

**TOWN OF ERIE
TOWN COUNCIL
March 26, 2024**

SUBJECT: 1. Findings of Fact: A Resolution of the Town Council of the Town of Erie Making Certain Findings of Fact Regarding the Proposed Annexation to the Town of the Real Property Known as 111th and Arapahoe

2. Annexation: An Ordinance of the Town Council of the Town of Erie Annexing to the Town the Real Property Known as 111th and Arapahoe

3. Agreements: A Resolution of the Town Council of the Town of Erie Approving the Pre-Development and Annexation Agreements between the Town and TTRES CO Erie Arapahoe, LLC

4. Initial Zoning: An Ordinance of the Town Council of the Town of Erie Zoning the Real Property Known as 111th and Arapahoe

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: The applicant requests annexation to the Town of Erie for 19.33 acres of property and initial zoning as high density residential (HR)

DEPARTMENT: Planning and Development

PRESENTER: Christopher LaRue, Principal Planner

STAFF RECOMMENDATION:

Staff recommends adopting the resolutions and ordinances for the 111th and Arapahoe Pre-Development Agreement, Annexation, Annexation Agreement, and Initial Zoning.

1. Findings of Fact – Resolution No. 24-028

Staff finds the 111th and Arapahoe 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 Council adopt the resolution, making certain findings of fact in favor of the proposed annexation.

2. Annexation – Ordinance No. 004-2024

Staff finds the 111th and Arapahoe 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 Council adopt the ordinance, annexing the property into the Town of Erie.

3. Agreements – Resolution No. 24-029

A Resolution of the Town Council of the Town of Erie Approving the Pre-Development and Annexation Agreements between the Town and TTRES CO Erie Arapahoe, LLC

4. Initial Zoning – Ordinance No. 005-2024

Staff finds the 111th and Arapahoe Initial Zoning application in compliance with Section 7.4, Initial Zoning, of the Town of Erie Municipal Code and recommends the Town Council adopt the ordinance, zoning the property to HR as shown on the Zoning Map.

PLANNING COMMISSION RECOMMENDATION:

Not applicable.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant: TTRES CO Erie Arapahoe, LLC (Thompson Thrift) on behalf of Owners, the Gonzales (10994 Arapahoe Road), Razo (11070 Arapahoe Road), and Sosa (1445 N 111th Street) families

Existing Conditions:

Zoning: Agricultural (Boulder County)

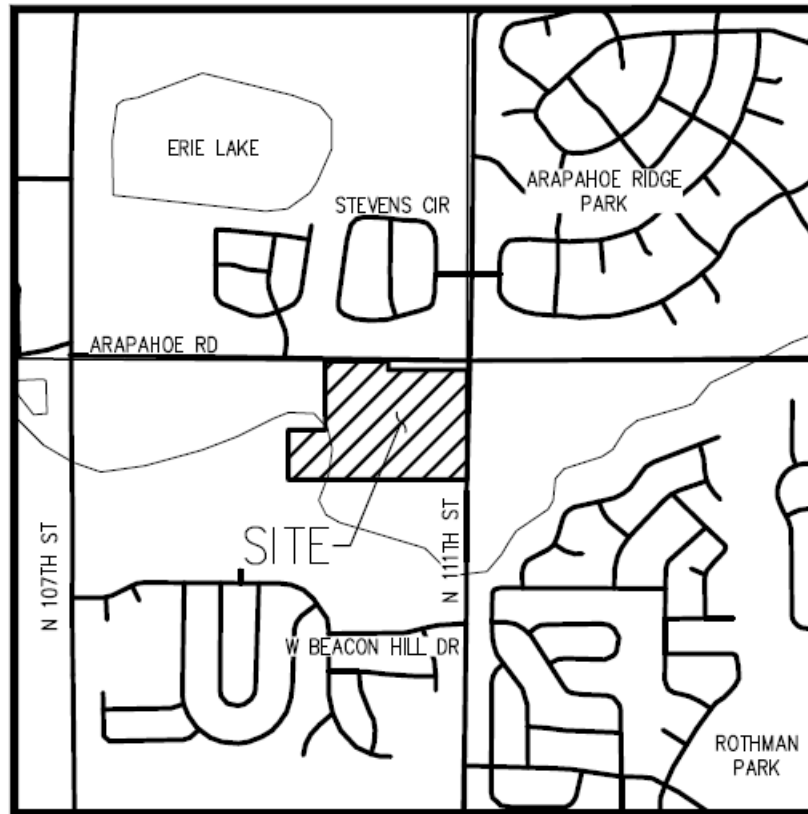
Project Size: 19.33 Acres

Existing Use: Single-Family detached homes on agricultural property.

