

**TOWN OF ERIE
BOARD OF TRUSTEES
August 9, 2022**

SUBJECT: 1. Findings Of Fact: A Resolution of the Board of Trustees of the Town of Erie Making Certain Findings of Fact Regarding the Proposed Annexation to the Town of the Real Property Known as Erie Gateway South No. 9

2. Annexation: An Ordinance of the Board of Trustees of the Town of Erie Annexing to the Town the Real Property Known as Erie Gateway South No. 9

3. Initial Zoning: An Ordinance of the Board of Trustees of the Town of Erie Zoning the Real Property Known as Erie Gateway South No. 9

4. Annexation Agreement and Annexation Plat: A Resolution of the Board of Trustees of the Town of Erie Approving the Annexation Plat for the Real Property Known as Erie Gateway South No. 9, Accepting the Dedications on the Annexation Plat, and Approving the Associated Annexation Agreement

PURPOSE: The applicant requests annexation to the Town of Erie for ~121 acres of property and initial zoning to PD – Planned Development. The applicant is also requesting the BOT accept easements and dedications as shown on the Final Plat for Parkdale Filing No. 4.

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Audem Gonzales, Senior Planner

STAFF RECOMMENDATION:

1. Findings of Fact – Resolution No. 22-92
Staff finds the Erie Gateway South Annexation No. 9 annexation application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108. Staff recommends the Town Board of Trustees adopt the resolution, making certain findings of fact in favor of the proposed annexation.
2. Annexation – Ordinance No. 16-2022
Staff finds the Erie Gateway South Annexation No. 9 annexation application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108. Staff recommends the Town Board of Trustees adopt the ordinance, annexing the property into the Town of Erie.
3. Initial Zoning – Ordinance No. 17-2022
Staff finds the Erie Gateway South Annexation No. 9 Initial Zoning application in compliance with Section 7.4, Initial Zoning, of the Town of Erie Municipal Code and recommends the Town Board of Trustees adopt the ordinance, zoning the property to PD – Planned Development.
4. Annexation Agreement and Annexation Plat – Resolution No. 22-95
Staff recommends the BOT accept all dedications and easements as shown on the final plat for the Parkdale Filing No. 4 Subdivision and approve the associated Annexation Agreement.

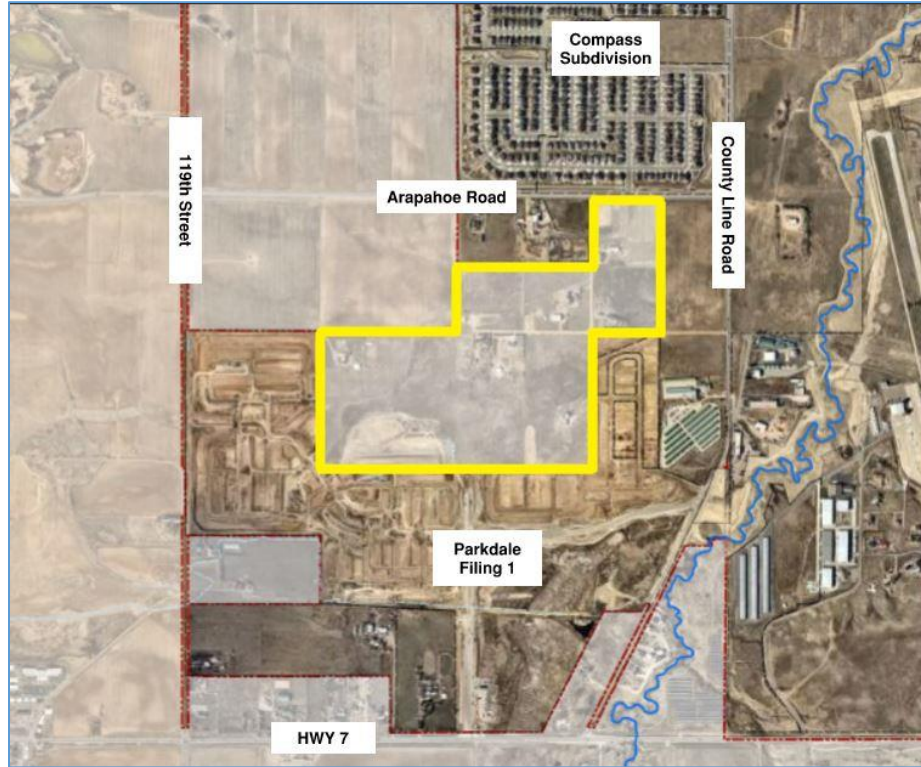
PLANNING COMMISSION RECOMMENDATION:

