

**TOWN OF ERIE
PLANNING COMMISSION MEETING
August 3, 2022**

SUBJECT: Consideration of a Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Erie Highlands Preliminary Plat No. 5 with Conditions.

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: The applicant proposes a 10.699-acre Preliminary Plat to develop Erie Highlands Planning Area 10. The plat includes 116 townhome lots and 10 tracts for various landscaping, access, utility, and drainage purposes.

DEPARTMENT: Planning & Development Department

PRESENTER: Shannon Moeller, AICP, Senior Planner

STAFF RECOMMENDATION:

Staff finds the Preliminary Plat in compliance with the Preliminary Plat Approval Criteria and recommends the Planning Commission adopt Resolution No. P22-06 recommending approval to the Board of Trustees, with the following conditions of approval:

- a. At the time of Final Plat, Applicant shall execute a Development Agreement in a form approved by the Town;
 - b. Applicant shall perform the actions described in the letter from Oakwood Homes to the Town of Erie dated June 28, 2022, including re-plugging the William H Peltier #1 well per COGCC standards prior to approval of the Final Plat; and
 - c. Applicant shall make technical corrections to the Preliminary Plat and related documents as directed by Town staff.
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SUMMARY AND BACKGROUND OF SUBJECT MATTER

Applicant: Clayton Properties Group II, Inc.

Existing Conditions:

Zoning: MR – Medium Density Residential with Erie Highlands PUD Overlay

Project Size: Erie Highlands is 305 acres

Preliminary Plat No. 5 is 10.699 acres

Existing Use: Vacant property and trails

Location:

Erie Highlands is located south of Erie Parkway, east of Bonanza Drive, and west of Weld County Road 5. Preliminary Plat No. 5 is located in Erie Highlands Planning Area 10, south of Highview Drive and west of Glacier Drive; the general boundary is outlined below:



Adjacent Land-Use/Zoning to Planning Area 10:

	Zoning	Land Use
North	MR – Medium Density Residential	Future Residential – Erie Highlands PA 9
South	AG – Weld County	Former Blake's Auto Salvage
East	CC – Community Commercial	Future Commercial – Erie Highlands PA 11
West	LR – Low Density Residential	Residential – Erie Highlands PA 6

Background:

Erie Highlands was annexed by the Town in 1984. In 2013, the Board of Trustees approved a Master Pre-Development Agreement for the property, and it was rezoned to Low Density Residential (LR), Medium Density Residential (MR), Agriculture/Open Space (AG/OS), Community Commercial (CC), and Public Lands & Institutions (PLI), and the original Erie Highlands PUD was approved.

The residential portions of the PUD anticipated a mix of housing types including single-family and attached residences. Planning Area 10 has been planned for townhomes/multi-family since the original PUD approval.

In 2021, the Board of Trustees approved a PUD Amendment to establish design standards for the proposed townhomes in Planning Area 10.

Numerous plats have been recorded as Erie Highlands has been developed. Erie Highlands Filing No. 1 was originally platted in 2013 and since that time has recorded Filing No. 2 through Filing No. 16.

The area proposed as Preliminary Plat No. 5 is currently platted as Tracts X and QQ as part of Erie Highlands Filing No. 16. This is the last residential area to develop within Erie Highlands.

The northeast corner of Erie Highlands is zoned for commercial uses and has a Minor Subdivision land use application in process with the Town.

Proposed Preliminary Plat:

Erie Highlands Preliminary Plat No. 5 proposes the next phase of development in the Erie Highlands community within Planning Area 10 of the Erie Highlands PUD. The plat includes 116 alley-loaded townhome lots with an average lot size of approximately 1,594 square feet. The townhomes are designed to face predominantly onto garden-courts, as well as toward streets with intervening landscape tracts.

