

**TOWN OF ERIE
PLANNING COMMISSION MEETING
September 4, 2019**

SUBJECT:

PUBLIC HEARING

1. **Comprehensive Plan Amendment (Resolution P19-23):**
A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve an Amendment with a Condition to the 2015 Town of Erie Comprehensive Plan.
2. **Planned Development (PD) Amendment (Resolution P19-24):**
A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve with a Condition the Erie Commons Planned Development Amendment No. 9.

PURPOSE:

Consideration of a Comprehensive Plan Amendment and PD Amendment for the Ere Commons Filing No. 4, Block 5, Lot 1 Subdivision. The project proposes changing the Comprehensive Plan on a portion of the subject site from Community Commercial (CC) to Medium Density Residential (MDR).

The Planned Development (PD) Amendment proposes to:

1. Add several definitions
2. Reduce the size of Planning Area B-4A for commercial uses as already allowed within the PD.
3. Create Planning Area B-7 to add a new Mid-Town Residential designation. Planning Area B-7 would accommodate 160 units consisting of townhomes and duplexes.
4. Add density ranges, target units, and lot dimensional standards (lot size and setbacks) for the new Mid-Town Residential planning area.

CODE REVIEW:

Erie Municipal Code, Title 10

DEPARTMENT:

Planning and Development

PRESENTER:

Christopher LaRue, Senior Planner

STAFF RECOMMENDATION

1. Comprehensive Plan Resolution (Resolution P19-23)

Staff finds the Erie Commons Comprehensive Plan Amendment in compliance with the Comprehensive Plan Approval Criteria and recommends the Planning Commission adopt a Resolution of the Planning Commission of the Town of Erie Recommending that

the Board of Trustees Approve an Amendment with a Condition to the 2015 Town of Erie Comprehensive Plan.

a. Staff may direct the consultants to make technical corrections to the documents as necessary.

2. Planned Development - PD (Resolution 19-24)

Staff finds the Erie Commons Planned Development Amendment in compliance with the Planned Development Approval Criteria and recommends the Planning Commission adopt a Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve with a Condition the Erie Commons Planned Development Amendment No. 9.

a. Staff may direct the consultants to make technical corrections to the documents as necessary.

BACKGROUND INFORMATION:

Applicant: Community Development Group of Erie
Jon Lee
2500 Arapahoe Ave #220.
Boulder, Colorado 80302

Existing Conditions:

Zoning: Planned Development (PD) – Erie Commons Development Plan
(Designated within the Commercial Planning Area)

Project Size: 21.096 Acres

Existing Use: Vacant Property

Since the site is designated as Community Commercial on the Comprehensive Plan, the applicant wishes to change a portion of the site to Medium Density Residential to accommodate residential development. The purpose of the PD Amendment is to amend Planning Area District designations, density ranges, target units and non-residential square footage areas for one Planning Area (B-7). The reason for the amendments is due to builder interest in developing residential on the parcel. Specifically, the commercial area is expected to be developed as seven individual lots along Erie Parkway. 160 residential units would be developed on the remainder of the property at a density of 12 units or less per acre. The residential units would consist of traditional townhomes, detached townhomes, or duplexes. The added definition of detached townhome is “a building constructed to look and function like a townhome but separated from the adjacent unity by a sideyard”. The other updates to the definition section is to provide descriptions of uses that were previously already listed within the Commercial permitted use tables. In addition, a third application is being requested to amend the existing Annexation Agreement (this will only be heard by the Board of Trustees). This amendment is necessary to increase the overall density of Erie Commons from 770 dwelling units to 930 dwelling units. This is an increase of 160 dwelling units to accommodate the proposed new residential on Planning Area B-7.

Comprehensive Plan Amendments and PD Amendments require Board of Trustees approval with public hearings before the Planning Commission and Board of Trustees.

