

**TOWN OF ERIE
PLANNING COMMISSION MEETING
September 17, 2025**

SUBJECT: **Public Hearing: Resolution P25-13**
A Resolution of the Planning Commission of the Town of Erie
Recommending the Town Council Approve the Canyon Creek Filing
No. 11 Preliminary Plat with Conditions

PURPOSE: Review of the proposed 9.401-acres Preliminary Plat, which includes
81 townhome units and 16 private tracts for various garden court,
landscape, utilities, private park, and private drive alleys.

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Aly Burkhalter, Senior Planner

STAFF RECOMMENDATION:

Canyon Creek Filing No. 11 Preliminary Plat – Resolution P25-01

Staff find the application in compliance with the Preliminary Plat approval criteria and recommend the Planning Commission adopt Resolution P25-13 recommending approval to the Town Council with the following conditions of approval, all of which shall be satisfied prior to approval of future Final Plat(s) for the Property:

1. Applicant shall execute a Development Agreement in the form provided by the Town.
2. Applicant shall make technical corrections to the Preliminary Plat and related documents as directed by Town staff.
3. Applicant shall make corrections to the maintenance access to the detention pond related to comments by the Town Engineering Division.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Owner/Applicant: Stratus Canyon Creek, LLC
1842 Montane Dr E, Golden, CO 80401

Existing Conditions:

Comprehensive Plan

Future Land Use

Designation: Residential - Low

Zoning: PD – Planned Development
Canyon Creek PD Amendment No. 10

Project Size: 9.401 acres

Existing Use: Vacant/under construction for Filing No. 8

Location:

The Canyon Creek Filing No. 11 Preliminary Plat site is located within and part of the larger Canyon Creek subdivision. It consists of 9.4 acres of the previously platted Canyon Creek Filing No. 8. The property is south of Jay Road, west of County Line Road, north of Telleen Avenue, and east of Jasper Road/Lombardi Road. The Preliminary Plat No. 2 area is outlined below in blue:



Figure 1: Location of Site

Adjacent Land-Use/Zoning:

	ZONING	EXISTING LAND USE
NORTH	None	RTD right-of-way
SOUTH	LR / Canyon Creek PD	Single-Family Development
EAST	Canyon Creek PD	Drainage/Open Space
WEST	LR / Canyon Creek PD	Single-Family Development

Site Specific Development Information:

The proposal is subject to the standards of the Canyon Creek Planned Development-Development Plan (PD-DP). The following history details the various reviews/approvals for the Canyon Creek site:

1. **Annexation:** The subject site was annexed by the Town in September of 1970, and was originally known as "Homestake".
2. **Zoning**
 - a. In 1975, the subject site and surrounding area were zoned as the Homestake PUD.
 - b. In May 2001, the Homestake PUD was amended and renamed the Canyon Creek Planned Development (PD) Plan. Since 2001, the subject site has been included in the area of Filing No. 8 with a maximum of 275 townhome units.
 - c. In 2008, PD Amendment #5 updated the Land Use Designation for Filing No. 8 from Townhome to Medium Density Residential which allowed a broader mix of housing than townhomes to include duplex, triplex, and manor home; and removed the maximum lot coverage for Medium Density Residential
 - d. In 2021, PD Amendment #8 revised rear yard setbacks for alley loaded homes
3. **Plats:**
 - a. A Sketch Plan was not required for Filing No. 11, a replat of Filing No. 8, as it was a recent platting. A Sketch Plan is an optional, informal evaluation before detailed planning and engineering work is undertaken and does not result in any approval or denial.
 - b. On May 28, 2019, a sketch plan was presented to Planning Commission and Board of Trustees for Canyon Creek Filing No. 7 & 8 Sketch Plan application for 109 single-family lots and 88 duplex lots south of the RTD railroad right-of-way and north of where Jasper Road dead ends.
 - c. On August 10, 2021, the Canyon Creek Filing No. 7 & 8 Preliminary Plat was approved by the Town Council and consisted of 106 single family detached home lots (Filing No. 7) and 88 paired home lots (Filing No. 8) with 26 tracts for various landscaping, trail, park, open space, alleys/private streets, and utility purposes and future development areas. The area for Preliminary Plat No. 11 was contained within designated future development tracts on the original Preliminary Plat.
 - d. On November 14, 2023, Canyon Creek Filing No. 8 Final Plat and Development Agreement (DA) was approved by Town Council. Filing No. 8 created 88 duplex lots and 16 tracts consisting of landscaping, drainage, utilities, alleys, and pocket park. Some of these areas are currently under construction. The area for Filing No. 11 was contained within designated future development tracts on the Filing No. 8 Final Plat.