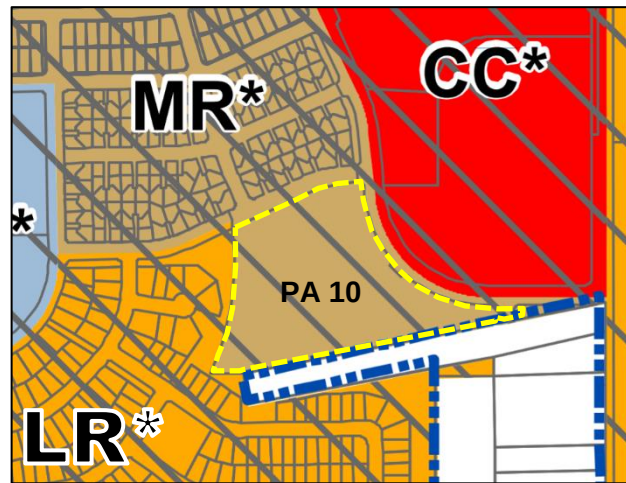
Development Information:

- Preliminary Plat Size: 10.699 acres
- Uses:
 - Permitted per PUD: Townhomes or Multi-Family
 - Proposed: Townhomes

- Dwelling Units
 - Maximum Permitted in PA 10 per PUD: 203 dwelling units
 - Proposed: 116 dwelling units
- Lot Sizes
 - Minimum Permitted in PA 10 per PUD: 1,200 square feet
 - Minimum Proposed: 1,220 square feet
- Number of Tracts: 10

Compliance with Town of Erie Zoning Map:

The property is zoned MR - Medium Density Residential with an existing PUD Overlay. Since the original Erie Highlands PUD Overlay approval in 2013, Planning Area 10 has been planned as a medium-density residential area to accommodate medium-density housing types such as townhomes or multi-family dwelling units. The proposed preliminary plat for the development of townhomes in the planning area is consistent with the underlying zoning of MR and the PUD Overlay permitted land use of townhomes.



The PUD Overlay permits a maximum of 203 dwelling units in Planning Area 10 and the Preliminary Plat proposes 116 dwelling units. Combined with the other MR-zoned Planning Areas within Erie Highlands, the gross density of the MR-zone district is 6.55 units per acre, consistent with the purpose of the MR zone district per UDC Section 10.2.2.F to provide a gross density between 5 to 10 dwelling units per acre. Overall, the proposal is consistent with the Zoning Map and the PUD Overlay.

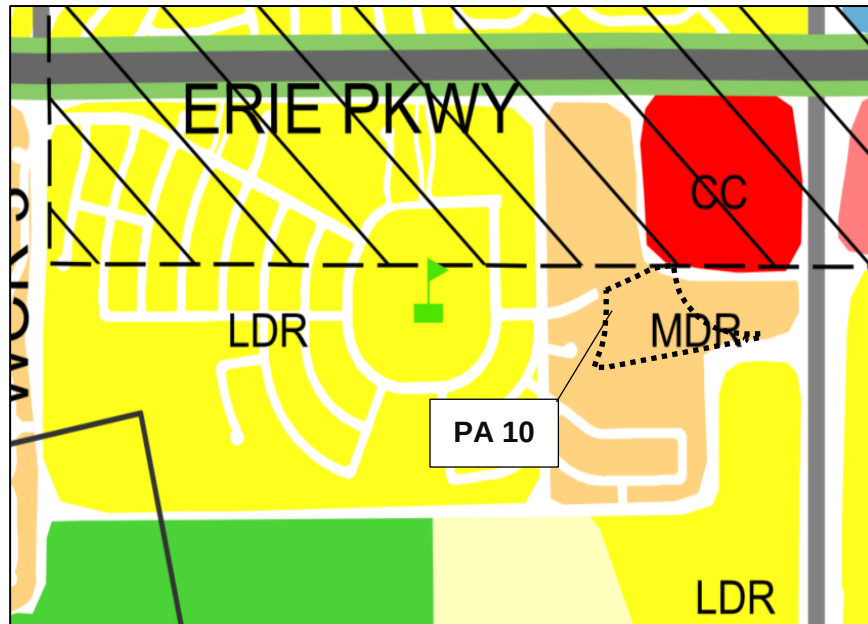
Medium Density Residential Zoned Planning Areas in Erie Highlands					
Planning Area	Acres	Units Permitted Per PUD	Actual Units Proposed or Approved	Permitted Density Per PUD	Actual Density
PA 8	20.96	120	103	5.7 du/acre	4.9 du/acre
PA 9	14.78	170	156	11.5 du/acre	10.5 du/acre
PA 10	10.89	203	116	18.64 du/acre	10.65 du/acre
Right of Way	10.56				
Total	57.20	493	375	8.6 du/acre	6.55 du/acre

