

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
November 9, 2021**

SUBJECT: PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Approving the Westerly PUD Overlay District

PURPOSE: The applicant proposes a Planned Unit Development Amendment to amend the Westerly PUD Overlay District, including updating and extending the PUD Overlay.

CODE REVIEW: Municipal Code, Title 10

DEPARTMENT: Planning & Development Department

PRESENTER: Shannon Moeller, AICP, Senior Planner

STAFF RECOMMENDATION:

Staff finds the Westerly Planned Unit Development Overlay District in compliance with the Planned Unit Development Approval Criteria and recommends the Board of Trustees approve Ordinance 35-2021.

PLANNING COMMISSION RECOMMENDATION:

On October 6, 2021 the Planning Commission unanimously voted (5-0) to recommend that the Board of Trustees approve the PUD Overlay.

SUMMARY AND BACKGROUND OF SUBJECT MATTER

Applicant: Erie Land Company, LLC

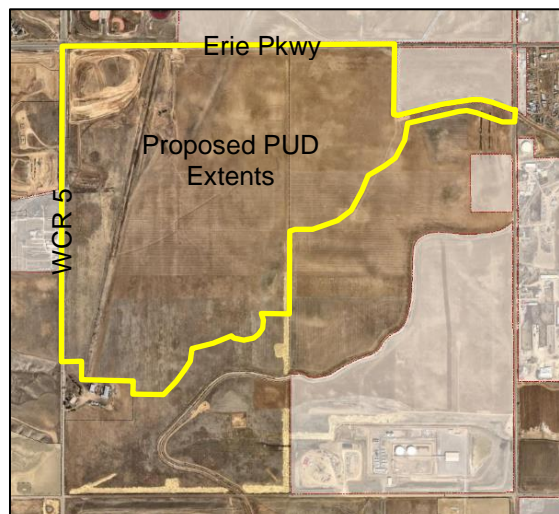
Existing Conditions:

Zoning: NMU – Neighborhood Mixed Use, MR – Medium Density Residential, LR – Low Density Residential / Westerly PUD Overlay

Project Size: 287.38 acres proposed within the PUD Overlay

Existing Use: Agricultural land / Residential construction

Location: All of the Westerly property is located south of Erie Parkway and east of Weld County Road 5.



Adjacent Land-Use/Zoning:

	Zoning	Land Use
North	PLI – Public Land and Institutions Weld County - Agricultural	School Agriculture
South	PD- Planned Development	Landfill
East	Weld County – Agricultural PD – Planned Development	Agriculture Storage
West	CC – Community Commercial Weld County – Agricultural LDR – Low Density Residential	Erie Highlands – Future Commercial Sunset – Future Residential Former Blake’s Salvage yard Town Open Space

Property History:

The Dearmin Property was annexed into the Town of Erie as the Horst Property in 1990. At that time the owner anticipated the property to be used as a landfill site. The pre-annexation and annexation agreements that outlined the landfill requirements for the property that were terminated in 2017 when the Town rezoned the property from Rural Preservation 3 to LR-Low Density Residential, NMU-Neighborhood Mixed Use and AG/OS-Agriculture/Open Space.

A Sketch Plan was originally reviewed for this property in 2017 and then an updated Sketch Plan was reviewed in February 2019.

A rezoning, PUD Overlay and Preliminary Plat were approved in 2020 for the Westerly property.

The Swink Property was annexed into the Town of Erie in January 2020. An Annexation Agreement was approved which covered both the Swink and Dearmin portions of the property and included a Conceptual Plan for the overall Westerly development, which is intended to be developed as one master-planned mixed-use development. The portions of the property that are part of this PUD Overlay application were zoned LR-Low Density Residential and MR-Medium Density Residential, with the remainder of the property zoned AG/OS-Agriculture/Open Space and PLI-Public Land and Institutions.

Purpose of a PUD Overlay:

A PUD Overlay is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

In Municipal Code 10.2.7 D. – the general purposes of a PUD are as follows:

- a. Establish a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result

- from application of zoning standards and procedures designed primarily for small parcels.
- b. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
 - c. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
 - d. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
 - e. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
 - f. To convert land so poorly developed as to be a public liability.
 - g. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
 - h. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.
 - i. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

Existing Westerly PUD Overlay:

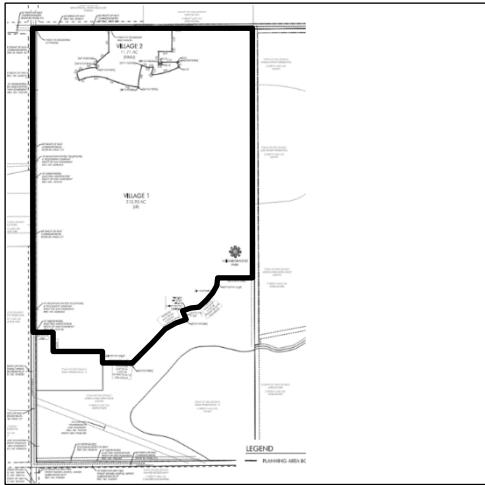
In July 2020, the existing Westerly PUD Overlay was established. The residential portions of the PUD anticipated a mix of housing types including single-family detached front-loaded and alley-loaded homes, alley-loaded duplexes, and alley-loaded townhomes. Specific dimensional and architectural standards were established for the various product types.