Not applicable.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Owner: OEO 2 LLC Bart Schichtel
 7353 South Alton Way 12514 Arapahoe Road
 Centennial, CO, 80112 Lafayette, CO, 80026

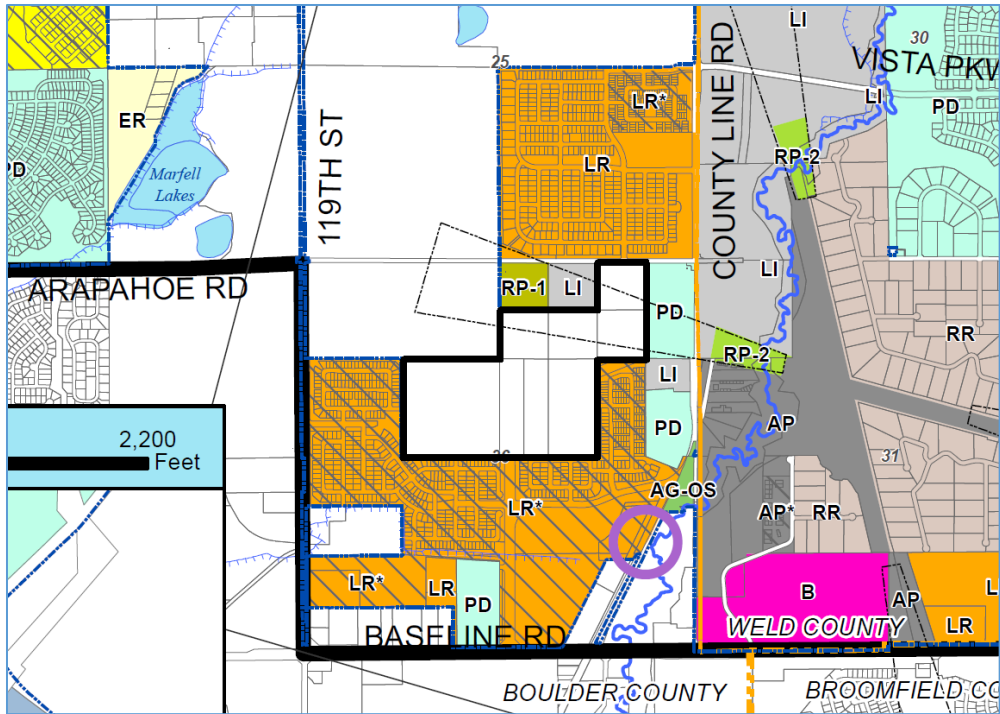
Location: The subject property is generally located south of Arapahoe Road, between 119th Street and County Line Road. The annexation area is approximately 121 acres in size. The site is highlighted in yellow below. Unincorporated properties are shown with a white mask.