Compliance with Town of Erie Comprehensive Plan:

The Land Use designation on the Comprehensive Plan Land Use Plan Map in Planning Area 10 is:

MDR – Medium Density Residential (Gross Density of 6-12 Dwelling Units/Acre)

The application is in general compliance with the Land Use designation on the Comprehensive Plan Land Use Plan Map. Planning Area 10 is intended to provide medium-density residential housing, which is consistent with the land use designation.



Housing Diversity:

The Town of Erie has a housing diversity requirement that is based on the acres of residentially zoned property to ensure that as the Town grows, a variation in housing choices are provided. The overall Erie Highlands property has 222 acres zoned LR - Low Density Residential and MR – Medium Density Residential. This quantity of residentially zoned land requires the Erie Highlands development to provide either:

- 4 housing types, or,
- 3 housing types and 1 housing type variation, or,
- 2 housing types and 2 housing type variations.

The Housing Diversity for previous filings of Erie Highlands includes:

- Housing Type:
 - Single Family Detached
- Housing Type Variations:
 - Single Family Detached lots in the under 5,000 square foot range.
 - Single Family Detached lots in the 5,000 to 9,999 square foot range.
 - Single Family Detached lots in the 10,000 to 39,999 square foot range.

The Housing Diversity Proposed for Erie Highlands Preliminary Plat No. 5 contains:

- Housing Type:
 - Townhouse
- Housing Type Variation:
 - Alley Loaded

With approval of this Preliminary Plat, the Erie Highlands development will have the required 2 Housing Types (i.e. Single Family Detached and Townhouse) and 2 Housing Type Variations (i.e. Lot Size 5,000 – 9,999 sq.ft., Lot Size 10,000 – 39,000 sq. ft.).

Erie Highlands is located in the St. Vrain Valley School District. Erie Highlands Filing 11 platted a 10-acre elementary school site which allowed for the construction of the Highlands Elementary School. The school site dedication fulfilled the developer's requirements to the school district.

The Mountain View Fire Protection District will provide fire and emergency medical services. A fire station is located adjacent to Erie Highlands on the southwest corner of Erie Parkway and Bonanza Drive in the Grandview Subdivision.

The Erie Police Department will provide service to the property.

The proposed site layout consists of 116 alley-loaded townhomes. N. Vista Drive is proposed to extend through the site with vehicular access and sidewalks connecting at Highview Drive at the north end of the site and Glacier Drive at the east end of the site. Townhomes are located in groups of three to five attached units. Units front onto either a public street or a garden court.

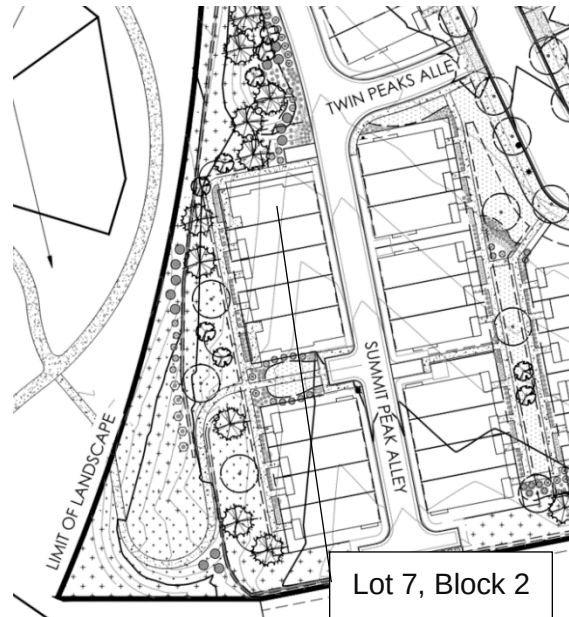


Parking for the townhomes will be provided for each unit anticipated to have alley-loaded 2-car garages, and guest parking spaces provided by both on-street parking and with parking areas of one to three spaces interspersed throughout the site. The applicant provided a parking exhibit to demonstrate that all townhomes are adequately served by guest parking consistent with the 200' distance requirement and ratio of at least one guest space per three townhome units as required by the parking requirements in UDC Section 10.6.6.