Location: The property is located south of Erie Parkway and west of Briggs Street. The boundary is outlined in red below:



Adjacent Land Use and Zoning:

	ZONING	LAND USE
NORTH	Erie Commons PD – Planned Development	Boulder Community Health
EAST	Erie Commons PD – Planned Development	Blue Mountain Montessori
SOUTH	Erie Commons PD – Planned Development	Residential Sites
WEST	Erie Commons PD – Planned Development	Erie County Public Library

SITE SPECIFIC DEVELOPMENT INFORMATION:

Development Data:

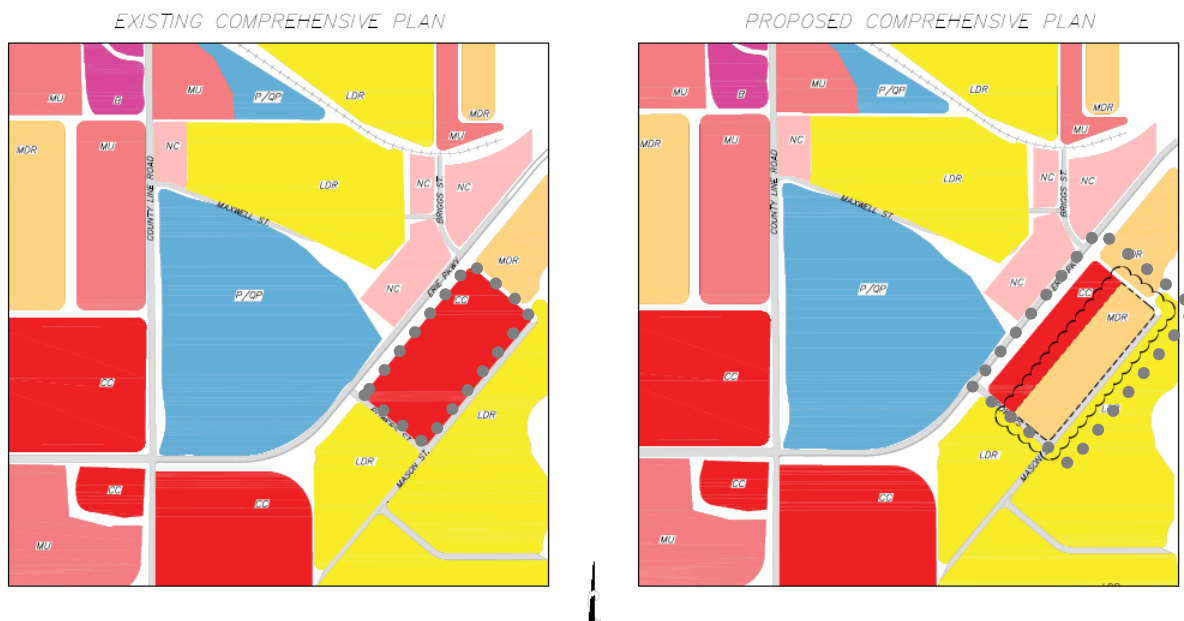
- Number of PD Planning Areas: 2
- PD Amendment size 25 +/- acres
- Number of Added Dwelling Units 160 DU (12.161 acres)

Comprehensive Plan Amendment:

The residential portion of the proposed development is not in compliance with the Land Use Plan Map designation on the Comprehensive Plan. The Comprehensive Plan shows the site as Community Commercial (CC). The commercial portion of the project would be consistent with this designation. The planned residential would be inconsistent with the Community Commercial designation, thus necessitating the amendment request.

According to the applicant, the property has been vacant for years due to difficulty securing a single large user. In order to make the site more marketable, the applicant is proposing to maintain the existing Community Commercial Designation along Erie Parkway and changing the back half of the site to Medium Density Residential to accommodate townhomes, detached townhome and/or duplex development.