The Canyon Creek Filing No. 11 Preliminary Plat area consists of Tracts L, N, and P of Canyon Creek Filing No. 8 Final Plat. This area is comprised of 9.401 acres of vacant PD zoned land. There are no existing buildings on the property. The property is bordered by RTD right-of-way and a regional detention basin. The property contains multiple plugged and abandoned wells.

Preliminary Plat Development Data:

The Canyon Creek Filing No. 11 Preliminary Plat proposes the following:

- Size: 9.401 acres
- Residential Development:
 - 81 townhome lots (8.6 gross dwelling units per acre)
- Parks & Opens Space Dedication
 - Pocket Park: 0.12 acres required, provided within adjacent filings
 - Neighborhood Park: 0.73 acres required, provided within adjacent filings and fee-in-lieu
 - Community Park: provided with impact fees at building permit
 - Open Space: 4.12 AC required, provided with adjacent filings and fee-in-lieu
 - Private Park: 0.097 acres
- Other Elements
 - Public ROW: provided extension of Bluebird Street and Wagon Drive
 - Private Alleys: (5) private drive tracts

Compliance with Town of Erie Comprehensive Plan:

The Comprehensive Plan designation for most of the Canyon Creek development is Residential-Low (2 to 8 du/ac). Residential-Low areas are primarily suburban-style developments with a range of single-family detached and attached homes, townhomes, and patio homes. Typically, this designation is seen as a transition between lower density and higher density neighborhoods or commercial uses. The dwelling units per acre are slightly above the Comprehensive Plan designation at 8.6 dwelling units per gross acre.

The Canyon Creek Planned Development-Development Plan (“PD-DP”) was mostly recently amended in 2021. Last year, the Comprehensive Plan was adopted and is consistent with the zoning previously established for the site. The next section of this report will go through the Preliminary Plat’s conformance to the PD-DP. As the plat is in general conformance with the PD, the application is in general compliance with the current Comprehensive Plan Land Use Map.

Below is the future land use map with the Canyon Creek Filing No. 11 Preliminary Plat area labeled:

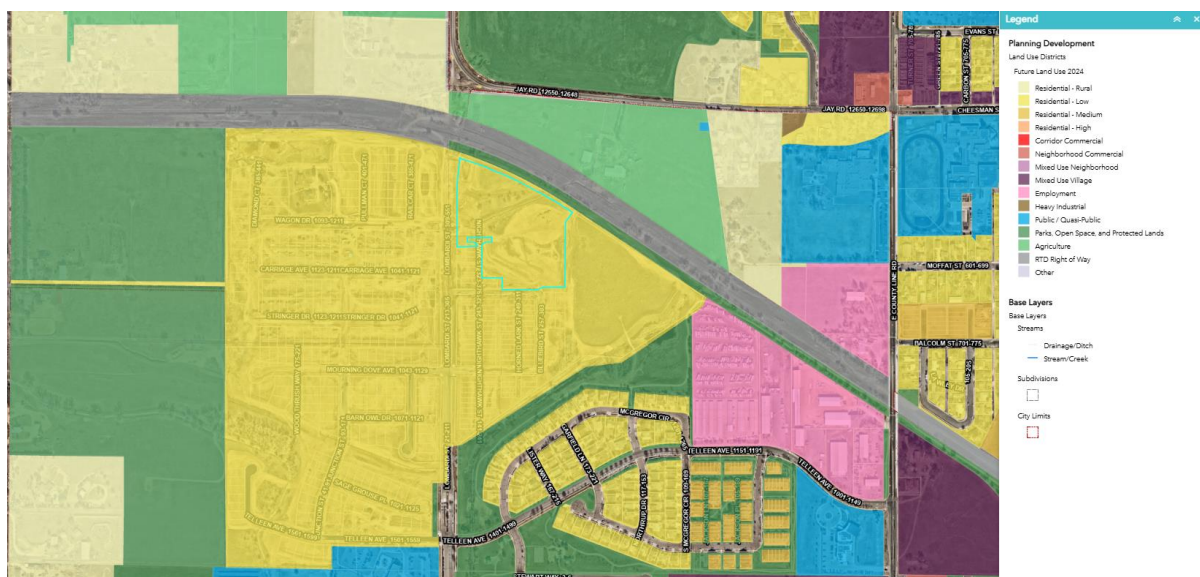


Figure 2: Future Land Use Designation

Compliance with Town of Erie Zoning:

The property was annexed and initially zoned under the Homestake Planned Unit Development (PUD) in 1975. The Homestake PUD was later amended and renamed the Canyon Creek Planned Development (PD).

The subject site is located within Filing No. 8 indicated on the Canyon Creek PD Amendment No. 10. The PD designates Filing No. 8 as medium density residential and permits a maximum of 275 units. Filing No. 8 is proposed to be developed with 88 paired homes. Filing No. 11 is proposed to be developed with 81 townhomes. Together, the total number of units is 169 dwelling units, consistent with the Planned Development-Development Plan.

Also, Filing No. 8 permits a variety of housing that includes paired homes, townhomes, and manor homes. Filing No. 11 is proposed to be developed with townhomes. Lots within the Preliminary Plat meet the PD setbacks and other dimensional requirements and are under the maximum permitted densities.

