

**TOWN OF ERIE
BOARD OF TRUSTEES AGENDA ITEM
January 8, 2019**

SUBJECT: PUBLIC HEARING: A Resolution Of The Board Of Trustees Of The Town Of Erie Approving With Conditions Erie Highlands Preliminary Plat No. 3.

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: Review of the proposed 86.9 acre Preliminary Plat, for the third phase of development in Erie Highlands, which includes 103 single-family lots and 6 tracts for various landscaping, drainage, utility and future development area purposes.

DEPARTMENT: Planning and Development

PRESENTER: Hannah Hippely AICP, Senior Planner

STAFF RECOMMENDATION: Approval with Conditions

PLANNING COMMISSION: Approval with Conditions

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Location: South of Erie Parkway and West of Weld County Road 5.

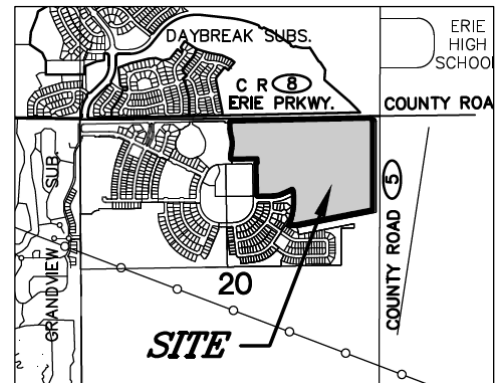
Owners: Oakwood Homes, LLC
J Dearmin, LLC
J Gaz, LLC
The Jack & Sonya Shell Family Trusts
WY&K Holdings, LLC

Applicant: Clayton Properties Group II, Inc.

Existing Conditions:

Site Condition: Vacant land with oil/gas operations

Property Size: 86.9 acres



Adjacent Land-Use/Zoning:

| | ZONING | LAND USE |
|--------------|-------------------------------------------------------------------|------------------------------------------------------|
| NORTH | LR – Low Density Residential with PUD Overlay | Residential – Colliers Hill |
| SOUTH | AG – Weld County LR – Low Density Residential with PUD Overlay | Blake’s Auto Salvage Residential - Erie Highlands |
| EAST | LR – Low Density Residential | Vacant Land |
| WEST | LR – Low Density Residential with PUD Overlay | Residential - Erie Highlands |

Proposed Preliminary Plat:

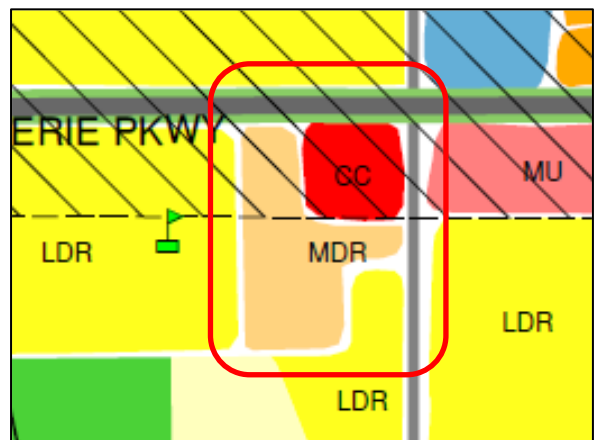
Erie Highlands Preliminary Plat No. 3 proposes the next phase of development for Oakwood Homes. Preliminary Plat No. 3 includes 103 single family lots with a typical lot size of approximately 5,000 square feet. This is the development of Erie Highlands Planning Area 8.

Development Information:

- Preliminary Plat Size: 86.9 acres
- Maximum # Dwelling Units Allowed per PUD in Planning Area 8: 120 dwelling units
- Number of Single Family Lots - Proposed: 103 lots
 - Minimum Lot Size Permitted – PA 8: 4,500 square feet
- Number of Tracts: 6 tracts
 - Other HOA Landscape/Utilities 3.2 acres
 - Future Development 59.8 acres

Compliance with Town of Erie Comprehensive Plan:

The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Plan Map.