Proposed Westerly PUD Overlay:

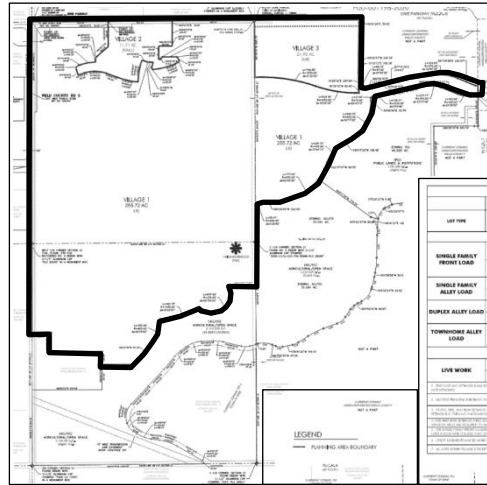
The applicant has applied to amend the existing Westerly PUD Overlay, including:

- Extend the overlay across the LR- and MR-zoned portions of the Swink property to the east, adding approximately 63 acres to the overall PUD Overlay.
 - Village 1 is proposed to extend across the LR-zoned portion of the Swink property. Village 1 allows for a mix of single-family detached front and alley-loaded homes, alley-loaded duplexes, and alley-loaded townhomes, consistent with the existing Village 1 standards. The LR zone requires a density of 3 to 5 dwelling units/acre, which is supported by the proposed dwelling unit types and dimensional standards.
 - Village 3 is proposed to be established over the MR-zoned portion of the Swink property, which allows for alley-loaded duplexes and alley-loaded townhomes, and a limited number of units may be single-family detached alley-loaded homes (15%). The MR zone requires a density of 5 to 10 dwelling units/acre, which is supported by the permitted residential dwelling unit types and dimensional standards.
 - There are no proposed changes to the existing Village 2 (NMU zoning).

- The southern boundary of the existing Overlay is proposed to be adjusted for consistency with the southern boundary of the concurrently-proposed Rezoning to adjust the AG/OS – LR boundary.
- Minor updates to the dimensional and garage standards for single-family front loaded homes on 60-foot wide lots clarify setbacks and incorporate additional standards for side-loading garages, located on sheet 5 of the PUD.



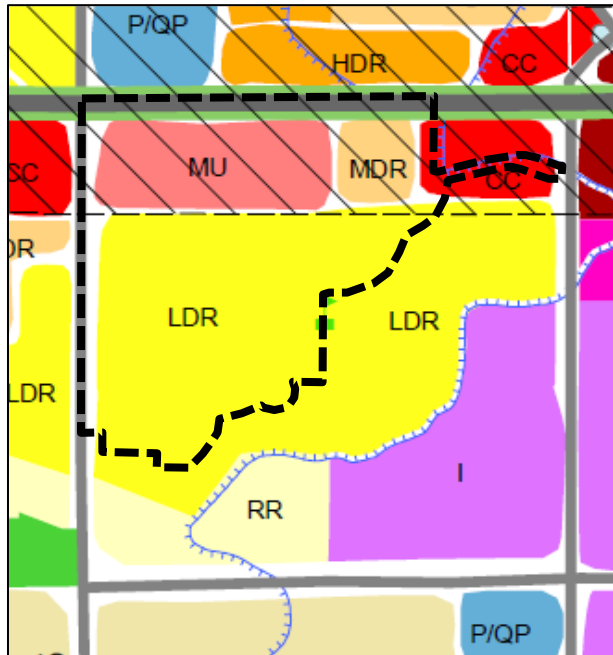
Existing PUD Overlay Extents



Proposed PUD Overlay Extents

Compliance with Town of Erie Comprehensive Plan:

The PUD Overlay is in general compliance with the Land Use designations on the Town of Erie Comprehensive Plan, Land Use Plan Map; as illustrated below. The Westerly PUD Overlay District encompasses areas generally designated MU – Mixed Use, LDR – Low Density Residential, and MDR – Medium Density Residential on the Comprehensive Plan Land Use Plan Map. The proposed Villages correspond with these general land use designations (and the underlying zoning) to support development within the land use density ranges (2-6 dwelling units per acre in Low Density Residential and 6-12 dwelling units per acre in Medium Density Residential). As always, the Land Use Plan Map is general in nature to allow for flexibility in the specific location and extent of each land use on a development-by-development basis.