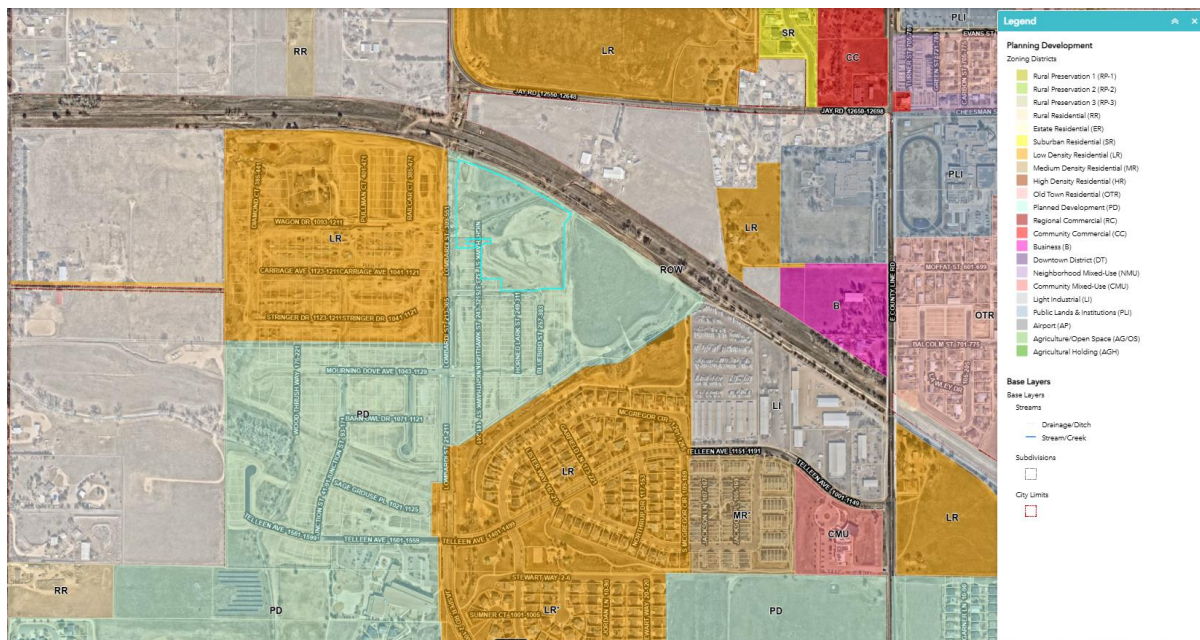


Figure 3: Zoning Map

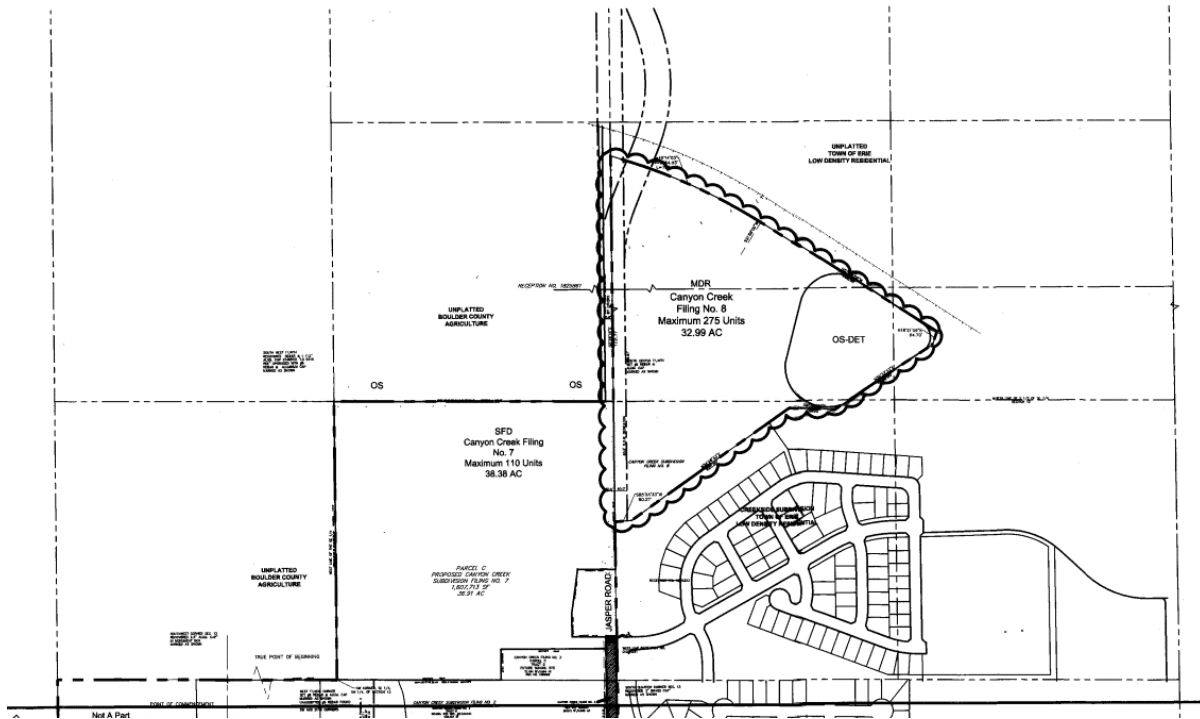


Figure 4: Canyon Creek PD Amendment No. 10, Development Plan

Access/Streets:

A Traffic Conformance Letter was submitted with the Preliminary Plat application materials. The Preliminary Plat proposes extension of two internal public local streets, with alleys being privately owned and maintained. The townhomes are private alley-loaded and face onto either garden courts or streets.

The north-south extension of Bluebird Street is consistent with Filing No. 8 Final Plat. The east-west extension of Wagon Dr is consistent with Lafferty at Canyon Creek Final Plat. The intersection of Wagon Dr and Lombardi St is planned to be full movement with two-way stop control.

The streets and improvements proposed are in compliance with the Town's Standards and Specifications. Future final plats will assess and finalize access through the property and to the surrounding street network.

Parks and Open Space:

The required dedications for public parks and open space dedications are based on the Town of Erie Municipal Code. The required dedications for neighborhood parks, pocket parks, and open space are provided in the PD and adjacent filings. The table below detail how these requirements are met with this Preliminary Plat application based on 2.99 residents per unit and 81 townhome units:

Table 1: Park and Open Space Dedication Requirements

Canyon Creek Filing 11 Park & Open Space Dedication Requirements			
Park Type	Acres Required per 1,000 residents	Required Acres	Provided Acres
Neighborhood Park	3	0.73	18.15-acres provided with Filing 1 and fee-in-lieu
Pocket Park	0.5	0.12	0.351-acres provided in adjacent Filing No. 7; 0.595-acres provided in adjacent Filing No. 8
Open Space	17	4.12	9.678-acres provided in adjacent Filing No. 7

Trails/Pedestrian Connections

This project proposes a series of sidewalks and connections to a spine trail. These connect different portions of the neighborhood to one another, and to future adjacent development. A Spine Trail is to be constructed with Filing No. 8 along the north boundary of Filing No. 11 parallel to the RTD right-of-way. A variety of trails and sidewalks are proposed along streets and open space tracts to provide connectivity throughout the overall development.

