

RESOLUTION NO. P17-11

A RESOLUTION REGARDING THE NINE MILE CORNER PLANNED DEVELOPMENT REZONING, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE PLANNED DEVELOPMENT REZONING.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, considered the Nine Mile Corner Planned Development Rezoning on Wednesday, June 21, 2017, on the application of Evergreen Devco, Inc., 1873 South Bellaire Street, Suite 1200, Denver, Colorado, for the following real property; to wit:

A Portion of the North ½ of Section 34, Township 1 North, Range 69 West of the 6TH Principal Meridian, Town of Erie, County of Boulder, State of Colorado,

and has held at a public hearing on the proposed Planned Development Rezoning on Wednesday, June 21, 2017.

**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 Nine Mile Corner Planned Development Rezoning, subject to the following condition, will preserve the health, safety, welfare, and interest of the citizens of Erie, Colorado:
- a. Technical corrections to the Nine Mile Corner Planned Development – Development Plan shall be made to the Town’s satisfaction.

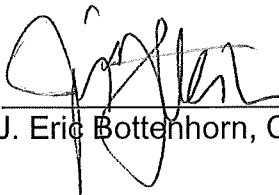
Section 2. Conclusions and Order Recommending Approval to the Board of Trustees for the Nine Mile Corner Planned Development Rezoning.

- 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 Nine Mile Corner Planned Development Rezoning application to

the Board of Trustees with the Planning Commission's recommendation for approval with the condition listed above.

INTRODUCED, READ, SIGNED AND APPROVED this 21st day of June 2017.

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, June 21, 2017

6:30 PM

Council Chambers

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chairman Bottenhorn called the June 21, 2017 Planning Commission Meeting to order at 6:30pm.

II. ROLL CALL

Roll Call:

Commissioner Campbell - present
Commissioner Fraser - absent/excused
Commissioner Gippe - present
Commissioner Harrison - present
Commissioner Hedahl - present
Commissioner Zuniga - present
Chairman Bottenhorn - present

III. APPROVAL OF THE AGENDA

Commissioner Gippe moved to approve the agenda of the June 21, 2017 Planning Commission meeting. The motion, seconded by Commissioner Campbell, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

[17-255](#) Approval of the June 7, 2017 Planning Commission Meeting Minutes

Attachments: [Meeting Minutes](#)

Commissioner Campbell moved to approve the minutes of the June 7, 2017 Planning Commission meeting. The motion, seconded by Commissioner Hedahl, carried with all voting in favor thereof.

V. PUBLIC COMMENTS

There were no public comments taken.

VI. RESOLUTIONS

[17-253](#) PUBLIC HEARING: Consideration of Resolution P17-11: A Resolution Regarding The Nine Mile Corner Planned Development Rezoning, Adopting Certain Findings of Fact and Conclusions Favorable To The Planned Development Rezoning.

Attachments: [A Staff Memo](#)

[B Resolution P17-11](#)

[C Nine Mile Corner PD - DP](#)

[D Application Materials](#)

[E Concept Site Plan Exhibits](#)

[F Neighborhood Meeting Summary](#)

Senior Planner, Todd Bjerkaas, presented Resolution No. P17-11; a Resolution Regarding The Nine Mile Corner Planned Development Rezoning. The owners of

the property are the Town of Erie and the Town of Erie Urban Renewal Authority. The applicant and authorized representative for the planned development is Evergreen Devco Inc., represented this evening by Tyler Carlson of Evergreen and Jared Carlon of Norris Design.

The Nine Mile Corner is located at the Southeast Corner of Highway 287 and Arapahoe Road; immediately south of the Arapahoe Ridge Subdivision and North of Beacon Hill in the City of Lafayette.

Staff is recommending approval of the Nine Mile Corner Planned Development Rezoning with the condition that technical corrections to the PD be made to the Town's satisfaction. Planning Commission is responsible for making a recommendation to the Board of Trustees.

Chairman Bottenhorn opened the Public Hearing on Resolution No. P17-11: Nine Mile Corner Planned Development Rezoning at 6:42pm.

Chairman Bottenhorn asked Tyler Carlson, Managing Partner of Evergreen to raise his hand to be sworn in prior to giving testimony to the Commission.

