

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
May 28, 2019**

SUBJECT: **Agenda # 19-252**

Review of the Canyon Creek Filing No. 7 & 8 Sketch Plan

PURPOSE: Review and comment on a Sketch Plan application for 109 single-family lots and 88 duplex lots.

A Sketch Plan represents a generalized land use plan and layout for the area proposed to be included within a subdivision. A Sketch Plan application is required to allow for an early, informal evaluation of a proposed subdivision before detailed planning and engineering work has occurred. The Sketch Plan is not part of a formal application for approval of a subdivision and any comments made by the Town in reaction to a Sketch Plan shall not be binding on the Town's consideration of any subsequent Preliminary or Final Plat application, nor result in a vested property right under this UDC or State Statute.

CODE REVIEW: Municipal Code, Title 10

DEPARTMENT: Planning and Development Department

PRESENTER: Chris LaRue, Senior Planner

STAFF RECOMMENDATION: See Attachments for Staff and Referral Agency Comments

SUMMARY AND BACKGROUND OF SUBJECT MATTER

Owner: Johnson Development Company

Applicant: Henry Design Group, Inc. (Karen Henry)
1501 Wazee Street, Suite 1-C
Denver, CO 80202

Location: The property is located south of the RTD railroad right-of-way and north of where Jasper Road dead ends.

VICINITY MAP



Existing Conditions within Sketch Plan Area:

Zoning: Canyon Creek Planned Development (PD)
 Project Size: 70.626 acres
 Existing Use: Vacant / Oil & Gas site / Detention Pond

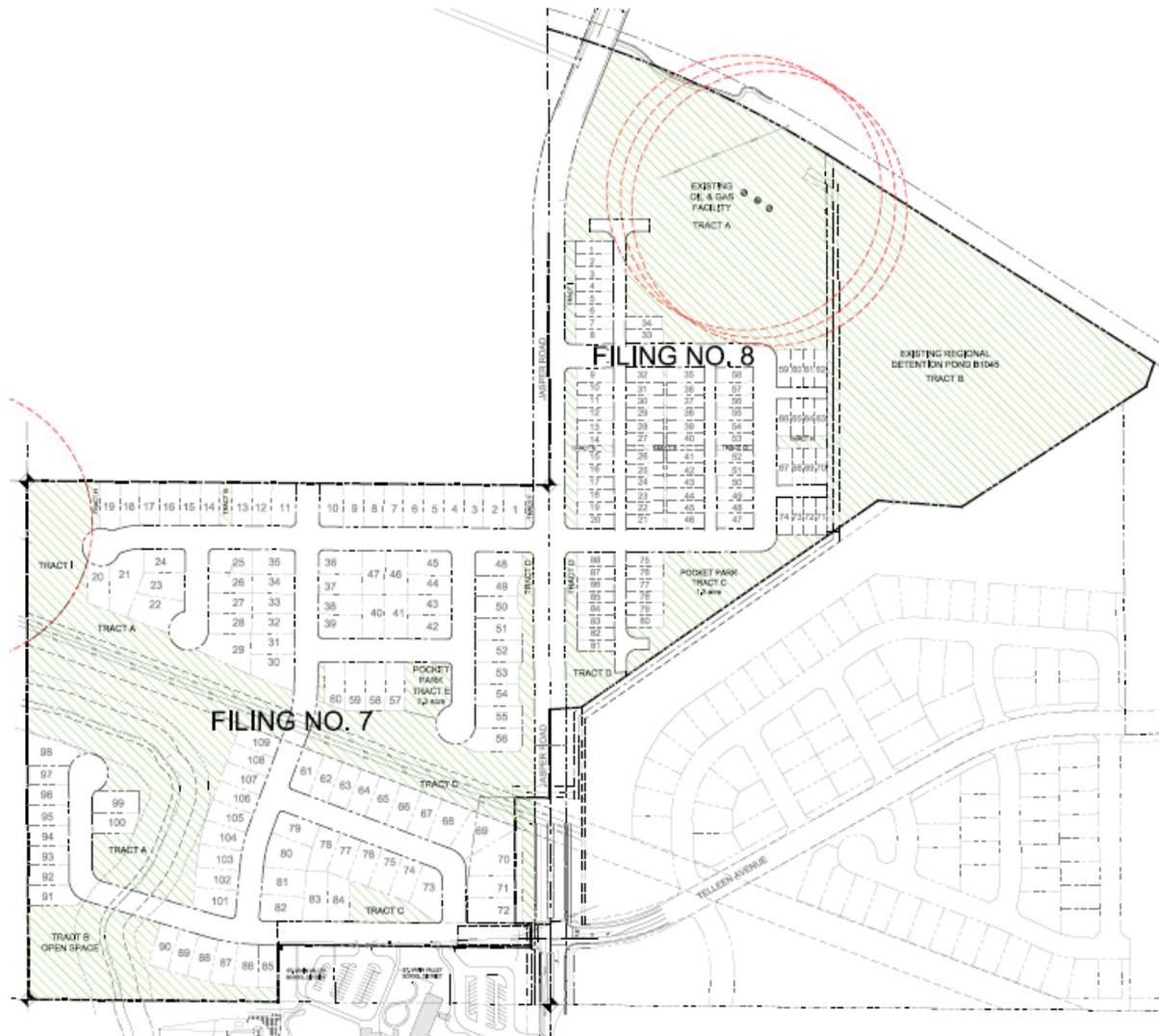
Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	Unincorporated Boulder County-Agricultural	Rural Single-Family
SOUTH	Canyon Creek PD-Planned Development	Red Hawk Elementary School
EAST	Low Density Residential	Single Family (Creekside Subdivision)
WEST	Unincorporated Boulder County-Agricultural	Rural Single-Family

