

**TOWN OF ERIE  
PLANNING COMMISSION MEETING  
December 15, 2021**

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**SUBJECT:**           **Public Hearing: Resolution P21-26**

**Preliminary Plat**

Resolution P21-26: A Resolution of the Planning Commission of the Town of Erie Recommending the Board of Trustees Approve the Erie Junction Preliminary Plat with a Condition

**PURPOSE:**           Review of the proposed 2.73 acres Preliminary Plat for Erie Junction, which includes 23 single-family attached lots, which would consist of 20 duplex lots and 3 single-family attached (townhome/triplex) units, and 4 tracts for access, landscaping, utilities, walks, and drainage.

**CODE REVIEW:**     Erie Municipal Code, Title 10

**DEPARTMENT:**     Planning and Development

**PRESENTER:**        Christopher C. LaRue, Senior Planner

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**STAFF RECOMMENDATION:**

**1. Erie Junction Preliminary Plat – Resolution P21-26**

Staff finds the Erie Junction Preliminary Plat in compliance with the Preliminary Plat Approval Criteria and recommends the Board of Trustees approve Resolution P21-26 with the following conditions of approval:

- a. At the time of Final Plat, Applicant shall execute a detailed Development Agreement, in the form provided by the Town.

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**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

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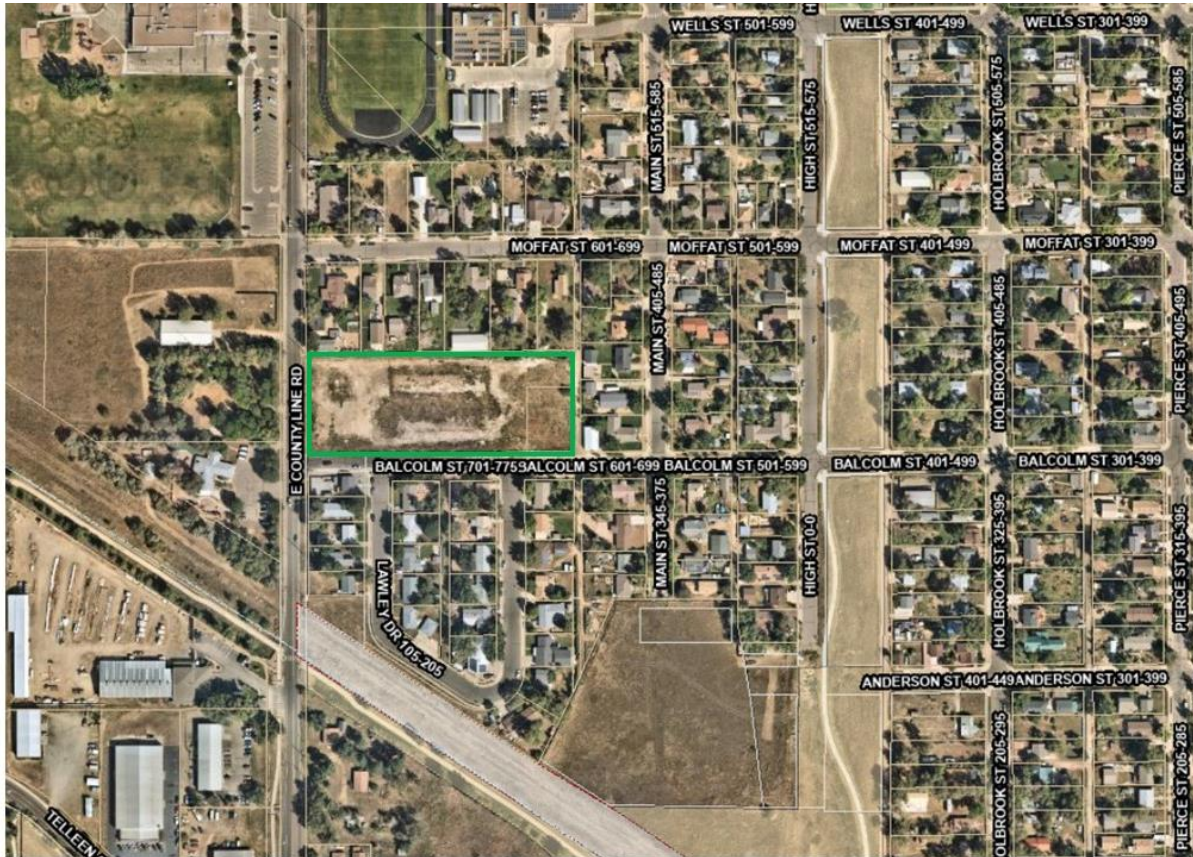
**Applicant:**           Erie Junction LLC (Nick Jacobs)  
603 South Public Road, Unit 765  
Lafayette, CO 80026