The property is highlighted with a dashed gray box on the map below:



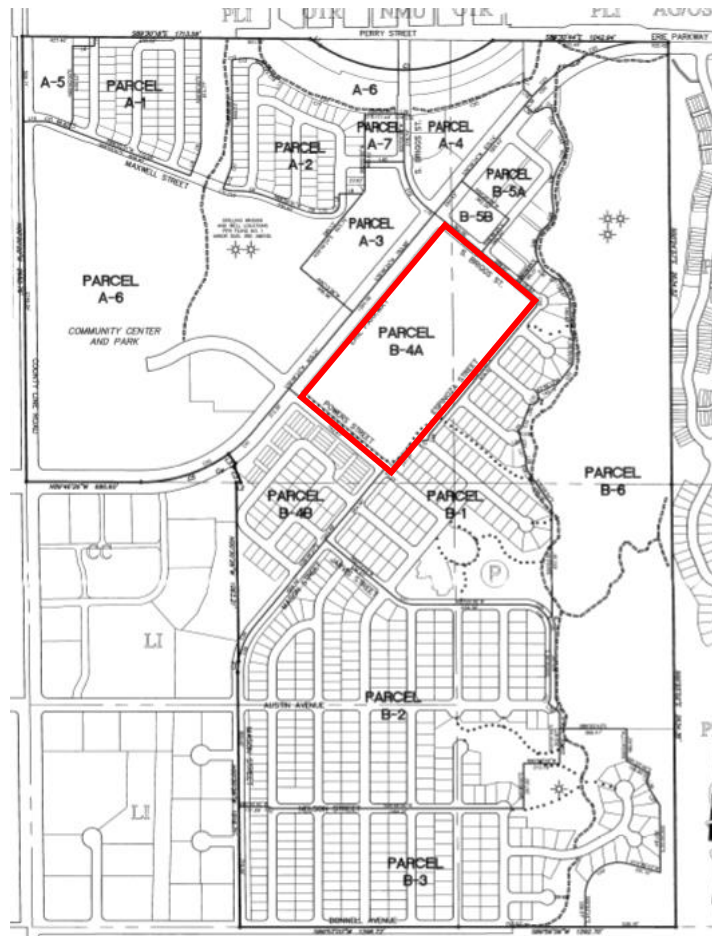
Land-Use Plan Map Designations:

- MDR – Medium Density Residential
- LDR – Low Density Residential
- MU – Mixed Use
- P/QP – Public/Quasi-Public
- CC – Community Commercial
- NC – Neighborhood Commercial
- I - Industrial

Amendment Request Area: A portion of the CC – Community Commercial to MDR – Medium Density Residential

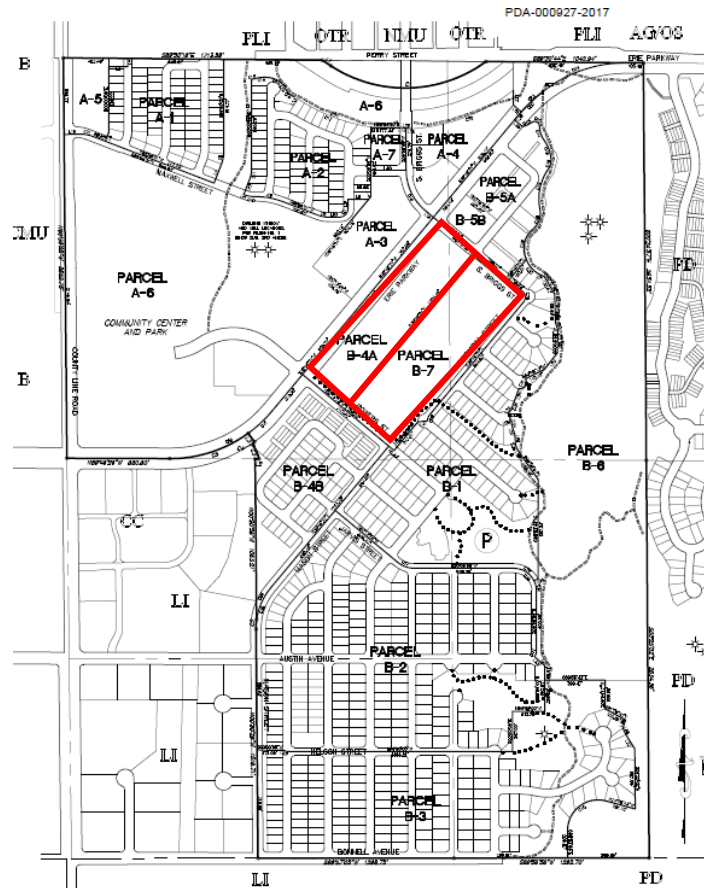
Planned Development (PD) Amendment:

As illustrated on the Erie Commons PD Map below (highlighted in red), the Erie Commons Filing No. 4, Block 5, Lot 1 Amendment area of the PD, Planning Area B-4A, is currently designated on the PD zoning map as Commercial land uses, and more specifically as within the Old Town Commercial Planning Area. The proposal for commercial sites along Erie Parkway is consistent with the PD designations. The residential is inconsistent with the Commercial Use designation on the PD.



Erie Commons PD Amendment No. 9 – Proposed Development Guide Changes:

The applicant is requesting to change a few elements of the Erie Commons PD Development Guide that are the written portions of the “PD” zoning. Below is the proposed amended map and land use matrix depicting the two new proposed planning areas highlighted in red. The Commercial Planning area is designated as Planning Area B-4A and the new Medium Density Residential area is designated as B-7.



LAND USE MATRIX / SITE TABULATION

Parcel	Land Use	Planning Area (District)	Acres	Density Range	Target Units	Non-Res. Areas
A-1	Residential	Village Residential	13.1	3 - 8	69	-
A-2	Residential	Village Residential	13.5	3 - 8	68	-
A-3	Commercial	Old Town Commercial	7.7	0.15 - 0.35 FAR	-	75,000
A-4	Commercial	Old Town Commercial	6.8	0.15 - 0.35 FAR	-	46,000
A-5	Commercial	Convenience Commercial	2.8	0.15 - 0.35 FAR	-	42,000
A-6	Community Facilities / Institutions & Open Space	Park / Community Center	85.3	-	-	-
A-7	Commercial	Old Town Commercial	1.6	0.15 - 0.35 FAR	-	15,000
Subtotal:			130.8	-	137	178,000
B-1	Residential	Village Residential	32.5	3 - 8	100	-
B-2	Residential	Commons Residential	53.8	3 - 5	215	-
B-3	Residential	Commons Residential	43.5	3 - 5	148	-
B-4A	Commercial	Old Town Commercial	11.2	0.15 - 0.35 FAR	-	73,180 - 170,755
B-4B	Residential	Village Residential	16.0	3 - 8	75 *	-
B-5A	Residential	Mixed Use Residential	8.0	7.5 - 13	95	-
B-5B	Commercial	Old Town Commercial	2.1	0.15 - 0.35 FAR	-	12,000
B-6	Community Facilities / Institutions & Open Space	Coal Creek Open Space / Park	74.2	-	-	-
B-7	Residential	Mid-Town Residential	14.0	7.5 - 12	160	-
Subtotal:			241.3	-	793	81,260 - 173,608
TOTAL:			386.2	-	930	259,260 - 351,608

* Minimum of 28 multi-family, duplex, and/or single family attached units

Below is a comparison of the current Planning Area (B-4A) and a summary of the proposed change depicting the two new planning area parcels (new B-4A and B-7):

Current

Parcel	Land Use	Planning Area (District)	Gross Acres	Density Range	Target Units	Non-Res. Areas
B-4A	Commercial	Old Town Commercial	25.2	0.15 - 0.35 FAR		305,000

Proposed

Parcel	Land Use	Planning Area (District)	Gross Acres	Density Range	Target Units	Non-Res. Areas
B-4A	Commercial	Old Town Commercial	11.2	0.15 - 0.35 FAR		73,180 – 170,755
B-7	Residential	Mid-Town Residential	14.0	7.5 12.0	160	

Planning Area B-4A of the Erie Commons PD is currently designated as Old Town Commercial and consists of 25.2 gross acres. This amendment proposes this area would be divided into Planning Areas B-4A and PA B-7 with separate Land Uses / Planning Area Districts.