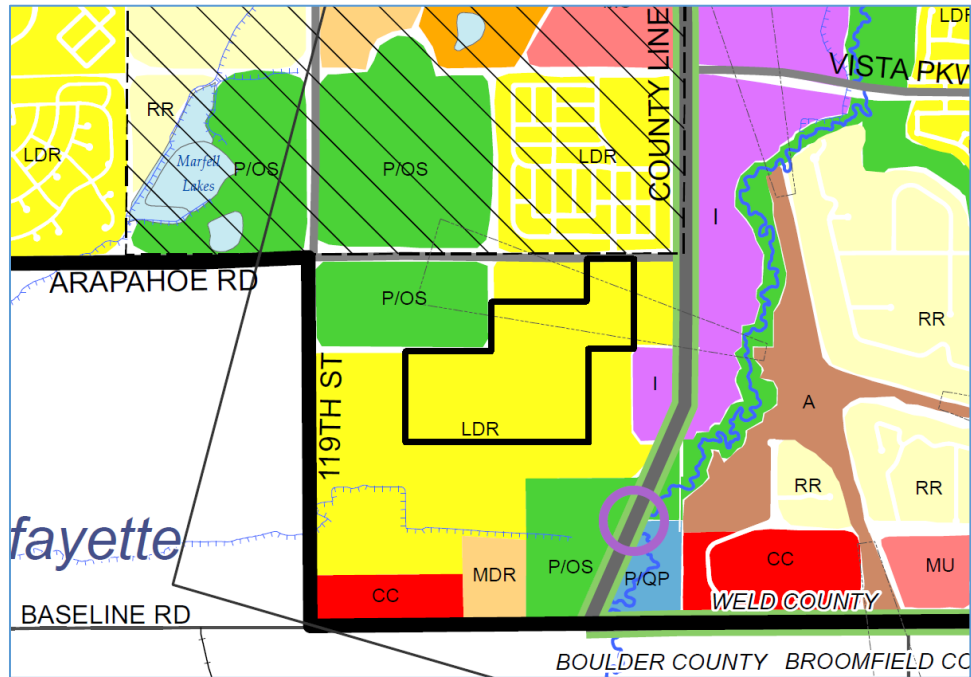
Existing Zoning: A – Agricultural (Boulder County)
Comprehensive Plan: LDR – Low Density Residential
Existing Land Use: SFD homes, accessory buildings and ag uses
Annexation Acreage: 121.41 acres
Zoning Acreage: 121.41 acres
Proposed Zoning: PD – Planned Development

Adjacent Zoning and Comprehensive Plan Land Use Designation:

	CURRENT ZONING	COMPREHENSIVE PLAN – LAND USE MAP DESIGNATION
NORTH	LR – Low Density Residential, LI – Light Industrial, RP-1 – Rural Preservation 1, A – Agricultural (Boulder County)	LDR – Low Density Residential and P/OS – Parks and Open Space
SOUTH	LR – Low Density Residential with PUD Overlay	LDR – Low Density Residential
EAST	PD – Planned Development, LI – Light Industrial, AG-OS – Agricultural and Open Space, and A – Agriculture Boulder County	LDR – Low Density Residential
WEST	LR – Low Density Residential with PUD Overlay and A – Agricultural (Boulder County)	LDR – Low Density Residential and P/OS – Parks and Open Space



Town of Erie Zoning Map, subject property shown with black border



Town of Erie Comprehensive Plan Land Use Map, subject property shown with black border

BACKGROUND INFORMATION:

The owner has submitted a petition for Annexation for approximately 121 acres of unincorporated Boulder County property. The application has been processed in accordance with C.R.S. 31-12-101, et seq., as amended, and Section 7.3, of the Town of Erie Unified Development Code.

On June 28, 2022 the Board of Trustees accepted the Erie Gateway South Annexation No. 9 annexation petition, found it to be in Substantial Compliance with the applicable requirements of C.R.S. 31-12-101 *et seq.*, and established August 9, 2022 as the Public Hearing date for the Annexation for adopting Findings of Fact in favor of the proposed annexation.

The applicant has also submitted an Initial Zoning application to the Town of Erie for approximately 121 acres. The Initial Zoning application has been processed in accordance with Section 7.4, of the Town of Erie Unified Development Code. The applicant has requested that the property be zoned PD – Planned Development.

