

**TOWN OF ERIE
PLANNING COMMISSION MEETING
October 17, 2018**

SUBJECT: Resolution P18-17: A Resolution Of The Planning Commission Of The Town Of Erie Recommending Approval With A Condition To The Board Of Trustees For The Rex Ranch Planned Unit Development Zoning Map

PURPOSE: The Rex Ranch PUD Zoning Map proposes to allow setback encroachments for below grade window wells and eaves.

PROJECT FILE NO: PUD-001017-2018

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Chris LaRue, Senior Planner

STAFF RECOMMENDATION:

Staff finds the application consistent with the Rezoning-Planned Unit Development approval criteria in Municipal Code, Section 10.7.6.D.9, and recommends approval of the Rex Ranch PUD Zoning Map application.

Staff has provided Resolution P18-17, for the Planning Commission consideration, recommending approval of the application to the Board of Trustees with the following condition:

- a. Staff may direct the applicant to make technical corrections to the documents.
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SUMMARY AND BACKGROUND OF SUBJECT MATTER

Applicant: Hines (Chad Murphy)
1125 17th Street, Suite 700
Denver, CO 80202

Owners: HT Flatiron LP
1515 Wynkoop Street, Suite 800
Denver, CO 80202

Location: Site is located west of North 119th Street and is bounded by Orchard Glen Subdivision to the north and Flatiron Meadows to the west. Unincorporated areas of Boulder County are located to the south and east.



Existing Conditions:

- Zoning: Low Density Residential - LR
- Property Size: 68.47 acres
- Existing Use: Platted single-family lots and proposed lots.

Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	Suburban Residential-SR	Orchard Glen & Flatiron Meadows – Single-Family
SOUTH	A – Agricultural (Boulder County)	Single-Family and Agricultural
EAST	A – Agricultural (Boulder County)	Single-Family and Agricultural
WEST	Suburban Residential-SR	Flatiron Meadows –Developing Single-Family

Site History and Specific Development Information:

The final plat for Rex Ranch Filing No. 1 was approved by the Town on November 14, 2017 by Resolution 17-140. The final plat for Rex Ranch Filing No. 2 is currently being reviewed by staff. The preliminary plat for Rex Ranch No. 3 has not yet been submitted to the Town. The maximum gross density limits set forth in the Annexation Agreement is 133 total units on 98.28 acres, or 1.35 units per acre for all of Rex Ranch. Filing No. 1 consists of 60 units, Filing No. 2 would consist of 63 units, and Filing No. 3 would consist of 10 units. This would meet the minimum gross density allowed.

Proposed Rex Ranch Zoning Map PUD Details:

The applicant has applied to create a PUD Zoning Map for the Rex Ranch Development in order to allow setback encroachments. The Rex Ranch development is currently zoned Low Density Residential (LR). The LR zone requires front setbacks of 20 feet, side setbacks of 5 feet, and rear setbacks of 20 feet. Specifically, this request would allow side setback encroachments up to three feet beyond the building foundations for below-grade window wells. Two-foot encroachments would be allowed beyond building foundations for eaves in any setback. No density changes or other changes are being proposed with this PUD. For Rex Ranch Filing 1 the homebuilder (William Lyons) has an issue with meeting the setbacks on some of the 50 and 60 foot lots with their products. Staff has worked with the applicant to make minor changes to the standards which provide clarity, add flexibility, and should result in improved outcomes during the architectural review phase.

Purpose of PUD Zoning Map:

The PUD Overlay District is generally used when there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD Overlay District may only be used when an application is not able to meet the requirements of a standard zone classification. The PUD 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 underlying zoning identifies permitted land uses; the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

In the Erie Municipal Code Section 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.

PUD APPROVAL CRITERIA

Compliance with Town Standards:

Staff finds the application is consistent with the Approval Criteria of Title 10, Section 7.6 D.9 PUD Overlay Rezoning:

- a. The PUD Rezoning is consistent with the Purpose of the PUD Overlay District in Section 2.7.D.1;
- b. The PUD Rezoning will promote the public health, safety, and general welfare;
- c. The PUD Rezoning is consistent with the Town's Comprehensive Master Plan and the purposes of this UDC;
- d. The PUD Rezoning is generally consistent with the PUD standards in Subsection 2.7.D.2;
- 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;
- 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;
- 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;
- h. The PUD Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
- i. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;
- 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
- k. The PUD Plan provides public benefit(s).

NEIGHBORHOOD MEETING

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

Neighborhood Meeting Date:	October 16, 2018
Neighborhood Meeting Location:	Erie Recreation 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:	September 26, 2017
Property Posted:	October 1, 2018
Letters to adjacent property owners within 500':	September 28, 2018

PUBLIC COMMENT

Staff received one public comment during the referral for this application. The Orchard Glen HOA sent an e-mail dated September 12, 2018 in which they state the overall rural residential feel of the area might be impacted by the reduction in setbacks, however, they have no objection at this point to the requested PUD Zoning Map request.