

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
Tuesday, September 25, 2018**

<u>SUBJECT:</u>	PUBLIC HEARING: A Resolution Of The Board Of Trustees Of The Town Of Erie Making Certain Findings Of Fact And Conclusions Favorable To The Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat; Imposing Conditions Of Approval; And, Approving The Erie Commons Filing No. 4, 3 rd Amendment Preliminary Plat With Conditions.
<u>PURPOSE:</u>	Consideration of a Preliminary Plat that includes 76 single-family attached townhome lots and 10 tracts for pocket parks, alleys, landscaping, drainage, utilities, and private amenities within Erie Commons Filing No. 4, 3 rd Amendment.
<u>CODE REVIEW:</u>	Erie Municipal Code, Title 10
<u>DEPARTMENT:</u>	Planning and Development
<u>PRESENTER:</u>	Audem Gonzales, Planner

STAFF RECOMMENDATION:

Staff finds the Erie Commons Filing No. 4, 3rd Amendment Preliminary Plat in compliance with the Preliminary Plat Approval Criteria and recommends the Town Board of Trustees adopt the resolution with the following conditions of approval:

- a. Erie Commons PD Amendment No. 8 shall be approved and recorded before the Preliminary Plat approval comes into effect.
- b. The Town and Owner shall enter into a Development Agreement, prior to recordation of the Erie Commons Filing No. 4, 3rd Amendment Final Plat.
- c. If construction is proposed to begin between March 15th and August 31st, a formal migratory bird survey shall be conducted before construction commences.
- d. Staff may direct the consultants to make technical corrections to the documents.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission held a public hearing for the Preliminary Plat application on August 15, 2018. At that time, the Planning Commission voted to recommend approval of the application with the following staff recommended conditions:

- a. Erie Commons PD Amendment No. 8 shall be approved and recorded before the Preliminary Plat approval comes into effect.
- b. The Town and Owner shall enter into a Development Agreement, prior to recordation of the Erie Commons Filing No. 4, 3rd Amendment Final Plat.

- c. If construction is proposed to begin between March 15th and August 31st, a formal migratory bird survey shall be conducted before construction commences.
- d. Staff may direct the consultants to make technical corrections to the documents.

At the August 15, 2018 public hearing, the Planning Commission added the following condition of approval:

- e. The 8 unit building will have a unit removed from the middle of the building while maintaining the ranch style end units on the buildings; the eastern most building having 4 units and the western most building having 3 units.

After the Planning Commission public hearing the applicant revised their application so that the Planning Commission condition has been met on the application that appears before the Board of Trustees.

UPDATE:

In response to Board of Trustees questions and comments at the September 11, 2018 Public Hearing, the applicant has provided additional materials to the Preliminary Plat application. To address a new design approach for the pocket park, the applicant has eliminated one townhome unit in Block 7, west of pocket park area 3 in order to expand the open turf area at this location to 4,779 SF, which exceeds the 3,000 SF Town standard. The applicant has provided conceptual drawings for this amendment. The changes to the Preliminary Plat application documents shall be made as technical corrections with staff. The applicant has also provided view shed renderings from the Grandview neighborhood to the east of the project area to visually show how this development will appear from that direction.

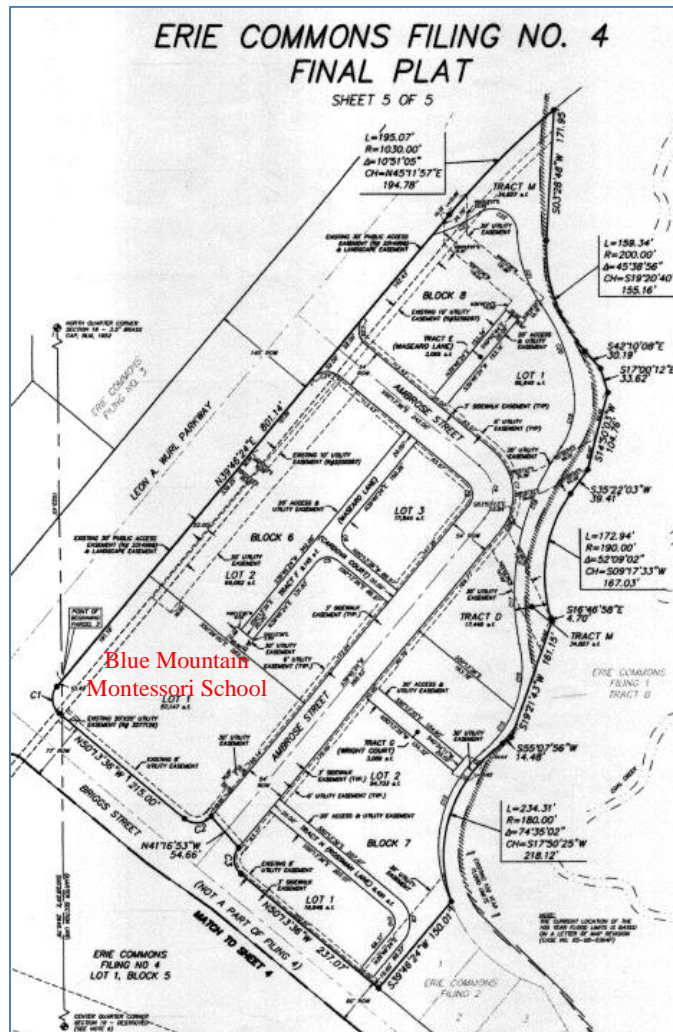
SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant: Century Communities
8390 E. Crescent Parkway, Suite 650
Greenwood Village, CO 80111