Part of this application package includes a Final Plat for a portion of the annexation area. The applicant and Bart Schichtel are co-owners of a parcel of land approximately 20 acres in size. The applicant wishes to plat this area under the Annexation Plat process found in the UDC in Section 7.7. This plat would create 1 legal lot and 4 tracts. The purpose of this plat is to subdivide a portion of property that contains a single-family home. This home will be retained on its own lot during future platting and development of this area.

In March of 2021, OEO 2, LLC entered into a Pre-Annexation Agreement with the Town of Erie. The agreement set the parameters for building out the remainder of Coal Creek Boulevard, future zoning of the master planned community, retaining existing structures, build out of an off-site detention pond, dedicating additional ROW during final platting, tying into the existing Compass water system and creating development agreements for future final plats. The Erie Gateway South Annexation No. 9 application is in compliance with the previously approved pre-annexation agreement.

PD – Planned Development Zoning

The applicant has chosen to initial zone the property to PD – Planned Development. PD zoning documents set specific zoning regulations for the area. The Erie Gateway South Annexation No. 9 PD Zoning Map proposes the following standards:

Applicability

The PD zoning map creates standards that supersede standards found in Municipal Code Title 10. Any provisions that are not specifically addressed in the PD shall comply with the Municipal Code, specifically the MR – Medium Density Residential zone district standards for townhomes and LR – Low Density Residential zone districts standards for single-family homes.

The PD lists future residential uses (single-family detached and townhome) as well as existing temporary agricultural uses. The PD states that temporary uses shall expire and no longer be permitted within this PD when the property develops with principal residential uses listed in Planning Areas 1 and 2. This provision is consistent with language used in another Parkdale PD that was approved by the BOT in 2021.

Permitted Uses

The PD proposes two sets of permitted principal uses; existing and future principal uses. Both sets of uses are allowed in Planning Areas 1 and 2. Future residential (single-family detached and townhomes), parks, open space, HOA facilities, and utilities are permitted as well as uses listed in the UDC Use Table under the Agricultural Holding zone district. The Agricultural Holding uses are temporary within this PD and shall expire when future development commences on the property. The property is currently developed with several single-family detached homes and several accessory buildings. Instead of initial zoning to Agricultural Holding and amending the zoning in the future when development is proposed, the applicant chose to zone the property to PD and list future residential uses as well as existing temporary Agricultural Holding uses. Planning area 1 envisions a school site while planning area 2 does not.

Housing Diversity

When this PD area is platted in the future, the Unified Development Code will require a mix of housing based off the project acreage. With this area, the Parkdale community will be required to provide 4 housing types and 1 variation or 3 housing types and 2 variations. The applicant has chosen to provide 3 housing types and 3 variations; housing types – single-family detached, duplex and townhome, variations – large lot single-family, alley loaded single-family and alley loaded duplex. This PD proposes townhomes in planning area 2. It is anticipated that more multi-family housing will be proposed east of planning area 2, outside of this PD area.

Dimensional Standards

The applicant has proposed specific dimensional standards for both the future residential and existing temporary uses. The future residential standards are aligned with other developments in Erie in regards to lot size and width, setbacks and building height. These standards have also been used in other Parkdale PUD and PD applications. Staff has no issues with the proposal.

The applicant included encroachment language within the PD that allows above grade features to encroach up to 2 feet into the setbacks and window wells up to 3 feet into setbacks. All window wells are required to have covers. These standards were proposed before the January, 2022 UDC amendments were approved and match the current regulations found in the UDC.

The existing temporary uses have specific dimensional standards listed in the PD as well. The idea was to lock the existing structures into how they are currently