**Existing Conditions:**

Future Land Use:       Low Density Residential (LDR)  
Zoning:                 Old Town Residential (OTR)  
Project Size:           2.73 Acres  
Existing Use:           Vacant Property

Location:

Erie Junction is located on the northeast corner of East County Line Road and Balcolm Street in Old Town. Below is a map which depicts the site (highlighted with a green rectangle) and surrounding area:



**Adjacent Land-Use/Zoning:**

	<b>ZONING</b>	<b>LAND USE</b>
<b>NORTH</b>	Old Town Residential (OTR)	Single-Family detached
<b>SOUTH</b>	Old Town Residential (OTR)	Balcolm Street & Single-Family detached
<b>EAST</b>	Old Town Residential (OTR)	Alley & Single-Family detached
<b>WEST</b>	Business (B)	Day Care & Single-Family detached

## Site Specific Development Information:

Subject site is the former location of a concrete business at the northeast corner of E. County Line Road and Balcolm Street in the Old Town neighborhood. In 2014 the original building and fencing associated with the concrete business was demolished and the site is now vacant.

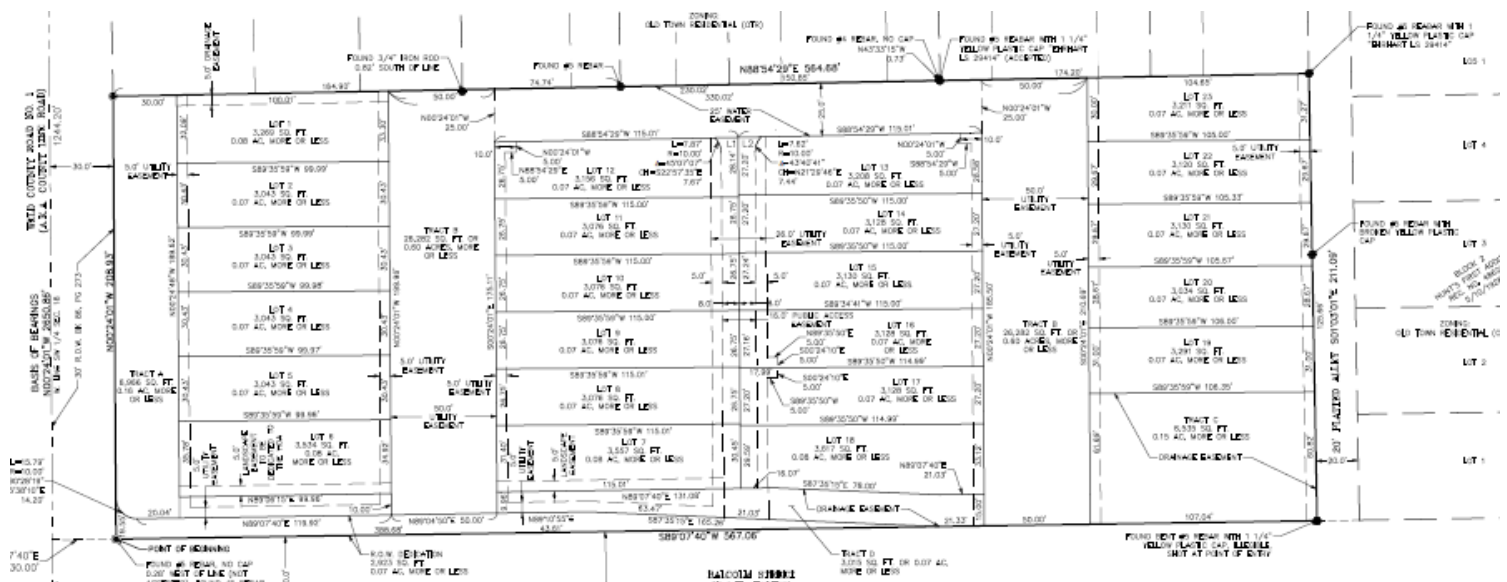
Applicant proposes the creation of 23 single-family attached lots, which would consist of 20 duplex lots and three single-family attached (townhome/triplex) lots. Lot sizes would range from 3,043 to 3,617 square feet. Access to all lots would be provided through new private streets which connect the overall development to Balcolm Street. A majority of the homes will have alley access for garages, while six units on the west side of the development will have front loaded garages. The development will incorporate sidewalk connections that would tie into the overall area. The tracts on the Preliminary Plat will contain private streets, landscaped areas, utilities, and detention.