Mr. Carlson thanked the Commission and staff and gave a description of "Who Evergreen Is" and provided an overview of their projects, in addition to their vision for Nine Mile Corner. After Mr. Carlson's presentation, he asked that Jared Carlon of Norris Design come forth and give details regarding the multi-family portion of Nine Mile Corner.

Chairman Bottenhorn asked Jared Carlon of Norris Design, to raise his right hand to be sworn in prior to giving testimony to the Commission. Mr. Carlon provided information and detail regarding the multi-family portion of Nine Mile.

Chairman Bottenhorn opened the Public Comment portion of this meeting at 6:56pm. Chairman Bottenhorn asked that those individuals wishing to give testimony raise their right hand to be sworn in. Two individuals signed up to give comment.

Bart Howe, 3107 Stevens Circle North, Erie, CO spoke regarding his concerns on the trail system, the canal, the pedestrian crossing, and the potential traffic brought forth with this development.

Bob Karsted, 3256 Billington Drive, Erie, CO spoke regarding the "Minor Criteria" noted in the proposed Resolution P17-11 and does not believe it accurately states the situation. Specifically, "fact i." and "fact j." in Section 1 of the Resolution. He believes it should be stricken from the Resolution. Mr. Karsted also stated his concerns regarding the change in zoning and amount of apartment units.

Chairman Bottenhorn allowed time for the Commission to ask questions of the applicant and staff.

Chairman Bottenhorn closed the Public Hearing at 7:42pm. At this time, the Commission had no further comments or questions.

Commissioner Campbell moved to approve Resolution No. P17-11. The motion, seconded by Commissioner Harrison, carried with all voting in favor thereof.

VII. GENERAL BUSINESS

[17-208](#)

Erie Commons Concept Plan Review

Senior Planner, Todd Bjerkaas provided a brief overview of the Erie Commons Concept Plan to the Commission.

Erie Commons Filing No. 4, Lot 1 Block 5, is a 21-acre site within the Erie Commons PD Zoning District. This particular planning area is designated as Old Town Commercial with only commercial uses allowed. Surrounding uses are a combination of existing commercial and residential with a community park in the area. A sketch plan application has been made and the property owner is present to give a presentation to the Commission regarding the change of commercial designation for this area in the PD to allow apartment buildings to be built on approximately 62% of the site.

In order to proceed with the development of a proposed apartment complex, the applicant would need to amend the Town's Comprehensive Plan; amend the Annexation Agreement to increase the overall number of units allowed in Erie Commons from 770 to 1,040; amend the Erie Commons PD Zoning; and then go through the subdivision and site plan processes in the Town. The remainder of the site, which is approximately 8 acres, would remain commercial.

Jon Lee, Community Development Group, provided background to the Commission on the Erie Commons Concept Plan. Mr. Lee noted the site specifications and that pad sites would be available for commercial; however, Erie is missing the diversity of housing. They chose Davis Development out of Atlanta to work with on this project.

Lance Chernow, Davis Development, provided information about Davis Development. With Mr. Chernow from Davis Development is JD Lott and Fred Hazel. Davis Development is a family-owned, multi-family company, founded in 1995 by Mr. Mike Davis. All development is done in house; they have 4 different general contracting companies that they own 100% of, who only build for them. In addition, Davis Development owns their own management company. There is no third party involvement and no third party partners making Davis Development fully integrated, unique and dedicated to their projects.

Chris Grady, Kephart, presented their proposal for the multi-family units in Erie Commons. They are proposing five three story buildings; up to 270 rental units on 13.1 acres of land. The concept design of each building will allow for 47 - 55 units per building, in a mix of 1 - 3 bedrooms units; with elevator access. There will be 2 points of access to the proposed property. All parking is internal on the property. A 5,000 sq.ft. resort-like clubhouse is also slated at the primary entrance of the property. A pool area, spa, and additional amenities will be included on the site.

Chairman Bottenhorn allowed time for the Commission to comment and ask questions of staff, the property owner, developer and designers.

VIII. STAFF REPORTS

Staff has nothing to report at this time.

IX. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Commissioner Gippe reminded everyone of the Concert in the Park this weekend.

X. ADJOURNMENT

Chairman Bottenhorn adjourned the June 21, 2017 Planning Commission Meeting at 8:29pm.