DIMENSIONAL STANDARDS SUMMARY CHART								
	MINIMUM LOT STANDARDS		MINIMUM LOT SETBACKS (FT.)					
LOT TYPE	WIDTH (FT.)	AREA (S.F.)	FRONT ON STREET	FRONT ON GARDEN COURT	SIDE (TO ABUTTING STREET)	SIDE (TO INTERIOR LOT)	REAR	HEIGHT
SINGLE FAMILY FRONT LOAD	45'	4,500	PRIN. - 15'	NOT APPLICABLE	10'	5'	PRIN. - 20'	PRIN. - 35' ACC. 25'
	50' CORNER LOTS		ACC. - 25'				ACC. - 5'	
PLANNING AREA 1 TEMPORARY USES	300'	125,000	PRIN. - 65'	PRIN. - NA	PRIN. - 50'	NA	PRIN. - 500'	PRIN. - 35' ACC. 30'
	300' CORNER LOTS		ACC. - 65'	ACC. - NA	ACC. - 25'		ACC. - 500'	
TOWNHOME ALLEY LOAD	20'	1,120	PRIN. - 8'	PRIN. - 5'	10'	5'	PRIN. - 0'	PRIN. - 35' ACC. 25'
	30' CORNER LOTS		ACC. - NA	ACC. - NA			ACC. - NA	
PLANNING AREA 2 TEMPORARY USES	300'	125,000	PRIN. - 200'	PRIN. - NA	PRIN. - 50'	NA	PRIN. - 500'	PRIN. - 35' ACC. 30'
	300' CORNER LOTS		ACC. - 100'	ACC. - NA	ACC. - 25'		ACC. - 500'	
1. ZERO LOT LINE SETBACKS SHALL BE PERMITTED FOR ATTACHED BUILDINGS PROVIDED THAT THE BUILDING MEETS THE ZONE DISTRICT INTERIOR LOT LINE SETBACK ON THE SIDE OF THE BUILDING THAT IS NOT ATTACHED.								
2. MULTIPLE PRINCIPAL BUILDINGS ON A SINGLE LOT SHALL BE SEPARATED BY A DISTANCE EQUAL TO THE DISTANCE THAT WOULD BE REQUIRED IF THEY WERE SEPARATED BY A LOT LINE.								
3. ABOVE-GRADE FEATURES INCLUDING EAVES, AND OVERHANGS ARE PERMITTED TO ENCROACH UP TO 2 FEET INTO THE FRONT, SIDE, AND REAR SETBACKS, EXCEPT WHERE THE SETBACK IS 0 FEET THEN NO ENCROAHCMENT IS ALLOWED. NO ENCROACHMENTS ARE PERMITTED IN EASEMENTS.								
4. WINDOW WELLS ARE PERMITTED TO ENCROACH UP TO 3 FEET INTO THE SIDE AND REAR SETBACKS, EXCEPT WHERE THE SETBACK IS 0 FEET, THEN NO ENCROACHMENT IS ALLOWED. WINDOW WELLS ARE REQUIRED TO HAVE A COVER.								
5. ON SINGLE FAMILY FRONT LOADED LOTS, REAR SETBACKS SHALL ALLOW FOR AN ENCROACHMENT INTO THE SETBACK OF UP TO 6 FEET FOR A ROOF TO BE CONSTRUCTED OVER AN AT GRADE PATIO OR OVER A DECK WHICH IS LESS THAN 30 INCHES ABOVE GRADE. GARAGES SHALL BE SET BACK A MINIMUM OF 20 FEET FROM THE STREET ROW, 15 FEET IF SIDE LOADED.								

located on the property through setbacks so they cannot expand in the future. Re-development will occur that will eventually take these uses away.

Development Standards

This PD contains development standards for future single-family detached products and single-family attached products (townhomes). The PD sets standards for providing architectural variety, architectural character, material variety, building orientation as well as garage and porch standards. Each of these sections are consistent with similar type projects in Erie and mimic the newly adopted UDC development standard amendments. Staff worked with the applicant on providing the appropriate minimum standards for the above referenced sections. The specific language can be found on sheet 3 of the PD document.

The existing temporary uses found on the property are proposed to follow the Agricultural Holding development standards found in the UDC. This new zone district and associated standards were created in August of 2021. The Ag Holding standards permit the existing uses and accessory structures as they are built on the property today.