Planning Area B-4A (consisting of 11.2 gross acres fronting Erie Parkway) will remain within the “Old Town Commercial” Planning Area District. No changes are proposed to the standards or text of the Old Town Commercial area within the PD amendment. It is anticipated that Planning Area B-4A could accommodate up to 7 lots for commercial users with uses consistent and allowed within the PD.

Planning Area B-7 (consisting of 14 gross acres south of Erie Parkway and backing to Espinoza Street) would be designated with the new “Mid-Town Residential” Planning Area District. Planning Area B-7 would accommodate townhome, detached townhome, and/or duplexes with a maximum density of 160 units.

TABLE V-2 Residential Development Standards:

The chart below outlines the proposed Mid-Town Residential Planning Area standards to support development with townhome, detached townhome, and/ or duplex style development (highlighted in red). This new Planning Area is specific to Planning Area B-7 and would not be applicable to any other Planning Area within the PD. Lot sizes would be limited from 1,600 square feet to a maximum of 3,750 square feet. The following setbacks are proposed: Front and rear setbacks 0 feet, Side setback (to street) 5 feet side and (interior) 3 feet.

The rear setback is proposed to contain the note, “Zero lot line setback permitted for rear adjacent to 30’ alley tract only.” Greater setbacks are required along Powers Street (25 feet), Briggs Street (15 feet), and Espinosa Street (30 feet). These changes are similar to lot area and setback reductions previously approved within the Village Residential and Mixed Use Residential areas of the Erie Commons PD which have been approved for townhomes.

The height is proposed to contain the note, “In Mid-Town Residential only, principal uses that are three-story townhomes or detached townhome buildings have a maximum height of 35’, not including stairway access to rooftop deck. The 35 foot maximum height is consistent throughout the development. The projection for the stairway to a rooftop deck would be unique and specific

to Planning Area B-7. Staff is supportive of this projection as it would serve to activate the roof deck and provide needed outdoor space to residents.

Staff supports the requested Mid-Town Residential standards as it is necessary to accommodate the type of development contemplated. Staff encourages the use of different housing types throughout the community.

TABLE V - 2
Residential Development Standards

LAND USE DISTRICTS	Commons Residential	Village Residential	Mixed Use Residential	Mid-Town Residential
Minimum Lot Area (square feet):				
Single Family Detached (SFD), Patio Homes	5,000	3,200	-	*****
Single Family Attached (SFA), Duplex	-	1,430	1,200	*****
Multi Family	-	-	-	N/A
Minimum / Maximum Density (gross dwelling units per acre):	3 - 5	3 - 8	7.5 - 13	7.5 - 12
Minimum Lot Dimensions				
SFD, Patio Homes (feet):			N/A	
Width (at required front setback)	50	40	-	16
Corner Lot Width (at required front setback)	55	45	-	21
Depth	100	80	-	67
Frontage (at front property line)	20	20	-	16
SFA, Patio Homes, Detached Townhomes, Multi Family				
Width (at required front setback)				16
Corner Lot Width (at required front setback)				21
Depth				50
Frontage (at front property line)				16
Principal Structure Setbacks (feet):				
SFD, Duplex, Patio Homes, Detached Townhome * / **			N/A	
From Erie Parkway				NA
From South Briggs Street ROW				15
From Ambrose Street				NA
Exterior Property Boundary - Non-Road Frontage				NA
From Espinoza Street				30
From Powers Street				25
Front - to living area of home w/ garage on front of home	17.5	17.5		NA
Front - to garage on front of home (including alley ROW)	20	20		NA
Front - to living area of home w/ alley or rear garage	15	15		0
Side - to street	10	10		2
Side - to interior lot line	5	5		3
Rear	18	18		0***
SFA, Multi Family, Live / Work* / **	N/A	N/A		
From Erie Parkway			30	NA
From South Briggs Street ROW			15	15
From Ambrose Street			15	NA
Exterior Property Boundary - Non-Road Frontage			15	NA
From Espinoza Street			-	30
From Powers Street			-	25
Front - to living area of home		5	5	5
Front - to garage		20	20	NA
Side - to street	-	5	5	5
Side - to interior lot line	-	5	5	3
Rear		5	0***	0***
Accessory Structure Setbacks (feet):			N/A	
Front	30	30	-	NA
Side -- to street	10	10	-	NA
Side -- to interior lot line	5	5	-	NA
Rear	5	5	-	NA
Maximum Height (feet):				
Principal Use	35	35	35	35****
Accessory Use	25	25	25	NA