Request for Alternative Equivalent Compliance:

Pursuant to Section 10.6.1.C, alternative equivalent compliance is a procedure that allows development to occur where the intent of the design-related provisions of this Chapter is met through an alternative design. It is not a general waiver of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard.

As part of this Preliminary Plat, alternative equivalent compliance is proposed to allow for the width of one portion of a garden court in front of Lot 7, Block 2 to vary from between 24' wide to up to 36' wide, where a width of 30' is generally required. This garden court abuts an existing curved landscape tract, resulting in the proposed variation in width along the curve. As shown on the proposed landscaping plans, a trail connection and additional landscaping is proposed in this area.



The request for Alternative Equivalent Compliance was reviewed for conformance with Municipal Code 10.6.1.C.4. Approval Criteria. Staff finds the requests in compliance with the Approval Criteria listed below.

- a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;

Staff: The alternative achieves the intent of the standard. The garden court varies in width from approximately 24' to 36' along the front of the lot, rather than being a constant 30' wide along the lot. The proposal provides pedestrian access and additional landscaping in keeping with the intent of the garden court standard. Additionally, the garden court tract abuts an adjacent landscaping tract, which will result in a total landscaping area of over 58' wide at the narrowest point.

- b. The proposed alternative achieves the goals and policies of the Town's Comprehensive Master Plan to the same or better degree than the subject standard;

Staff: The proposed alternative achieves the goals and policies of the Town's Comprehensive Master Plan. The proposal supports a trail connection, landscaping, and housing consistent with the Comprehensive Plan land use designation and Comprehensive Plan policies for organization of neighborhoods around an interconnected trail system.

- c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject design standard;

Staff: The proposed garden court results in benefits to the community that are equivalent or better than compliance to the standard. The garden court varies in width from approximately 24' to 36' along the front of the lot, rather than being a constant 30' along the width. The garden court will provide for a trail connection and additional landscaping will be provided along the garden court, exceeding the minimum tree and shrub requirements. Additionally, the garden court tract abuts an adjacent landscaping tract, resulting in a total landscaping area at over 58' at the narrowest point.

Staff is supportive of the proposed design which meets the intent of the garden court width standards to provide adequate space for pedestrian access and landscaping.

Roadways:

A Traffic Study was submitted with the Erie Highlands Preliminary Plat No. 5 application materials. Streets adjacent to and within the site are proposed as public right-of-way. Alleys will be located in private tracts with public access easements. The proposal is in compliance with the Town's Standards and Specifications.

Parks, Open Space and Trails:

Public Dedication Requirements:

The required dedications for public parks and open space dedications are based on the Erie Highlands PUD that identifies the general location and the quantity of park and open space to be dedicated. The table below details how these requirements have been met. There are no required dedications within the boundaries of the proposed Preliminary Plat; all requirements have been met in previous filings of the development.

The nearest existing pocket park is located just southwest and can be accessed via the proposed trail connections; the nearest existing neighborhood park is Clayton Park, located to the northwest, in the center of Erie Highlands.

Public Dedications	Dedicated with Final Plat No. 1 through 7	Dedicated with Final Plat No. 8 through 13	Total Dedicated	Total Required for Build-Out per PUD
Pocket Park	0.97	1.09	2.06	1.97
Neighborhood Park	0	8.33	8.33	8.19
Community Park	0	0		Fee in Lieu for 13.64 acres
Open Space	2.90	30.49	33.39	33.39 + Fee in Lieu

Pedestrian Trails:

Erie Highlands Preliminary Plat No. 5 will provide connections along internal streets and garden courts to adjacent spine and local trails. The local trail planned along the south/southwest side of Glacier Drive, and the spine trail planned along the south side of Highview Drive were previously approved with Erie Highlands Filings 14 and 16, respectively.

Utilities:

The Town of Erie will provide both water and wastewater services to the property.

Utility service providers for the property are United Power for electric, Xcel Energy for gas, Century Link Communications for telephone services and Comcast for cable television. Utility easements for these providers will be finalized at the time of final plat.