Compliance with Town of Erie Zoning Map and Erie Highland Planned Unit Development (PUD) Overlay Zoning:

The property is zoned MR - Medium Density Residential with an existing PUD overlay. The application complies with the PUD Overlay. Overall minimum density requirements include a density range of 5 to 10 dwelling units per acre. In this Planning Area the proposed Preliminary Plat results in 3.8 dwelling units per acre which does not achieve the minimum. However, this minimum density must be achieved when the entire area zoned MR is developed, not necessarily within each planning area. Planning Areas 9 and 10 are the future development tracts of the Preliminary Plat. The anticipated dwelling units per acre of these areas based on proposals under review is 5.2 dwelling units per acre for Planning Area 9 and 10.57 dwelling units per acre for Planning area 10. Overall, the density of the MR zone district is anticipated to be 7.56 thus, the required minimum will be met with the development of the future planning areas.

Housing Diversity:

The Town of Erie has a housing diversity requirement that is based on the acres of residentially zoned property to ensure that as the Town grows, a variation in housing choices are provided. The overall Erie Highlands property has 222 acres zoned LR - Low Density Residential and MR – Medium Density Residential. This quantity of residentially zoned land will require the Erie Highlands developers to provide either:

- 4 housing types, or,
- 3 housing types and 1 housing type variation, or,
- 2 housing types and 2 housing type variations.

Below is a listing of what is considered a housing type and what is considered a housing type variation:

| Housing Type | Housing Type Variation |
|------------------------------------|---------------------------------------------|
| Duplex | Front Loaded |
| | Alley Loaded |
| Stacked Tri-plex / Quad-plex | Three Dwelling Units per Building |
| | Four Dwelling Units per Building |
| Manor Home | Variation in Building Length 30% or More |
| | Variation in Building Footprint 30% or More |
| Townhouse (Single-Family Attached) | Front Loaded |
| | Alley Loaded |
| Apartment (Multi-family) | Variation in Building Length 30% or More |
| | Variation in Building Footprint 30% or More |
| Live-Work Units | Front Loaded |
| | Alley Loaded |
| Single Family Detached | Front Loaded |
| | Alley Loaded |
| | Lot Size Under 5,000 Square Feet |
| | Lot Size 5,000 – 9,999 Square Feet |

| | |
|--|--------------------------------------|
| | Lot Size 10,000 – 39,999 Square Feet |
| | Lot Size 40,000 Square Feet or More |

The Housing Diversity for previous filings of Erie Highlands Final Plats:

- 1 Housing Type:
 - Single Family Detached – lots in the 5,000 to 9,999 square foot range.
- 2 Housing Type Variations:
 - Single Family Detached lots in the under 5,000 square foot range.
 - Single Family Detached lots in the 10,000 to 39,999 square foot range.

The Housing Diversity Proposed for Erie Highlands Preliminary Plat No. 3 contains:

- 1 Housing Type:
 - Single Family Detached – lots in the 5,000 to 9,999 square foot range.
- 1 Housing Type Variation:
 - Single Family Detached lots in the under 5,000 square foot range.

The Housing Diversity Anticipated for Future Residential Development in Erie Highlands Planning Areas 9 and 10:

- 2 Housing Types:
 - Single Family Detached – Lot Size Under 5,000 sq. ft.
 - Townhouse.

As proposed the Erie Highlands development will have the required 2 Housing Types (i.e. Single Family Detached and Townhouse) and 2 Housing Type Variations (i.e. Lot Size Under 5,000 sq. ft. and Lot Size 10,000 – 39,000 sq. ft.).

Schools:

Erie Highlands is located in the St. Vrain Valley School District. Erie Highlands Filing 11 platted a lot for a future elementary school that is 10 acres in size.

Fire Protection:

The Mountain View Fire Protection District will provide fire and emergency medical services. A fire station is located adjacent to Erie Highlands on the southwest corner of Erie Parkway and Bonanza Drive in the Grandview Subdivision.

Police Services:

The Erie Police Department will provide service to the property.

Roadways:

A Traffic Report was submitted with the Erie Highlands Preliminary Plat No.3 application materials. All of the streets proposed are public roads. The streets and improvements proposed are in compliance with the Towns Specifications and Standards. The construction of any remaining work on Erie Parkway, improvements along County Road 5 and the construction of Glacier Drive along with the roads internal to Planning Area 8 will be constructed as a part of the first final plat filing of Planning Area 8.