## Preliminary Plat Development Data:

Development Information:

- Preliminary Plat Size: 2.73 acres
- Number of lots / new residential units: 23 single-family attached units
- Gross Residential Density: 8.42 DU/AC
- Other Elements:
  - Tracts: 4 tracts
  - Public ROW: 0.07 of an acre
  - Private ROW: 0.60 of an acre

Below is the proposed subdivision:

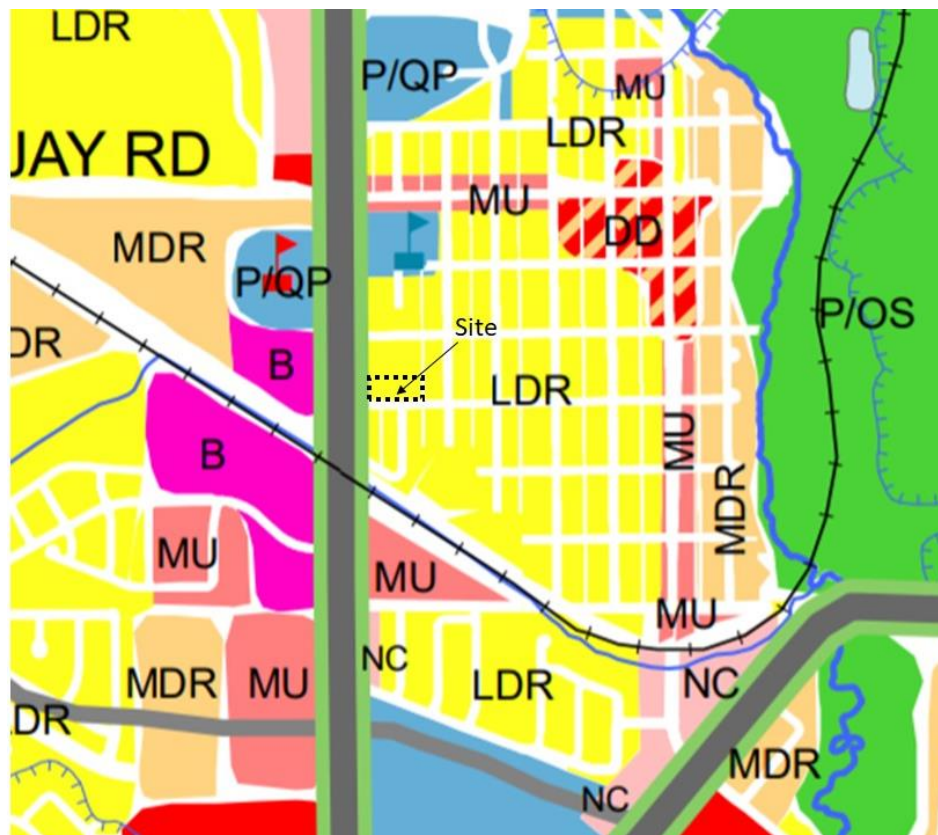


**Future Required Applications:**

The development will be required to apply for a final plat, which will include a Development Agreement (DA). Also required are a Special Review Use (SRU) for the duplex and single-family attached (townhome/triplex) uses within the OTR zone, and a Site Plan for the single-family attached (townhome/triplex) building. Those applications are pending the Preliminary Plat approval.

**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 Map. The property is designated as LDR – Low Density Residential (2-6 du/ac) on the Comprehensive Plan, Land Use Plan Map. 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. The submitted Preliminary Plat meets the intent of LDR per the characteristics, as the plat proposes developing the site with 23 single-family attached residential units. Though the development proposes 8.42 DU/AC, and is inconsistent with the LDR designation, this density is well under the permitted 16 DU/AC maximum allowed for multi-family within the OTR zone district. Highlighted in a dashed black line below is the Erie Junction site on the Comprehensive Plan Map:

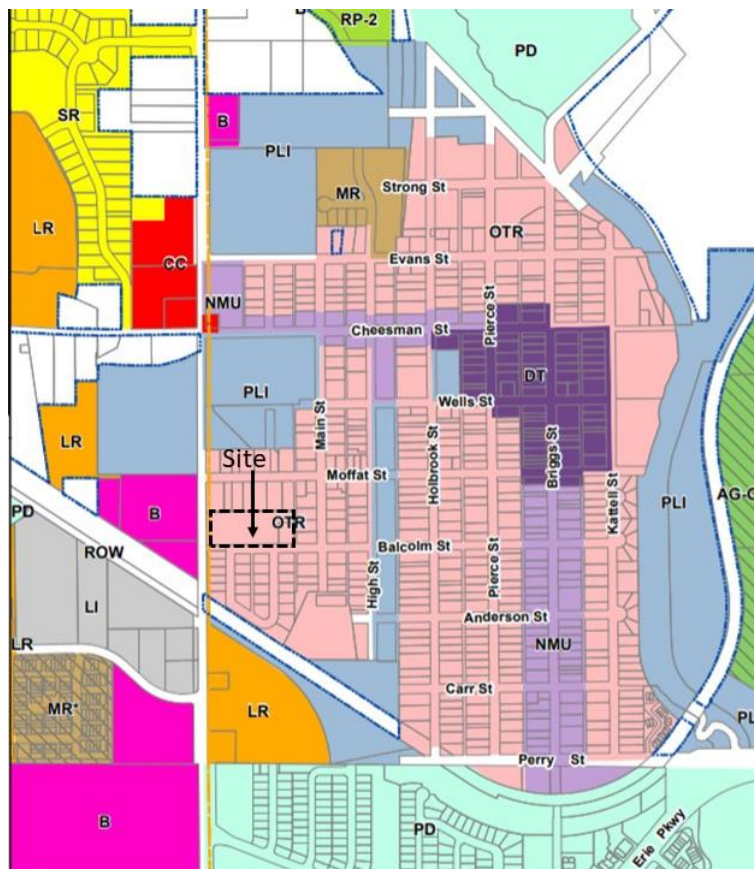




### Compliance with Town of Erie Zoning Map:

The property is zoned Old Town Residential - OTR. The density proposed on the Preliminary Plat is 8.42 dwellings per acre which is in compliance with the OTR zoning district maximum density of 16 units per acre for multi-family. Lot sizes for each dwelling unit within the development would range from 3,043 to 3,617 square feet, which is also in compliance with the OTR minimum lot size of 3,000 square feet per dwelling unit. There is no minimum lot width for multi-family within the OTR zone.

Below the site is outlined in a black dashed line:



### Housing Diversity:

The Town of Erie's housing diversity requirement is based on the acres of residentially zoned property. The regulations intend to ensure that as the Town grows, a variation in housing choices are available. The total development area for Erie Junction is 2.73 acres, which would require one housing type. The proposed development is providing two housing types consisting of duplexes and single-family attached (townhome/triplex).

**Access / Roadways:**

A Traffic Impact Study was submitted with the Preliminary Plat application materials. Primary access into the site is proposed from two privately owned and maintained streets/access onto the existing Balcolm Street. The two private streets would be connected on the north of the site by a private alley. In addition, an alley easement extends south from the northern alley to provide garage access for twelve lots.

**Parks, Open Space, and Trails:**

Open space and pocket parks are not planned with this application. An existing pocket park currently exists within a ¼ mile of the site.

The required dedications for public parks and open space dedications are based on the Town of Erie Municipal Code. The tables below detail how these requirements are met with this preliminary plat application:

	Required by UDC (Acres)	Proposed for Preliminary Plat (Acres)
Pocket Park	0.033 (.25 of an acre minimum required)	0 acres (there is an existing pocket park within a ¼ mile)
Neighborhood Park	0.199 (7 acres minimum required)	Cash-in-lieu
Community Park	0.332 (30 acres minimum required)	Cash-in-lieu
Open Space	1.129 (a minimum of 10 contiguous acres is required)	Cash-in-lieu

All the dedication requirements required by the Erie Junction proposal are well under the minimum amount acceptable for land dedication thereby requiring cash-in-lieu.

Sidewalk connections are being made to the existing infrastructure with Old Town. The project proposes a series of sidewalks and an eight foot walk which parallels County Line Road. A new sidewalk will also be installed along Balcolm Street.

**Drainage:**

A drainage report/study was submitted and reviewed with the Preliminary Plat, with no concerns noted by engineering. Final drainage plans will be reviewed with the final plat. A detention pond is located on the southeast corner of the site.

**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, all within right-of-way or public easements.

Utility service provider for the property is Xcel Energy for gas and electric, 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 located in the St. Vrain Valley School District. According to the school's referral comment, the applicant will be required to provide appropriate impact fees consisting of \$22,931.00.

**Fire Protection:**

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

**Police Services:**

The Erie Police Department will provide service to the property.

**Open Space and Trails Advisory Board (OSTAB):**

OSTAB has reviewed the application materials and provided referral comments in the attachments. Given the size of the development OSTAB made the recommendation that fees-in-lieu of land dedications would be acceptable. OSTAB indicated they were pleased with the eight foot walk and landscaping proposed along County Line Road.

**Trash Service:**

Individual units will contract for local pickup service.