Drainage:

A Preliminary Drainage Report was submitted and reviewed, with no concerns noted by Engineering. The Phase II drainage concepts and design have been designed and calculated under the direction of the Erie Standards and Specifications, Mile High Flood District, and the Erie Outfall System Plan. Stormwater runoff will be collected in a storm sewer system and conveyed into Water Quality and Detention Pond 1045 to the east of Filing No. 11. Additional volume has been provided in the Water Quality and Detention Pond 1045 – Pond B to accommodate this project's water quality. Overall increase in flow to Water Quality and Detention Pond 1045 is minimal with a 0.13% increase. Engineering Staff requested revisions to the water quality pond access to provide closer access that will need to be addressed at Final Plan. This is also noted as a condition of approval for the Preliminary Plat. Final drainage plans will be reviewed with the Final Plat.

Utilities:

The Town of Erie will provide both water and wastewater services to the property. The Preliminary Plat proposes a series of water and sewer mains, to be located within right-of-way or public easements. Filing No. 11 is in the Town's Water Zone 2. This development will connect to the existing water mains located in Filing No. 8 and Jasper/Lombardi Road. The subject development is in the West Side Basin for sanitary sewer. Connection to the sewer system will be through Filing 8 and Jasper/Lombardi Road.

Utility service providers for the property are Xcel Energy for gas and electricity, Century Link Communications for telephone services, and Comcast for cable television. Utility easements for these providers will be established at the time of Final Plat.

Schools:

The proposed subdivision is in the St. Vrain Valley School District. The applicant will be required to provide appropriate impact fees. The Red Hawk Elementary school is located near the site, and all required school dedications were made in previous Canyon Creek filings. The school district stated no concerns from a capacity standpoint.

Fire Protection:

The Mountain View Fire Protection District will provide fire and emergency medical services.

Police Service:

The Erie Police Department will provide service to the property.

Oil/Gas Facilities:

All oil and gas wells within Filing No. 11 have been plugged and abandoned. All eight plugged and abandoned wells are in a separate Tract C and have met the Town's requirements for a reduction in setback to 50 feet by 100 feet, which is shown on the Plat.

Soils and Geology:

A Mine Subsidence Assessment was prepared for the site by Western Environment and Ecology, Inc. The assessment and associated borings concluded that there is no mine workings located beneath the subject property. None of the proposed home lots within the Preliminary Plat are within the limit of subsidence damage line. Colorado Geological Survey reviewed this assessment and stated it satisfactorily addressed their previous comments regarding mine subsidence. CGS will review all future Final Plats.

Natural Resources:

A Natural Resources Assessment was prepared for Filing No. 7 & 8, which includes the subject property, by ERO Resources Corporation (ERO) in 2018 which assessed potential wetlands and waters of the U.S., federally threatened, endangered, candidate and sensitive species habitat, raptors and migratory bird habitat, and general wildlife. General findings for the Filing No. 11 site are listed below:

- Wetlands and Other Waters of the U.S.: Four water conveyance irrigation ditches cross Filing No. 7 & 8. No work is planned within the ditches or canals; therefore, no further action is needed.
- Federally Threatened and Endangered Species: The project area does not contain suitable habitat for most of the federally listed threatened or endangered species in Boulder County.
- Migratory Bird: ERO observed one inactive raptor nest within the western cottonwood stand on the property. Although ERO did not observe any other nests within the project area, the croplands and stands of trees in the project area provide potential nesting habitat for ground-nesting and tree nesting migratory birds. ERO recommends, at a minimum, a nest survey be conducted within one week prior to construction to determine if any active nests are present in the project area so they can be avoided. If active nests are found, any work that would destroy the nests cannot be conducted until the birds have vacated the nests. If work is to proceed without disturbing an active nest, the Colorado Department of Wildlife (CPW) recommends implementing a 1/3-mile buffer zone from the nesting site.