SITE SPECIFIC DEVELOPMENT INFORMATION:

The site is zoned Planned Development (PD) and is within the Canyon Creek Planned Development, Amendment No. 9. The PD designates the Filing No. 7 area as single-family detached, and permits a maximum of 110 units. The PD designates Filing No. 8 as medium density residential, and permits a maximum of 275 units. Filing No. 8 permits a variety of housing that includes duplexes, townhomes, and manor homes. The proposed Sketch Plan proposes developing Filing 7 with 109 single family homes and developing Filing 8 with 88 duplex units. 18.69 acres of Filing 8 are encumbered by an existing oil and gas facility and an existing detention pond. The total development area for all of Canyon Creek is 553 acres, which would require 5 housing types, or 4 housing types and 1 housing type variation. Overall, Canyon Creek (including the future Filing No. 10) is meeting the housing diversity requirement by providing four housing types and two variations.

Below is the Sketch Plan for the Canyon Creek Filings No. 7 & 8 site:



Sketch Plan Development Data:

- Preliminary Plat Size: 70.626 acres
- Residential Development:
 - Canyon Creek Filing No. 7
 - Single-Family Detached 37.26 acres (109 dwelling units / 2.92 dwelling units per acre)
 - Canyon Creek 8 Filing No. 8
 - Duplexes 33.36 acres-(88 dwelling units / 6

dwelling units per acre excluding the oil and gas and detention areas)

- Amenities:
 - Canyon Creek 7
 - Private common area 11.6 acres
 - Pocket Park 0.30 acres
 - Canyon Creek 8
 - Private common area 1.32 acres
 - Pocket Park 1.3 acres

Streets:

Access into the site is proposed from a central extension of Jasper Road. The applicant’s proposed Sketch Plan includes public roads for Filing No. 7 and public roads and alleys for Filing No. 8. Staff would require the roads within the area to incorporate detached sidewalks and tree lawns to meet Town design standards.

Parks and Open Space / Dedication Requirements:

A conceptual open space and conceptual developed park plan was submitted with the application. A pocket park within a ¼ mile of the residents would be required and an appropriate park in each filing is depicted on the Sketch Plan. Pocket parks shall comply with all Town Standards and Specifications.