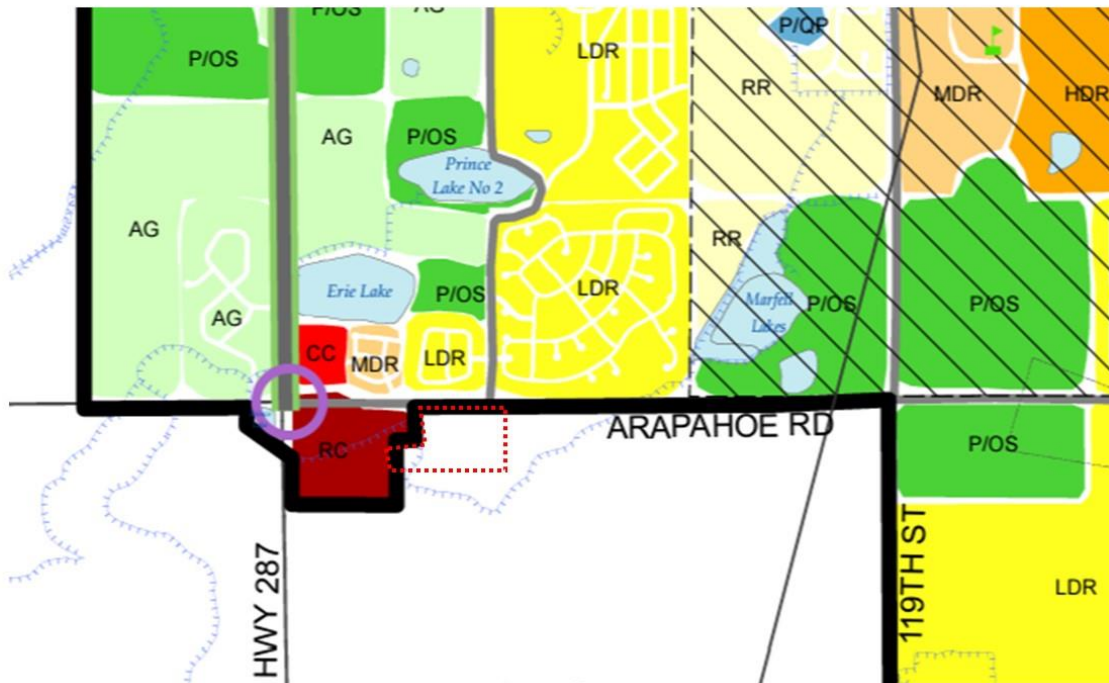
Future Land Use: No designation in current Comprehensive Plan; will need to be added in the future.

Location:

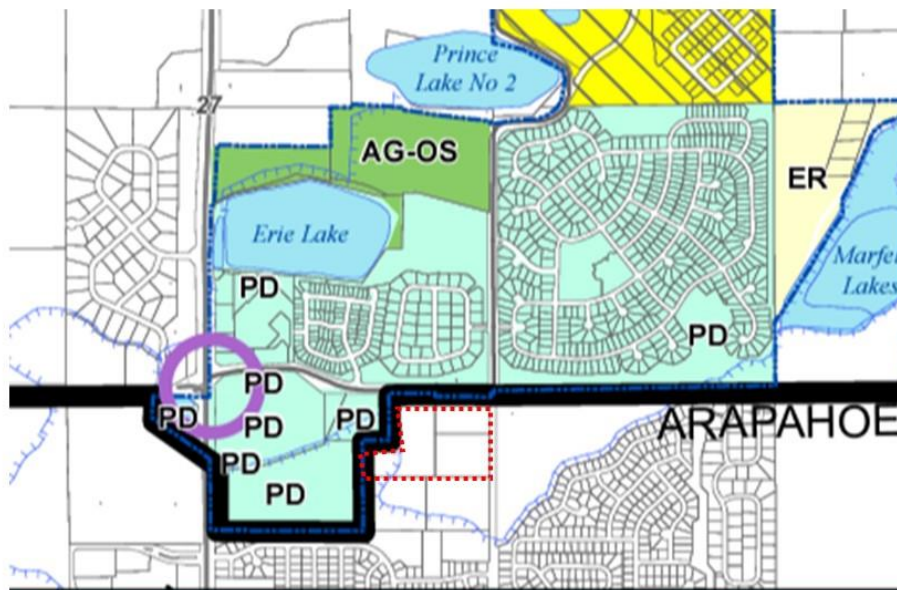
Below is a map that depicts the site (hatched) and surrounding area:

**Adjacent Land-Use/Zoning:**

	ZONING	LAND USE
NORTH	PD	Arapahoe Ridge - SFD
SOUTH	R2 SFD & Attached – Lafayette	Agriculture / SFD
EAST	R2 SFD & Attached – Lafayette	Open Space
WEST	PD	Nine Mile Apartments



Town of Erie Comprehensive Plan Land Use Map, subject property shown with red dashed outline



Town of Erie Zoning Map, subject property shown with red dashed outline

BACKGROUND INFORMATION:

The applicant submitted a petition for Annexation for approximately 19.33 acres of unincorporated Boulder County property. The application is in process 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 December 12, 2023, the Town Council accepted the 111th and Arapahoe annexation petition, found it to be in Substantial Compliance with the applicable requirements of C.R.S. 31-12-101 et seq., and established February 13, 2024, as the Public Hearing date for the Annexation for adopting Findings of Fact in favor of the proposed annexation. On February 13, 2024, the Town Council again accepted the 111th and Arapahoe annexation petition, found it to be in Substantial Compliance with the applicable requirements of C.R.S. 31-12-101 et seq., and established March 26, 2024, as the Public Hearing date for the Annexation.

The applicant also submitted an Initial Zoning application to the Town of Erie for the approximately 19.33 acres. The Initial Zoning application was processed in accordance with Section 7.4, of the Town of Erie Unified Development Code.

Pre-Development Agreement

The Pre-Development Agreement is set up to ensure that affordable housing units are included in the future land use applications for this project. Specifically, it requires 12% of the units to be affordable at 80% of the Area Median Income (AMI). In addition, prior to development approval, the agreement requires additional right-of-way dedication for 111th Street with appropriate improvements consistent with Town requirements. Finally, the agreement requires that prior to development approval the developer shall provide appropriate sewer services to the site at their expense.

Initial Zoning

The applicant chose to initially zone to HR to facilitate a potential future apartment project for the subject property as illustrated on the Initial Zoning Map. This designation is consistent with the existing apartment complex located directly west of the 111th and Arapahoe site.

Permitted Uses and Dimensional Standards

The permitted uses and dimensional standards would follow the Unified Development Code for the HR zone district. The HR district allows 10 to 25 dwelling units per acre with a maximum height of 35 feet, or three stories. This residential district allows a variety of housing types including townhomes and multifamily homes that vary in density as well as associated recreational uses. Development of the site will require approval of a plat and site plan. The development review process will include outreach and meetings with surrounding development.

Housing Diversity

When developed, this almost 20-acre parcel would only require one housing type per

code, however, the potential for either townhome and/or multifamily housing typologies meets identified needs within the town for smaller units and rental options.

Annexation Agreement

The Annexation Agreement is the Town's standard agreement and contains typical provisions for access to Town services, land use regulation, and governing authority.

Transportation

This annexation includes annexation of half of the roadway for North 111th Street from Boulder County, with the other half remaining within the City of Lafayette. While the Town typically prefers to annex a full roadway, at this time the City of Lafayette prefers to retain ownership and is working with the Town to determine maintenance and permitting for the split roadway. An Intergovernmental Agreement (IGA) between both jurisdictions is underway to define responsibilities for 111th Street into the future. The IGA will need to be in place prior to approving any further land use projects (plats, site plans, etc.) for the property.

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. 31-12-101.

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. 31-12-108, ET SEQ., AS AMENDED).

Staff Comment: The application has been found to be in compliance with C.R.S. 31-12-108.

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 existing compatible land uses and to build upon the Town's housing diversity goals.

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

Staff Comment: Not applicable as the site is not currently depicted on the Town's Comprehensive Plan.

- 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 development.

- 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 to the site at the time of development. The developer will be responsible for extension of Town services into the property proposed for annexation at the time of development.

- 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.

- 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. The existing apartment complex located to the west within the Nine Mile Development is built at a density of 24.8 units/acre and with two- and three-story buildings. Care will be taken to ensure adequate buffers and building height

transitions are designed to step down to the two-story single family residential neighborhoods north of Arapahoe Road and south of the property.

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 HR will bring new residents to support existing and new commercial development as well as sustainable revenue to the Town in the form of tax revenue. In addition, the development will provide a housing type that is lacking within the Town and takes advantage of the Hwy 287 transit corridor.

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 February 21st & 28th and March 6th, 13th, and 20th.

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:

Published in the Colorado Hometown News:	see above.
Property Posted as required:	March 11, 2024
Letters to Adjacent Property Owners:	March 11, 2024