Owners: Community Development Group of Erie
2500 Arapahoe Avenue, Suite 220
Boulder, CO 80302

Existing Conditions:

Zoning: Erie Commons PD – Planned Development
Project Size: 6.742 Acres
Existing Use: Vacant Lot
Current Plat: The property is currently platted as Erie Commons Filing No. 4. The applicant is re-platting the area as Erie Commons Filing No. 4, 3rd Amendment.



Portion of the Erie Commons Filing No. 4 subdivision. The Blue Mountain Montessori is currently built on Lot 1, Block 6.

Location:

The property is generally located near the east corner of South Briggs Street and Erie Parkway.



Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	Erie Commons PD – Planned Development	Commercial/Retail
EAST	Erie Commons PD – Planned Development	Open Space
SOUTH	Erie Commons PD – Planned Development	Single Family Residential Vacant Commercial Property
WEST	Erie Commons PD – Planned Development	Commercial/Retail Private School

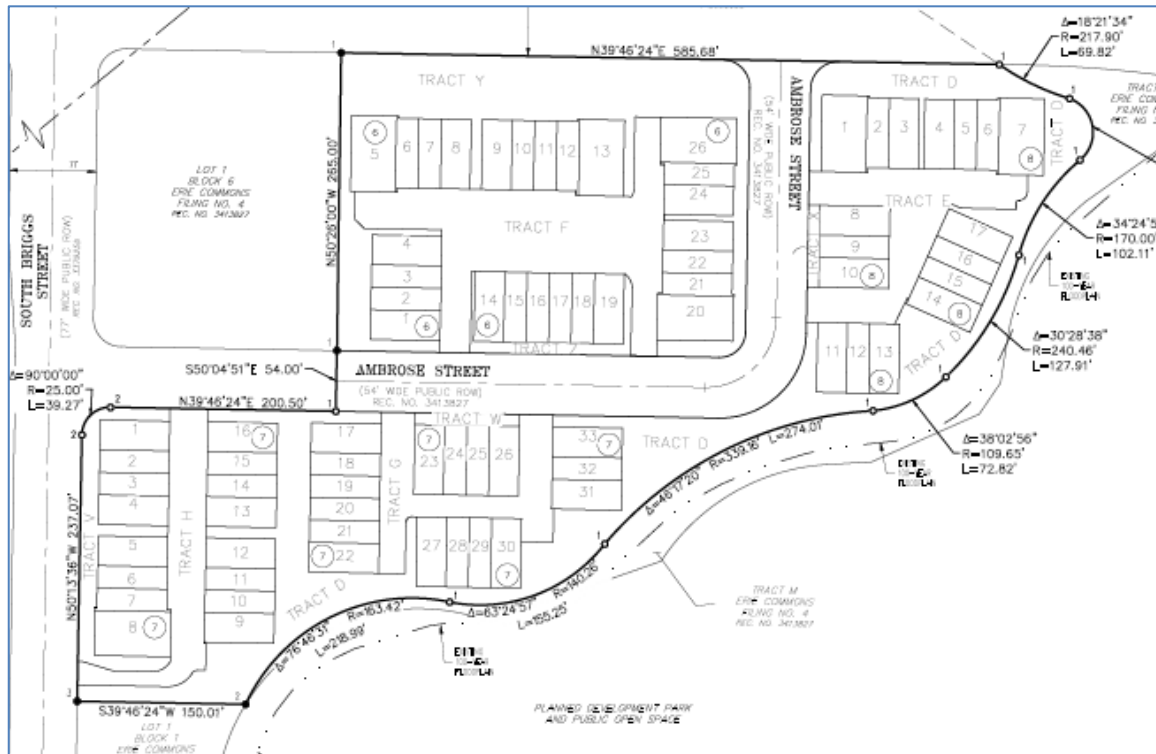
Compliance with Town of Erie Comprehensive Plan:

The application is in general compliance with the Land Use designation on the Comprehensive Plan, Land Use Plan Map. The Comprehensive Plan shows the Medium Density Residential (MDR) designation for this property. Medium Density Residential requires a density of 6-12 dwelling units per acre. This project proposes a density of 11.27 dwellings per acre.