The required dedications for public parks and open space dedications are based on the Town of Erie Municipal Code. The tables below details how these requirements:

	<u>Filing No. 7</u> – Required by UDC (Acres)	Proposed for Preliminary Plat (Acres)
Pocket Park	0.157 (.25 minimum required)	0.3 acres
Neighborhood Park	0.945	Met with previous filings
Community Park	1.575	Met with previous filings
Open Space	3.675	10 acres proposed in Filling No. 8

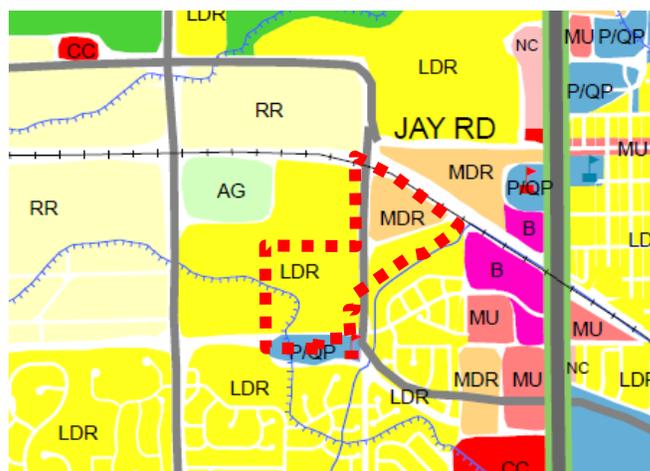
	<u>Filing No. 8 – Required by UDC (Acres)</u>	<u>Proposed for Preliminary Plat (Acres)</u>
Pocket Park	0.762 (.25 minimum required)	1.3 acres
Neighborhood Park	0.762	Met with previous filings
Community Park	1.27	Met with previous filings
Open Space	2.64	10 acres proposed in Filing No. 8

Future plan submittals shall illustrate how parks and trails connections are being made to the existing trail infrastructure. A spine trail is depicted which parallels the RTD right-of-way and connects to an existing trail to the east. The Parks Division has provided the applicant with comments, and indicated they are potentially interested in allowing the 10.36 acres in Tract B of Filing 8 (which contains an existing regional detention pond) to meet the Open Space requirement.

Compliance with Town of Erie Comprehensive Plan:

The majority of the property is designated as LDR – Low Density Residential (2-6 du/ac) on the Comprehensive Plan, Land Use Plan Map. An area of Filing 8 is also designated as MDR – Medium Density Residential (6-12 du/ac). LDR areas will primarily be suburban-style developments; however, the designation allows for a range of single-family detached and attached homes, townhomes, patio homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, commercial, and office uses in a neighborhood setting. MDR areas should incorporate a mix of housing types and recognizable community centers such as park, recreation, and neighborhood or community commercial areas in a neighborhood setting. The submitted Sketch Plan meets the intent of LDR and MDR per the characteristics, as the Sketch Plan proposes developing the site as single-family residential in Filing 7 (2.92 du/ac) and duplex residential in Filing 8 (6 du/ac).

Below, with the site outlined in a red dashed line, is the Future Land Use Plan Map from the Comprehensive Plan:



Compliance with the PUD

Both Filings are under the maximum number of units specified on the PD. The PD designates the Filing No. 7 area as single-family detached, and permits a maximum of 110 units. The PD designates Filing No. 8 as medium density residential, and permits a maximum of 275 units. Also, Filing No. 8 permits a variety of housing that includes duplexes, townhomes, and manor homes. Lot typicals provided with the sketch plan show an ability to meet the PD setbacks and other requirements. During the detailed site plan review, should discrepancies between the PD and site plan occur, a PD amendment might be required.

Compliance with Municipal Code Title 10 (UDC)

Town staff has reviewed the proposed Sketch Plan for compliance with the UDC and has provided the applicant with comments. Future applications will need to account for the provided comments.

Natural Areas Inventory and Endangered Species:

The Town of Erie Natural Areas Inventory does identify two natural areas within the proposed project area. These include site #49 and # 54. Site # 49 would be preserved by this plan, and includes the Leyner Cottonwood Ditch and woodland. Site # 54 includes a ditch lateral, pasture and marginal habitat for wildlife. The Sketch Plan proposes piping the lateral and developing most of this area as residential.