* Zero lot line setbacks shall be permitted for attached buildings provided that the building meets the interior lot line setback

on the side of the building not attached.

** Multiple principal buildings on a single lot shall be separated a distance equal to the distance that would be required if they were separated by a lot line.

*** Zero lot line setback permitted for rear adjacent to 30' alley tract only.

**** In Mid-Town Residential only, principal uses that are three-story townhomes or detached townhome buildings have a maximum height of 35', not including stairway access to rooftop deck.

***** 1,600 square feet minimum lot area / 3,750 square feet maximum lot area.

Definitions

The applicant has provided definitions for the following items:

- Bar/Tavern
- Detached Townhome
- Farm Market
- Financial Services and Institutions
- Personal Service Establishments
- Religious Assembly/Churches/Synagogues
- Restaurants
- Retail, General

All of the uses above were previously listed within Table V-3, Commercial Uses Permitted by Right and Special Review. These definitions are consistent with those within Chapter 12 of the UDC, with the exception of detached townhome, which was added specifically for use within Planning Area B-7. Staff has no concerns with the added definitions.

STAFF REVIEW AND ANALYSIS

Staff finds the application is consistent with the Comprehensive Plan approval criteria in of the Plan Amendment Process and Procedures of Chapter 1, Town of Erie, Colorado, 2015 Comprehensive Plan that the Planning Commission should consider when reconsidering the Erie Commons Comprehensive Plan Amendment:

1. The existing Comprehensive Plan and/or any related element thereof is in need of the proposed amendment.

Staff Comment: According to the applicant, the property has been vacant for years due to difficulty securing a single large user. In order to make the site more marketable, the applicant is proposing to maintain the existing Community Commercial Designation along Erie Parkway and changing the back half to Medium Density Residential to accommodate townhomes and duplexes.

2. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Plan.

Staff Comment: Changing half of the property to Medium Density Residential will offer more housing options to the community. Maintaining the other half of the property as Community Commercial will continue to provide commercial opportunities as originally envisioned on the plan.

3. The proposed amendment will have no major negative impacts on transportation, services, and facilities.

Staff Comment: No major negative impacts to transportation, services or facilities are anticipated.

4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision.

Staff Comment: All such services and facilities are available or will be available in the near future. Extension of such services will be occurring in a logical manner and not require unrealistic extension of services.

5. **The proposed amendment, if for an area that is outside of the Town's current municipal boundaries, is consistent with the Town's ability to annex the property.**

Staff Comment: Not applicable; the property is already annexed into the Town.

6. **Strict adherence to the Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.**

Staff Comment: The Comprehensive Plan is general in nature and allows flexibility in the specific location and extent of each land-use designation. The applicant is maintaining a portion of the existing Community Commercial designation and expanding the existing land-use designation of Medium Density Residential which will allow for additional residential options (townhome/duplex) within Erie Commons. Subsequent development review procedures (subdivision/site plan) will implement the various goals and policies of the Comprehensive Plan.

7. **The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.**

Staff Comment: The proposed changes to the land use designations will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.

Erie Commons PD Amendment No. 9 was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.23 C.9. Approval Criteria. Staff finds the Erie Commons PD Amendment No. 8 application in compliance with the Approval Criteria as listed below.