Parks, Open Space and Trails:

Public Dedication Requirements:

The required dedications for public parks and open space dedications are based on the Erie Highlands PUD Zoning Map Amendment No. 1 that identifies the general location and the quantity of park and open space to be dedicated. The table below details how these requirements have been or will be met. There are no required dedications within the boundaries of the proposed Preliminary Plat, these requirements have been met in previous filings of the development.

| Public Dedications | Dedicated with Final Plat No. 1 through 7 | Dedicated with Final Plat No. 8 through 13 | Total | Requirement for Build-Out - PUD Amendment No. 1 |
|---------------------------|--------------------------------------------------|---------------------------------------------------|--------------|--------------------------------------------------------|
| Pocket Park | 0.97 | 1.09 | 2.06 | 1.97 |
| Neighborhood Park | 0 | 8.33 | 8.33 | 8.19 |
| Community Park | 0 | 0 | | Fee in Lieu for 13.64 acres |
| Open Space | 2.90 | 30.49 | 33.39 | 33.39 + Fee in Lieu |

Pedestrian Trails:

Erie Highlands Preliminary Plat No. 3 will provide connections to local trails which connects to the neighborhoods, school site and to future development at the corner of Erie Parkway and Weld County Road 5.

Open Space and Trails Advisory Board (OSTAB):

OSTAB has reviewed the application materials and provided referral comments in the attachments.

As noted in the OSTAB referral there are no Natural Areas Inventory sites within the Preliminary Plat area.

Utilities:

The Town of Erie will provide both water and wastewater services to the property.

At the time of building permit, raw water fees are collected that allow the Town to purchase water rights ensuring an adequate water supply for potable water and wastewater services.

Utility service providers for the property are United Power for electric, Xcel Energy for gas, 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.

Drainage and Erosion:

A Drainage Study was submitted and reviewed. The development is proposing a detention pond in Tract D which will serve the development within the boundaries of the Preliminary Plat including the future development areas.

Oil/Gas Facilities:

Surface Use Agreements (SUA)

The applicant has executed Surface Use Agreement's (SUA) with Encana and Anadarko/Kerr-McGee; the applicant is responsible with meeting the SUA requirements with the Final Plat submittals. The Erie Highlands Preliminary Plat No.3 identifies the SUA setback requirements on the Preliminary Plat reflecting what is shown on the PUD zoning map.

Existing Wells

There is 1 existing Encana oil and gas well site within the boundary of the Preliminary Plat, located immediately west of County Road 5. This well site is accessed off of Weld County Road 5 but, this access is required to be relocated as part of the first final plat resulting from an approval of this Preliminary Plat. It is the applicant's responsibility to ensure that existing well facilities, access roads and fencing meet the Municipal Code requirements at the time of Final Plat.

Future Wells

Anadarko/Kerr McGee has a future drilling site that is illustrated on the Erie Highlands Preliminary Plat No. 3; a co-location of this site with the existing Encana site has helped to minimize the well site impact on the Erie Highlands development.

Gas Distribution Pipelines

There are several existing and proposed locations for gas distribution pipelines that encumber portions of the Preliminary Plat. All gas distribution pipelines will need to be located in easements at the time of Final Plat, in conformance with the Municipal Code.

Soils and Geology:

Most of Erie Highlands Preliminary Plat No. 3 is undermined by the Boulder Valley #1 mine at depths of approximately 200 to 325 feet. The Colorado Geological Survey (CGS) reviewed various technical/engineering documents and studies provided by the applicant. CGS agreed with the applicant's reports that stated that the probability is low that a void collapse would propagate to the surface or to a height that could cause distress to structures. CGS did not have any objections to approval of Preliminary Plat No. 3. CGS did recommend an updated geotechnical study in order to address expansive soils and bedrock, this has been included in the conditions of approval for the Preliminary Plat.

STAFF REVIEW AND ANALYSIS

Staff finds the application is consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, as outline below:

- a. The subdivision is generally consistent with the Town's Comprehensive Master Plan.
- b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.
- 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.

- 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.
- 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.
- 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.
- g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
- h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
- 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.
- j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

NEIGHBORHOOD MEETING

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

| | |
|--------------------------------|-----------------------|
| Neighborhood Meeting Date: | January 23, 2018 |
| Neighborhood Meeting Location: | Erie Community Center |

The required posted 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 Colorado Hometown Weekly: | November 14, 2018 |
| Property Posted: | November 16, 2018 |
| Letters to adjacent property owners within 300': | November 16, 2018 |

PLANNING COMMISSION

This application was considered at a public hearing by the Planning Commission on December 5, 2018. Planning Commission recommended the conditional approval of the application. The Planning Commission resolution and minutes of this meeting are included as an attachment.