The Leyner Cottonwood Ditch traverses through the west side of Filing 7. Per the UDC, the ditch along with a 75 foot setback from the centerline of the ditch shall be contained within a single non-buildable tract.

Open Space and Trails Advisory Board:

The Open Space and Trails Advisory Board have provided the applicant with comments. These comments are attached and should be addressed with future submittals.

Undermining:

Abandoned coal mines occur beneath the proposed subdivision. The depth to the top of the mined interval ranges from 103 to 178 feet beneath the surface. There is a mine shaft within Filing No. 7 that is proposed to be placed within the proposed street right-of-way and future plats will contain a 50 foot no build setback. The setbacks encumbers several lots, and it should be noted the UDC does not allow this encroachment within the lots. Further information will be required to determine any impacts due to undermining. CGS will need to provide a review for future submittals.

Oil/Gas Facilities:

Existing Wells:

There is one existing oil and gas well within Filing No. 8 and just west of Filing No. 7 on the neighboring property. The Sketch Plan appears to adequately depict the required 350 foot oil and gas well setbacks.

Future Wells:

No future oil and gas facilities are identified.

Next Steps:

To move forward with the concept presented in the Sketch Plan, the applicant will need to apply for the following land use applications:

- a. PD Amendment (only if necessary as determined during the site plan review)
- b. Preliminary Plat
- c. Site Plan for Filing No. 8
- d. Final Plat

SKETCH PLAN PROCESS

Below is the process outlined in Title 10 (UDC) of the Municipal Code for Sketch Plan review:

2. Step 2A (Development Application Submittal – Sketch Plan)

Two types of application submittals are required – first, a Sketch Plan, followed by a Preliminary Plat. The Sketch Plan requirements are listed in this Subsection. The Preliminary Plat requirements are listed below as “Step 2B.” Applications for Subdivision shall only be accepted for property annexed into the municipality. A Subdivision application cannot be reviewed concurrently with an annexation application.

a. Purpose

A Sketch Plan represents a generalized land use plan and layout for the area proposed to be included within a subdivision. Sketch Plan is required to allow early, informal evaluation of a proposed subdivision before detailed planning and engineering work has been undertaken and before substantial expenses have been incurred by the applicant.

b. Sketch Plan Submittal Requirements

A Sketch Plan shall be prepared and submitted to the Community Development Director pursuant to the User’s Guide. An Alta Survey shall be prepared and submitted to illustrate the existing conditions on the property and, at a minimum, the Sketch Plan shall contain the following:

- i. Uses proposed;
- ii. Intensity or density of uses proposed;
- iii. Location of public and private open space;
- iv. Drainage Facilities;
- v. Road, street, and pedestrian networks proposed; and
- vi. Existing or proposed utilities and public services for the development.

c. Staff Review

The Community Development Department shall review the Sketch Plan, focusing on standards and criteria of this UDC that are applicable to the

proposed development. The Community Development Department shall summarize the results of the review in writing and provide a copy to the applicant. The summary shall include any special information regarding the proposed project, plus an evaluation of the proposal with respect to the current policies of the Town, identifying areas of potential compatibility or conflict with these policies. All comments made by the Community Development Department shall not be binding on the Town's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project.

d. ***Meeting to Discuss Sketch Plan***

At the request of the Community Development Director or applicant, the parties shall meet to discuss the results of the review. The applicant shall be informed of the necessary provisions of this UDC relating to subdivision application, including submittal requirements, required public improvements, design standards, and Development Agreements. The Community Development Director shall inform the applicant whether or not a Planning Commission Review shall be required.

e. ***Planning Commission Review***

In addition to the staff review the Community Development Director may require that the Sketch Plan be reviewed by the Planning Commission or the applicant may request this review. The staff review summary shall be submitted to the Planning Commission for consideration. All comments made by the Planning Commission shall not be binding on the Town's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project.

f. ***Effect of Review***

The Sketch Plan is not part of a formal application for approval of a subdivision and any comments made by the Town in reaction to a Sketch Plan shall not be binding on the Town's consideration of any subsequent Preliminary or Final Plat application, nor result in a vested property right under this UDC or State Statute. Since the Sketch Plan is conceptual only, there are no lapse provisions applicable.