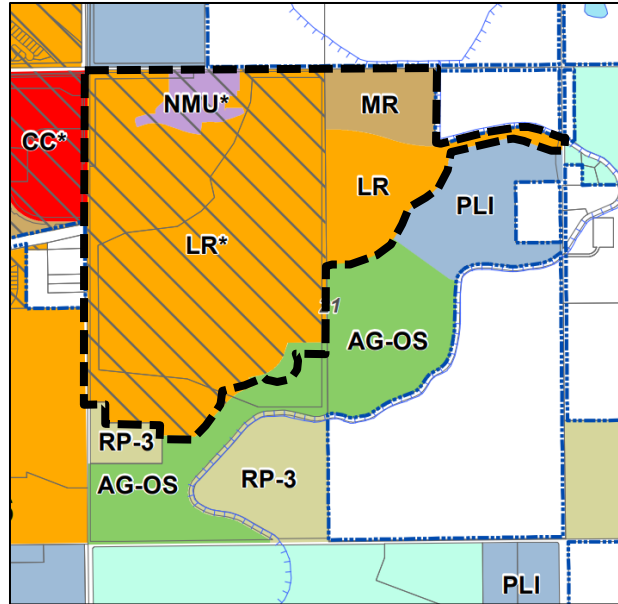
Compliance with Town of Erie Zoning:

The PUD Overlay is consistent with the concurrently proposed Rezoning along the southern boundary of the PUD

Overlay and with the existing underlying zoning of the Swink property, as shown on the adjacent zoning map.

Housing Diversity:

The Town of Erie’s housing diversity requirement is based on the acres of residentially zoned property in a development. The regulations intend to ensure that as the Town grows, a variety of housing choices are available. Specifically, for the approximately 277 acres of residentially zoned (LR- and MR-zoned) property in Westerly, Section 10.6.7 of the Erie UDC requires at least 3 housing types with at least 1



variation. Westerly is proposed as a mixed-use community and provides standards for front-loaded and alley-loaded single-family homes, alley-loaded duplexes, and alley-loaded townhomes, fulfilling the housing diversity requirements.

Staff Review and Analysis:

Compliance with Town Standards:

The proposed Westerly PUD Overlay was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.6.D.9. Approval Criteria. Staff finds the PUD in compliance with the Approval Criteria as listed below.

- a. The PUD Rezoning is consistent with the Purpose of the PUD Overlay District in Section 2.7.D.1;

Staff: The UDC standards of the LR- and MR-zoning districts are not conducive to construction of an alley-loaded products such as the ones proposed in Westerly. Modifications to these standards are required to achieve the development pattern and design proposed. Extending the PUD Overlay across the entirety of the Westerly development allows a consistent, high-quality design throughout the development.

- b. The PUD Rezoning will promote the public health, safety, and general welfare;

Staff: The PUD rezoning facilitates the development of the overall Westerly property as it was intended when the Swink portion of the property was annexed. The PUD rezoning provides for a diversity of housing types within the development and allows for a well-planned, mixed-use neighborhood design.

- c. The PUD Rezoning is consistent with the Town’s Comprehensive Master Plan and the purposes of this UDC;

Staff: The PUD rezoning is consistent with the land use designations of the Town’s Comprehensive Plan land use plan map and provide a diversity of housing types.

- d. The PUD Rezoning is generally consistent with the PUD standards in Subsection 2.7.D.2;

Staff: The requested variations from the UDC do not include anything precluded from variation by this section.

- e. Adequate facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

Staff: As the overall Westerly development is constructed, the necessary facilities and services to support the development will be provided.

- f. The PUD Rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff: The PUD rezoning is consistent with the underlying zoning for residential uses which allows for residential development. No adverse impacts resulting from this PUD rezoning have been identified.

- g. The PUD Rezoning is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the Town;

Staff: The PUD rezoning is consistent with the underlying zoning for residential uses which allows for residential development. No adverse impacts resulting from this PUD rezoning have been identified.

- h. The PUD Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;

Staff: The PUD rezoning is consistent with the underlying zoning for residential uses which allows for residential development. No adverse impacts resulting from this PUD rezoning have been identified.

- i. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;

Staff: The proposed PUD rezoning establishes design and dimensional standards for single-family detached homes, duplexes, and townhomes of a typical residential nature and are compatible in scale to uses in the vicinity.

- j. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the schedule of the development or Development Agreement submitted by the applicant; and

Staff: Phasing of the development, if applicable, will be covered in an individual development agreement associated with a final plat.

- k. The PUD Plan provides public benefit(s).

Staff: The PUD allows the development of a mix of residential uses including front-loaded and alley-loaded detached homes, alley-loaded duplexes, and alley-loaded townhomes, providing the housing variety suggested by the Comprehensive Plan and required by the UDC, as well as providing a well-planned, mixed-use neighborhood design. The result provides public benefit by increasing housing choice within Town and providing a high quality design.

Neighborhood Meeting

As required by the Municipal Code a Neighborhood Meeting was held:

Neighborhood Meeting Date: May 20, 2021

Neighborhood Meeting Location: Online/Virtual

The required posting and mailed notice of the Neighborhood Meeting was provided as required.

Public Notice

Notice of this Public Hearing has been provided as follows:

Published in the Daily Times Call: October 6, 2021

Property Posted: October 7, 2021

Letters to adjacent property owners within 500': October 8, 2021

Public Comments:

Written public comments received for the application are included as an attachment.