**Oil/Gas Facilities:**

There are no oil and gas facility impacts to this development.

**Soils and Geology:**

A Geotechnical Investigation was performed for the site and concluded that removal, screening, and re-compaction of previous fill material should occur. Perched ground water was identified, but is expected to be at depths that will not cause a problem. All recommendations contained in the report will ensure a safe development.

**Undermining**

Undermining does not impact the site.

**Natural Areas Inventory**

The Town of Erie Natural Areas Inventory does not identify any natural areas within the proposed project area.

**Threatened and Endangered Species and Significant Habitat:**

A site specific Threatened and Endangered Species/Wetland Report, completed by Savage and Savage, was submitted to the Town for review. The report noted no concerns.

## **Environmental Hazards**

A Phase I and limited Phase II Environmental Site Assessment Report was performed by CTL Thompson. The report revealed no evidence of Recognized Environmental Concerns (RECs) in connection with the property. The previous building onsite was a one story pre-cast concrete manufacturing plant. The studies did note that oil contaminated soil was limited to a trench within the pre-cast building area at depths less than ten feet. The building and excavation down to five feet below grade of the building was performed in the past. The hydrocarbons noted were at concentrations below Regional Screening Levels (RSLs). Regardless, the applicant has entered an application into the Colorado Voluntary Cleanup program (VCUP), which includes a materials management plan to deal with any impacted soils. Once the contaminated soils have been removed, earth work has begun, and vertical construction is started, the applicant will receive a “No Action Determination” letter from the State.

## **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 outlined below:

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

*Staff: The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Map. The property is designated as LDR – Low Density Residential (2-6 du/ac) on the Comprehensive Plan, Land Use Plan Map. The proposed density of 8.42 DU/AC is inconsistent with the LDR designation, however, it is well under the OTR zoning allowance of up to 16 DU/AC. The submitted Preliminary Plat meets the intent of LDR per the characteristics.*

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

*Staff: The subdivision is in compliance with the Old Town Residential (OTR) zone district. The proposed lots meet the minimum zoning requirements and are consistent with the residential intent of the zone. The OTR zoning district allows up to 16 units per acre for multi-family. This project consists of single-family attached units at a density of 8.42 DU/AC, which are compatible with existing uses in the Old Town area.*

- 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 applicable Town standards. Sidewalks will provide linkages to the overall community. The land has already been heavily disturbed, but the proposed grading will be done to maximize the health and safety of adjacent subdivisions to the maximum extent practicable.*

- 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 design of the Preliminary Plat takes into account applicable use, development and design standards of Chapters 3, 5, and 6 of the Code. Layout and design of the proposed subdivision is appropriate and consistent with the general provisions of the UDC. Proposed streets and connections are appropriate and will benefit the future residents. Utility easements are provided on the proposed plat. Appropriate provisions are in place for storm water and water and wastewater lines. Appropriate fees-in-lieu are provided for within the development.*

- 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: *Significant adverse impacts are not anticipated. The site is not impacted by a designated floodplain. Provisions are in place to protect water quality, erosion control, and wastewater. Appropriate studies were reviewed during the review of the preliminary plat and no concerns are outstanding. Construction documents as part of the Final Plat process will require Best Management Practices (BMP's) for water quality, stormwater management and erosion control in accordance with the Town of Erie - Standards and Specifications for Design and Construction of Public Improvements*

- 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: *Significant adverse impacts are not anticipated. Appropriate studies were reviewed and no concerns are outstanding.*

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

Staff: *Pedestrian and vehicular accesses are adequately provided throughout the subdivision. Sidewalk connections are provided at key locations. In addition, open areas and buffers are integrated into the subdivision.*

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

Staff: *Significant adverse impacts are not anticipated. As part of the Preliminary Plat review, drainage and erosion, traffic impact, environmental, and cultural studies were reviewed. No concerns are outstanding.*

- 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 services and facilities currently exist or will be enhanced (transportation, school impact fee, fire facility site, open space, parks and trails) by the Preliminary Plat that will provide service to the proposed development, adjacent neighborhoods and the community at large.*

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

Staff: *A phasing plan is not proposed for the Preliminary Plat, though one may be developed with the Final Plat. A Development Agreement between the applicant and the Town will be reviewed by the Board of Trustees as part of Final Plat approvals.*

## **NEIGHBORHOOD MEETING**

As required by the Municipal Code a virtual Neighborhood Meeting was held on October 21, 2021 (see attached summary). The required notice for the Neighborhood Meeting was provided.

## **PUBLIC NOTICE**

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly:	November 24, 2021
Property Posted:	November 24, 2021
Letters to adjacent property owners:	November 24, 2021