SITE SPECIFIC DEVELOPMENT INFORMATION:

The application proposal includes 76 townhome units in Erie Commons Filing No. 4, 3rd Amendment. The townhomes front onto public streets, common garden courts, and the spine trail in the Coal Creek Open Space. The garages are located off of rear alleys.



Proposed Preliminary Plat – 76 townhome lots

Development Data:

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|------------------------------------|-------------------------------|
| • Preliminary Plat Size: | 6.742 acres |
| • Number of Townhome Lots | 76 lots |
| • Number of Tracts | 10 tracts |
| • 1 Pocket Park (5 separate areas) | 0.41 acres |
| • Gross Residential Density | 11.27 dwelling units per acre |

Roadways and Alleys:

Erie Parkway right-of-way has been dedicated with previous plats and totals 140 feet in width. The road is fully constructed. South Briggs Street is also fully constructed and has a varying width of 60'-77' of dedicated right-of-way. Ambrose Street is partially constructed and is platted with 54 feet of right-of-way which is not being altered with this Preliminary Plat. No additional right-of-way is being dedicated by this plat. All of the streets are public roads.

The alleys for townhome garage access will be HOA owned and maintained. Generally, the streets and improvements proposed are in compliance with the Town Standards and Specifications.

At the Planning Commission public hearings staff voiced concern with the Tract E alley length, location next to the spine trail, backing out movements from the eastern most townhome unit north of the alley and with snow removal in the alley.

The applicant has addressed these concerns by incorporating screen fences to the east of the alley to block car headlights from shining on the spine trail. The snow storage area has been designed and graded to drain back into the alley and into the storm sewer versus draining onto the spine trail and potentially icing over in the winter. To address the Planning Commission's recommendation to the Board of Trustees, the applicant has removed 1 unit from the 8-plex building that originally was proposed at the northeast portion of the site. The current Site Plan proposes two buildings, one 3-plex and one 4-plex. By removing one unit, more space is created between the spine trail and the townhome building which helps to alleviate backing out conflicts from the eastern most townhome unit. Staff supports Planning Commission's recommendation and the changes made by the applicant.

Utilities:

The property will be served by the Town of Erie water and sanitary sewer services.

Utility service providers for the property are United Power and Xcel Energy for electric and natural 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.

Natural Areas Inventory:

The Town of Erie Natural Areas Inventory Site #71 lies to the east of the property which includes Coal Creek and large areas of open space on either side of the creek. This site encompasses a relatively natural area that serves as a significant wildlife corridor. The proposed development does not encroach into the site but several utility lines serving the development will. Proposed work within the Coal Creek Floodplain will require a Floodplain Development Permit through the Town of Erie.

Threatened and Endangered Species and Significant Habitats

A site specific Wetland, Threatened and Endangered Species Observation and Cultural Resources Review report, completed by CTL Thompson Incorporated, was submitted to assess threatened and endangered species and significant habitat. The site is vacant and vegetated with weeds and grasses. The review concluded there are no wetlands on the site, no federally listed endangered or threatened plant or animal species on the site, or obvious critical habitat for listed endangered or threatened plant or animal species. There was no obvious evidence of ground nesting birds during the report site visit, but CTL Thompson is recommending that destruction of vegetation should occur outside of the breeding season (March to August).

Staff has taken this recommendation into consideration and added a condition into the resolution that if construction is proposed to begin between March 15th and August 31st that a formal migratory bird survey be conducted before construction commences.

Landscaping, Parks, Trails and Open Space:

- A 30 foot landscape buffer is provided along Erie Parkway that was landscaped with the construction of Erie Parkway. An existing 8 foot walk and trees/shrubs are located within this buffer. The applicant is proposing to replace missing and damaged landscaping at this location.
- The east side of the property is adjacent to a series of open space tracts containing Coal Creek and the spine trail. The Coal Creek Open Space was dedicated to the Town with the Erie Commons and Grandview subdivisions.
- Pedestrian trails and walks loop throughout the neighborhood making connections between townhome garden courts, the pocket park areas, open space/Coal Creek Trail to the east and to the greater street network. Five spine trail access points are proposed with this project. These connection points will limit accessibility to the trail and reduce potential conflicts between homeowners and trail users.
- The Coal Creek Spine Trail is proposed to be realigned at two specific locations to be 10 feet off the existing property line. When the spine trail was originally constructed, it was placed partly outside of the dedicated open space and onto the adjacent property. Through this development process, the trail will be shifted eastward to the originally intended location.
- The Municipal Code Park and Open Space requirement is proposed to be met in the following manner:

	Required with this plat	Proposed with this plat
Pocket Park	0.11 acres	0.41 acres (5 separate locations)
Neighborhood Park	0.66 acres	0.00 acres (7 acres previously dedicated with overall Erie Commons development – Lehigh Park)
Community Park	1.11 acres	0.00 (55 acres previously dedicated with overall Erie Commons development – Erie Community Park)
Open Space	3.73 acres	0.00 (82 acres previously dedicated with overall Erie Commons development – Coal Creek Open Space)

- Pocket Park - The applicant has provided a pocket park that is 0.41 acres in size and is spread across five separate park areas. This concept has not been proposed or approved for a townhome project with previous development applications. Staff would prefer that the pocket park meet our standards in a single

pocket park location. However, the Planning Commission found the disbursement of the Pocket Park acceptable in this location.

The pocket park cumulative areas meet the required pocket park size. They also meet most requirements for elements to be placed in the park, except for one item; Open Turf Area. The Town Standards and Specifications requires a pocket park to contain Open Turf Area (min. size 3,000 sf. Max. size 15,000 sf.). The applicant has provided four individual turf areas located in four of the five separate park areas with a total turf amount of 3,166 sf. Staff would prefer that the minimum turf area be met in a single location to provide adequate recreational turf area as required in our Standards and Specifications. However, the Planning Commission found the disbursement of the Open Turf Area acceptable in this location.



Parks and Open Space context map

Building Orientation:

- The fronts of the townhome units face onto public streets, HOA owned and maintained garden courts, and onto the Coal Creek Trail. The Erie Commons PD Amendment No. 8 proposes to alter the language to allow for dwelling units to front onto public open space.

- The rear garages of all the townhome units access onto HOA owned and maintained tracts (alleys).

Schools:

The Erie Commons Subdivision Filing 4, 3rd Amendment development is located in the St. Vrain Valley School District. No schools sites are required to be dedicated within this subdivision.

Police Service:

The Erie Police Department will provide service to the property.

Fire Protection:

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

Oil and Gas Facilities:

There is an existing oil and gas facility located east of the property on the east side of Coal Creek. Residential lots designated in plats submitted to the Town pursuant to complete Preliminary Plat applications prior to May 4, 2018 shall be subject to the former minimum 150 foot setback standard. This application was submitted before May 4, 2018, therefore this application is subject to the 150 foot setback standard. The illustration below shows the required 150 foot setback in red and the new 350 foot setback in green. No portion of the site is located within the required 150 foot setback.



Setbacks to existing oil and gas facility. Red=150 foot setback and green=350 foot setback.

Soils and Geology:

A Geotechnical Investigation report and General Geologic Hazard Assessment were provided by the applicant, addressing undermining, flood hazards, landslides, seismic activity, and soil conditions. The reports state that the site is not undermined, and that shallow ground water conditions exist. To address the shallow ground water, the applicant is proposing to construct townhomes without basements.

Compliance with Erie Commons PD Amendment:

The applicant has a PD Amendment land use application in concurrent review with the Preliminary Plat and Site Plan. Erie Commons PD Amendment No. 8 proposes altering building orientations, lot dimensional standards, and setback encroachments. The PD Amendment will bring the proposed Preliminary Plat into compliance with the regulations.

APPROVAL CRITERIA - STAFF ANALYSIS:

The Preliminary Plat for the single-family attached townhome development within Erie Commons Filing No. 4, 3rd Amendment was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.7 C.10. Approval Criteria. Staff finds the Preliminary Plat in compliance with the Preliminary Plat Approval Criteria as listed below.

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

Staff: The subdivision is generally consistent with the Comprehensive Plan. The proposed density of 11.27 dwellings per acre is aligned with the Medium Density Residential density of 6-12 dwellings per acre.

- 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 proposed Erie Commons PD Amendment No. 8. The amendments encourage mixed use residential development which is the intent of the PD at this specific location.

- 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 subdivision meets the Town's standards.

- 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 subdivision meets the Town's standards.

- 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: The subdivision will meet the standards.

- 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.

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

Staff: Pedestrian access is adequately provided throughout the subdivision. Several spine trail connections are provided at key locations. Several garden court sidewalks are provided throughout the subdivision that link to street sidewalks and the greater trail network.

- 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.

- 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 facilities are available to serve the property.

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

Staff: Adequate infrastructure is available.

NEIGHBORHOOD MEETING:

As required by the Municipal Code a Neighborhood Meeting was held on October 18, 2017 at 6:00 p.m. in the Erie Community Center. 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:	August 22, 2018
Property Posted as required:	August 24, 2018
Letters to Adjacent Property Owners:	August 24, 2018

PUBLIC COMMENTS:

Various public comments have been received for this application. Common concerns from area residents are with the project density, site layout and building height. All received written public comments are attached to this memo.