A Threatened and Endangered Species, Habitat & Wetlands Report was prepared for Filing No. 7 & 8, which includes the subject property, in 2019 by Ecosystem Services, LLC (Ecos or ecos) and was consistent with the findings above.

A Native and Specimen Tree and Vegetation Protection Report was prepared for Filing No. 7 & 8, which includes the subject property, in 2019 by Ecos. The southern portion of the subject property is identified as Medium Priority – prairie dog and burrowing owl habitat. There were some tall, young 4” diameter at breast height (DBH) Cottonwoods located at the northwest corner of the site that were mitigated with the Filing No. 8 spine trail construction. The recommendations made were not within the subject property.

Environmental Hazards:

ERO Resources Corporation (ERO) conducted a Phase I Environmental Site Assessment (Phase I ESA) for Canyon Creek Filings No. 7 and 8, which included the subject property. This assessment has revealed no evidence of RECs in connection with the property, except for the historical coal mining activity that occurred on and around the property that may have resulted in coal deposition from operations on the property that are not currently visible. In a separate report, it was determined that mine workings are not present under the subject property and there are no subsidence concerns for the application. Since the preparation of the assessments, the producing oil and gas facilities have been plugged and abandoned with extensive data reports having been reviewed.

APPROVAL CRITERIA - STAFF ANALYSIS:

The proposed Preliminary Plat was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.7.D.2. Approval Criteria. Staff finds the Preliminary Plat in compliance with the Preliminary Plat Approval Criteria as listed below.

- a. The subdivision is generally consistent with the Town’s Comprehensive Master Plan.

Staff: The proposed subdivision is generally consistent with the current 2024 Comprehensive Plan Future Land Use Map, which designates the property as Residential-Low. The Canyon Creek Planned Development-Development Plan (“PD-DP”) was adopted in 2001 and was amended in 2008 to update medium density residential for Filing No. 11 in conformity with the previous 2005 Comprehensive Plan, which designated MDR for the subject property. As the plat is in general conformance with the PD, the application is in general compliance with the Comprehensive Plan Land Use Map.

- b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.

Staff: The proposed subdivision is consistent with and implements the Canyon Creek PD – Planned Development zoning district.

- 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.

Staff: The proposed subdivision meets the Town’s UDC and standards.

- 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.

Staff: *The proposed subdivision meets the Town's UDC standards, including as modified in the Canyon Creek PD.*

- 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.

Staff: *The proposed subdivision meets applicable Federal and State standards.*

- 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.

Staff: *No significant adverse impacts are anticipated with the proposed subdivision.*

- g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.

Staff: *The proposed subdivision will be integrated into the existing road and pedestrian network, and the currently under construction road and network of Filing No. 7 & 8.*

- h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.

Staff: *No significant adverse impacts are anticipated with the proposed subdivision.*

- 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.

Staff: *Adequate facilities are available to serve the proposed subdivision, shall be constructed with the development, or shall be mitigated through the payment of fees.*

- j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Staff: *Adequate infrastructure is proposed and will be available to serve the proposed subdivision. A Development Agreement including a phasing plan will be reviewed as part of future Final Plats.*

NEIGHBORHOOD MEETING:

As required by the Municipal Code a Neighborhood Meeting was held virtually on Microsoft Teams on June 12, 2025, at 6:00 p.m. The required notice for the Neighborhood Meeting was provided. There were 3 public attendees at the meeting. Questions and concerns included Lombardi Street naming, project timeline, drainage, park dedication, spine trail to Boulder, dark sky ordinance, and mine shafts. A summary of the neighborhood meeting was provided by the applicant.

PUBLIC NOTICE:

Notice of this Public Hearing has been provided as follows and affidavits provided in the agenda package:

Published in the Colorado Hometown Weekly:	8/27/25
Property Posted as required:	by 8/29/25
Letters to Adjacent Property Owners:	by 8/29/25