Drainage:

A Drainage Report and Letter of Conformance was submitted and reviewed.

Oil/Gas Facilities:

Surface Use Agreements (SUA):

The applicant has executed Surface Use Agreement's (SUA) with Encana and Anadarko/Kerr-McGee. The SUA setback requirements are outside the boundaries of this Preliminary Plat.

Plugged and Abandoned Well Site:

One plugged and abandoned well site exists within the property, south of Highview Drive and within a proposed landscaping tract (William H. Peltier #1 well). Development within the Erie Highlands PUD is subject to vested rights. The proposal complies with the applicable setbacks, including locating the abandoned wellhead and its 25-foot required setback radius outside of any residential lots.

During the preliminary plat review process, the Town requested that the applicant conduct a subsurface investigation in the area of the well to determine if any contamination or soil gas was present because of historical oil and gas activities. A.G. Wassenaar conducted limited subsurface and additional subsurface investigations and provided reports, dated March 3, 2022, and May 10, 2022, respectively. Trace amounts of methane were discovered in 2 of the 5 soil vapor bores in the limited subsurface report. Additional subsurface investigation was done, and the additional report concluded that the methane impact did not appear to extend laterally to the southwest or to greater vertical depths, and appeared to be localized to a small area.

While the detected trace methane amounts do not exceed any regulatory limits, the applicant has committed to re-plugging the well consistent with current COGCC requirements, prior to approval of a Final Plat. Additionally, the applicant has committed that homes within 100' of the plugged well will be constructed with a methane gas alarm, active radon system for ventilation, and will be provided with a disclosure regarding the well. These items are noted in the applicant's letter dated June 28, 2022, and staff has recommended a condition of approval noting these items.

Soils and Geology:

Erie Highlands Preliminary Plat No. 5 is undermined by the Boulder Valley #1 mine at depths of approximately 300 to 350 feet below the ground surface. The Colorado Geological Survey (CGS) reviewed various technical/engineering documents and studies provided by the applicant. CGS agreed with the applicant's reports that stated that the probability is low that a void collapse would propagate to the surface or to a height that could cause distress to structures. CGS did not have any objections to approval of Preliminary Plat No. 5.

Staff Review and Analysis

Staff finds the application, with recommended conditions of approval, to be consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.D.2, as outlined below:

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

Staff: The proposed subdivision is generally consistent with the 2015 Comprehensive Plan Land Use Plan Map land use plan. The Comprehensive Plan designates the property MDR – Medium Density Residential, with a typical gross density of 6-12 dwelling units per acre. The proposed density within the MDR designated area is

approximately 6.5 dwelling units per acre, consistent with the intended gross density for the area.

- b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.

Staff: *The proposed subdivision is consistent with and implements the MR – Medium Density Residential zone district, as well as the specific standards of the Erie Highlands PUD Overlay.*

- 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 proposed subdivision is designed to meet the Town's UDC 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 proposed subdivision meets the Town's UDC standards, including as modified by the Erie Highlands PUD Overlay.*

- 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 proposed subdivision will meet applicable Federal and State 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: *No significant adverse impacts are anticipated with the proposed subdivision.*

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

Staff: *The proposed subdivision will be integrated into the surrounding street and pedestrian network.*

- h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.

Staff: *No significant adverse impacts are anticipated with the proposed subdivision.*

- 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 proposed subdivision, shall be constructed with the development, or shall be mitigated through the payment of fees.

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

Staff: Adequate infrastructure is proposed and will be available to serve the proposed subdivision. A Development Agreement including a phasing plan will be reviewed as part of the Final Plat.

Neighborhood Meeting

A Neighborhood Meeting is required by the Municipal Code. The applicant held two neighborhood meetings, on the dates listed below:

Neighborhood Meeting Dates: July 21, 2020, and November 18, 2021

Neighborhood Meeting Location: Virtual/online

The required posted and mailed notices of the Neighborhood Meetings were provided as required.

Public Notice

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly: July 13, 2022

Property Posted: July 15, 2022

Letters to adjacent property owners within 500': July 8, 2022

Public Comments

No written public comments have been received for the application.