- a. **The PD district zoning is generally consistent with the purpose of the PD zone district as set forth in UDC Sections 2.5 and 7.6.**

Staff: It is generally consistent. This amendment encourages commercial and residential development which is the intent of the PD at this specific location.

- b. **The modification to the UDC regulations is based on creative and innovative design and amenities incorporated in the PD zone district that could not otherwise be achieved through other standard zoning districts or through another modification processes such as Alternative Equivalent Compliance in UDC Subsection 6.1.C or the PUD Overlay District in UDC Subsection 2.7.D.**

Staff: The modifications allow for the integration of multifamily development in the form of townhomes or duplexes in the Erie Commons Subdivision. The modifications result in a unique design that complements the overall Erie Commons community.

- c. **The PD zoning district will promote the public health, safety, and general welfare.**

Staff: The PD Amendment promotes the public health, safety and general welfare by providing a unique design that upholds the overall Erie Commons vision.

- d. **The PD zoning district is generally consistent with the Town of Erie Comprehensive Master Plan; Transportation Master Plan; Parks, Recreation, Open Space, and Trails Master Plan, and other pertinent Town plan and policy documents.**

Staff: The PD Amendment is generally consistent with the Town of Erie master plans.

- e. **Adequate and sufficient public safety, utility facilities and services, recreation facilities, parks, open space, and schools are available to serve the property, while maintaining sufficient levels of service to existing development.**

Staff: Adequate facilities are available to serve the property and existing development.

- f. The PD zone district provides adequate vehicular circulation and parking facilities in terms of traffic volumes, convenience, safety, access, screening and noise.**

Staff: Adequate vehicular facilities are proposed.

- g. A pedestrian and bicycle circulation system that provides connections to adjacent properties, existing and future trails, parks, open space, recreational facilities, schools, and other places of public gathering.**

Staff: Adequate pedestrian facilities are anticipated. The applicant's proposal will be required to undergo a future Site Plan application to demonstrate compliance.

- h. The PD zone district is not likely to result in significant adverse impacts to the natural environment, and significant scenic and historic features.**

Staff: Significant adverse impacts are not anticipated.

- i. The PD zone district will not result in significant adverse impacts on properties in the vicinity of the PD zone district, or such impacts will be substantially mitigated.**

Staff: Significant adverse impacts are not anticipated.

- j. Proposed uses will be compatible in scale with uses on properties in the vicinity of the PD zone district.**

Staff: The proposed multifamily development is in scale with adjacent properties. The existing PD targets 160 units for this site consisting of townhomes or duplexes.

- k. The residential areas of a PD zone district allocate a variety of housing types and densities appropriate to the size of the residential development area.**

Staff: The PD Amendment allows for diversification of the housing within Erie Commons. The proposed amendment allows for an alley-loaded townhome product and also encourages more common garden court areas.

- l. Visual relief is provided through building placement, shortened or interrupted street vistas, visual access to open space, parks, and other design methods.**

Staff: Visual relief is proposed. Including additional setbacks to property boundaries ensures that a spatial buffer is consistent throughout the development.

- m. The modifications permitted in the PD zone district have been made in exchange for greater public benefits that would not have otherwise be achieved through development under another zone district.**

Staff: The PD Amendment will allow the proposed townhomes to be built that will diversify the housing options within the Erie Commons Subdivision.

NEIGHBORHOOD MEETING:

As required by the Municipal Code a Neighborhood Meeting was held on August 22, 2019 at 6:30 p.m. in the Colliers Hill Overlook Community Center. The required notice for the Neighborhood Meeting was provided. A copy of the minutes is included in the packet.

PUBLIC NOTICE

Notice of the Public Planning Commission Hearing was provided as follows:

Published in the Colorado Hometown Weekly:	August 14, 2019
Property Posted as required:	August 23, 2019
Letters to Adjacent Property Owners:	August 16, 2019