Annexation Plat

The Planning and Development Director has conditionally approved an Annexation Plat for an area approximately 20 in size, which is located within the annexation area. The plat, Parkdale Filing No. 4, consists of 1 residential lot, 4 tracts and right-of-way for Coal Creek Boulevard and McGeal Place. An existing

home will remain on the platted lot while the tracts within this subdivision are anticipated to be re-platted as residential lots in the future. The Board of Trustees is the authority for accepting all dedications and easements as shown on the final plat document.

STAFF ANALYSIS AND FINDINGS

1. Findings of Fact

Compliance with Town Standards:

Staff finds the application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108.

- a. THE ANNEXATION IS IN COMPLIANCE WITH THE MUNICIPAL ANNEXATION ACT OF 1965 (C.R.S. 31-12-101, ET SEQ., AS AMENDED).**

Staff Comment: The application has been found to be in compliance with C.R.S. 31-12-101.

2. Annexation

Compliance with Town Standards:

Staff finds the application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108.

- a. THE ANNEXATION IS IN COMPLIANCE WITH THE MUNICIPAL ANNEXATION ACT OF 1965 (C.R.S. 31-12-101, ET SEQ., AS AMENDED).**

Staff Comment: The application has been found to be in compliance with C.R.S. 31-12-101.

3. Initial Zoning

Compliance with Town Standards:

Staff finds the application is consistent with the approval criteria of Section 7.4, Initial Zoning, of the Town of Erie Municipal Code:

- a. The initial zoning will promote the public health, safety, and general welfare;

Staff Comment: The application will promote the health, safety and welfare of the general public by zoning the property to match the existing land use as well as future compatible land uses.

- b. The initial zoning is consistent with the Town's comprehensive master plan and the purposes of this code;

Staff Comment: The proposed zoning is consistent with the Town of Erie Comprehensive Plan; The Comprehensive Plan designates this area as LDR – Low Density Residential. The Initial Zoning request is for PD – Planned Development, which allows for future low and medium density development.

- c. The initial zoning is consistent with the stated purpose of the proposed zoning district;

Staff Comment: The proposed zoning is consistent with the stated purpose of the PD zone district.

- d. 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;

Staff Comment: The property will require the extension of water and sewer services into the site at the time of development. It will be the responsibility of the developer to extend Town services into the property proposed for annexation at the time of development. The existing uses will remain on existing services until development occurs.

- e. The initial zoning 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 significantly mitigated;

Staff Comment: No significant adverse impacts to the above referenced qualities/conditions are anticipated. The property is currently developed with residential and agricultural uses. Future development was anticipated with the Comprehensive Plan designation of LDR. This size of development requires a mix of housing per the UDC so medium density will also be permitted.

- f. The initial zoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

Staff Comment: No significant adverse impacts are anticipated to properties in the vicinity of the subject property.

- g. Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

Staff Comment: The subject property will be compatible in scale and use with surrounding properties. Parkdale is a master planned community. This area of Parkdale was envisioned for lower and medium density.

- h. The initial zoning is generally consistent with the Towns' economic development goals and objectives in bringing positive growth and sustainable revenues to the Town.

Staff Comment: The initial zoning of this property to Planned Development will bring positive growth and sustainable revenue to the Town in the form of tax revenue.

4. Annexation Agreement and Annexation Plat

The Parkdale Filing No. 4 annexation plat has been conditionally approved by the Director of Planning and Development with the condition that the Board of Trustees accept the dedications and easements as shown on the final plat and associated Annexation Agreement.

Annexation Public Notice:

The Annexation is in compliance with the required noticing requirements of C.R.S. 31-12-108; with published notice in the Colorado Hometown Weekly, on July 6, 2022, July 13, 2022, July 20, 2022, July 27, 2022, and August 3, 2022.

Annexation and Initial Zoning Public Notice:

The required notice for the Annexation and Initial Zoning applications are in compliance with Sections 10.7.3 and 10.7.4 of the Municipal Code as follows:

IZ - Published in the Colorado Hometown News:	July 20, 2022
Property Posted as required:	July 20, 2022
Letters to Adjacent Property Owners:	July 21, 2022