIC HEARING: A Resolution Regarding Nine Mile Corner PD-DP Amendment No. 1, Adopting Certain Findings of Fact and Conclusions Favorable to the Amendment.

**Attachments:** [Resolution P20-03](#)  
[PD Amendment No. 1](#)  
[Staff Memo](#)  
[Application Materials](#)  
[Neighborhood Meeting](#)  
[Notice](#)

Chairman Bottenhorn opened the Public Hearing for Agenda Item 20-138/Resolution P20-03 and Agenda Item 20-139/Resolution P20-04 at 8:10pm.

Hannah Hippely, Senior Planner gave a presentation to the Commission on this Agenda Item.

Ms. Hippely also noted that the applicant, Tyler Carlson of Evergreen Devco, is available to answer any questions of the Commission.

Public Comment was taken from the following:

- Bob Carsted, 3256 Billington Drive, Erie, CO
- Debra Gonzales, 10994 Arapahoe Road, Lafayette, CO
- Patrick Gonzales, 10994 Arapahoe Road, Lafayette, CO

An email from Jeanne Stratton, 503 Lucerne Drive, Lafayette, CO was submitted to the Commission expressing her concerns on this project.

Comments and concerns included the following:

- Mitigation; Arapahoe Road mitigation; road widening; landscaping plan concerns/provide screening; storm pipe; mitigation for the residences on Arapahoe Road; Arapahoe Ridge HOA Referral
- Elimination of property views; Carriage house next to property line; Mitigate setbacks with apartments
- Arapahoe Road traffic

Chairman Bottenhorn brought it back to the Commission for questions/comments.

Some questions/comments included the following:

- Addressing the concerns of those residents/property owners that gave public comment
- Email from Lafayette resident - loss of views
- Applaud the developer for working with the neighboring property owners



- Arapahoe Road traffic/widening of the road
- IGA - Tree requirement
- Hope for resolution between with applicant and neighboring property owners
- Traffic Signal installation
- Entryways to commercial area
- HOA/Town Maintained Property situated
- North side landscaping
- Offsite Improvements (Arapahoe Ridge)
- Carriage House elimination/modification
- Original PD
- Tenant update

Commissioner Ames moved to approve Agenda Item 20-138/Resolution P20-03. The motion, seconded by Commissioner Witt, carried with all voting in favor thereof.

Commissioner Ames moved to approve Agenda Item 20-139/Resolution P20-04 with the following conditions: Town Acceptance of construction documents and landscape plans be required. Landscape plans shall address the concerns of Beacon Hill residents within the terms of the IGA and to the extent reasonably practicable. To the extent reasonably practicable, landscape screening shall be added to the north side of Arapahoe Road in order to address the concerns of Arapahoe Ridge residents. The motion, seconded by Commissioner Hedahl, carried with all voting in favor thereof.

#### [20-139](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending the Board of Trustees Approve with Conditions the Minor Subdivision for Nine Mile Corner.

**Attachments:** [Resolution P20-04](#)

[Plat](#)

[Staff Memo](#)

[Application Materials](#)

[Referral Comments](#)

[Certificate of Notice to Mineral Estate Owner](#)

[Neighborhood Meeting](#)

[Notice](#)

Chairman Bottenhorn called for a brief recess at 8:57pm.

Chairman Bottenhorn reconvened the meeting at 9:05pm.

#### [20-142](#)

Resolution No. P20-06: A Resolution Of The Planning Commission Of The Town Of Erie Recommending That The Board Of Trustees Approve An Emergency Ordinance Amending Title 10, Chapter 12 Of Unified Development Code By Adding A New Section 10.12.6, Concerning Existing Oil And Gas Operations

**Attachments:** [Resolution P20-06](#)  
[Ordinance - Emergency](#)

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development provided a brief presentation on behalf of Administration on Agenda Item 20-142.

Chairman Bottenhorn brought it back to the Commission for any questions/comments of staff.

Commissioner Hedahl made a motion to recommend to the Board of Trustees denial of Agenda Item 20-142/Resolution P20-06 at this time as the amendment does not adequately address promotion of the public health, safety, and general welfare. Currently, the information is not consistent with the Town's Comprehensive Master Plan and the stated purposes of the UDC. The proposed amendment is inconsistent with being able to make a decision at this time. The Commission would like to see a layout that establishes a process, whereby, due diligence is done and the Commission has proper success criteria that can be measured. The motion, seconded by Commissioner Zuniga, carried with all voting in favor to deny this resolution.

#### [20-141](#)

Consideration of amendments to the Erie Municipal Code Title 10 Unified Development Code.

**Attachments:** [Staff Memo](#)

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development provided a presentation to the Commission on Agenda Item 20-141.

Bryon Bednar, 280 Skylane Drive, Erie, CO - made comment and suggestion regarding density variance.

Chairman Bottenhorn brought it back to the Commission for questions/comments of staff.

Some questions/comments included the following:

- Kitchen definition
- Use of density bonus
- Pros/Cons to re-write for urban density 5/3
- Anything to replace the removal of the density bonus
- Diversity requirements
- Town Standards and Specifications - fairly extensive?
- Approves of the productive aspect
- Affordable housing an option

Vice Chairman Harrison moved that staff draft a Resolution approving this Agenda Item as presented to the Commission and to be signed by Chairman Bottenhorn once the Resolution is drafted. The motion, seconded by Commissioner Witt, carried with all voting in favor thereof.

## **VII. STAFF REPORTS**

No staff reports.

**VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS**

No Commissioner Reports.

**IX. ADJOURNMENT**

Chairman Bottenhorn adjourned the March 4, 2020 Planning Commission Meeting at 9:40pm.