

TOWN OF ERIE
TOWN COUNCIL AGENDA ITEM
June 25, 2024

SUBJECT: **PUBLIC HEARING: Redtail Ranch Preliminary Plat**
A Resolution of the Town Council of the Town of Erie Approving the Redtail Ranch Preliminary Plat with Conditions

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: Consideration of a Preliminary Plat to subdivide 290 acres into 524 lots and 32 tracts for future residential development.

DEPARTMENT: Planning and Development

PRESENTER: Harry Brennan, Senior Planner

STAFF RECOMMENDATION:

Preliminary Plat

Staff finds the Redtail Ranch Preliminary Plat complies with the Approval Criteria and recommends the Town Council approve the Preliminary Plat with the following conditions:

- At the time of Final Plat, Applicant shall execute a Development Agreement in the form provided by the Town. The development agreement shall include a requirement for Environmental Disclosures as directed by Town staff.
- The applicant shall make all necessary technical corrections and update all application materials as directed by Town staff.

PLANNING COMMISSION:

The Planning Commission held a public hearing for this application on January 27, 2024. A number of public comments were heard at the meeting. Planning Commission voted 7-0 to recommend approval of the Preliminary Plat to Town Council. At that meeting, questions and concerns from public comment and Commissioners included:

- Environmental hazards and clean-up, regarding the legacy of the environmental contamination in the area, the subsequent mitigation efforts, and ongoing monitoring.
- Adjacency to and potential impacts of nearby active and historic landfills.
- Traffic impacts from new vehicular traffic generated by this development, and how that may also impact pedestrian/school safety.
- Oil and gas regulations, acknowledging that the application was filed under the previous oil and gas regulations that are less restrictive than the Town's current regulations.
- How the project is meeting open space requirements and trail connections.
- Mine subsidence-related recommendations from the environmental report.

- Timing of neighborhood meetings.

TOWN COUNCIL:

The Town Council held a public hearing for this application on April 23, 2024. Council voted 3-3 on a motion to continue to the hearing, which resulted in the motion failing. Therefore, no action was taken at the meeting. On May 14, 2024, Council moved to reconsider and ultimately approve the motion to continue the public hearing on June 25, 2024.

At the initial Town Council hearing on April 23, 2024, many of the questions and concerns from the public and Councilors echoed those in the Planning Commission hearing, and centered on:

- Oil and gas setbacks.
- Traffic impacts; in particular Redtail Parkway traffic calming strategies, traffic signal warrants, and the Vista Parkway roundabout.
- Spine trail location in relation to the oil and gas facilities.
- Traffic impacts from new vehicular traffic generated by this development, and how that may also impact pedestrian/school safety.
- Environmental disclosures for future homeowners.

PACKET UPDATES FOR THE 6/25/24 TOWN COUNCIL MEETING:

1. **Resolution 24-062** – *Updated with new conditions to make technical corrections and updates to the application materials as needed, and to require the future development agreement to include Environmental Disclosures as directed by Town staff.*
2. **Staff Report** – *Updated with new information.*
3. **Staff Presentation** – *Updated with new information.*
4. **Applicant Response and Update Memo** – *New attachment.*
5. **Applicant Presentation** – *Updated with new information.*
6. **Proposed Preliminary Plat Exhibit** – *Updated to reflect 500' O/G buffer and remove effected lots (63).*
7. **Redtail Ranch Illustrative Site Plan** – *New attachment.*
8. **Preliminary Plat Lot Impact Exhibit** – *New attachment.*
9. **Open Space and Trails Exhibit** – *Updated.*
10. **Public Comments Received as of June 21, 2024** – *One new comment received.*
11. **Colorado Brownfields Revolving Loan Fund** – *No updates.*
12. **Application and Narrative** – *No updates.*
13. **Additional Application Materials Part 1** – *No updates.*
14. **Additional Application Materials Part 2** – *No updates.*
15. **Neighborhood Meeting Summary** – *No updates.*
16. **Public Hearing Notices** – *Updated.*

17.PC Resolution – *No updates.*

18.PC Minutes Jan 17, 2024 – *No updates.*

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant: Stratus Redtail Ranch LLC
8480 E. Orchard Road Suite 1100
Greenwood Village, CO 80111

Existing Conditions:

Zoning: Low Density Residential (LR)

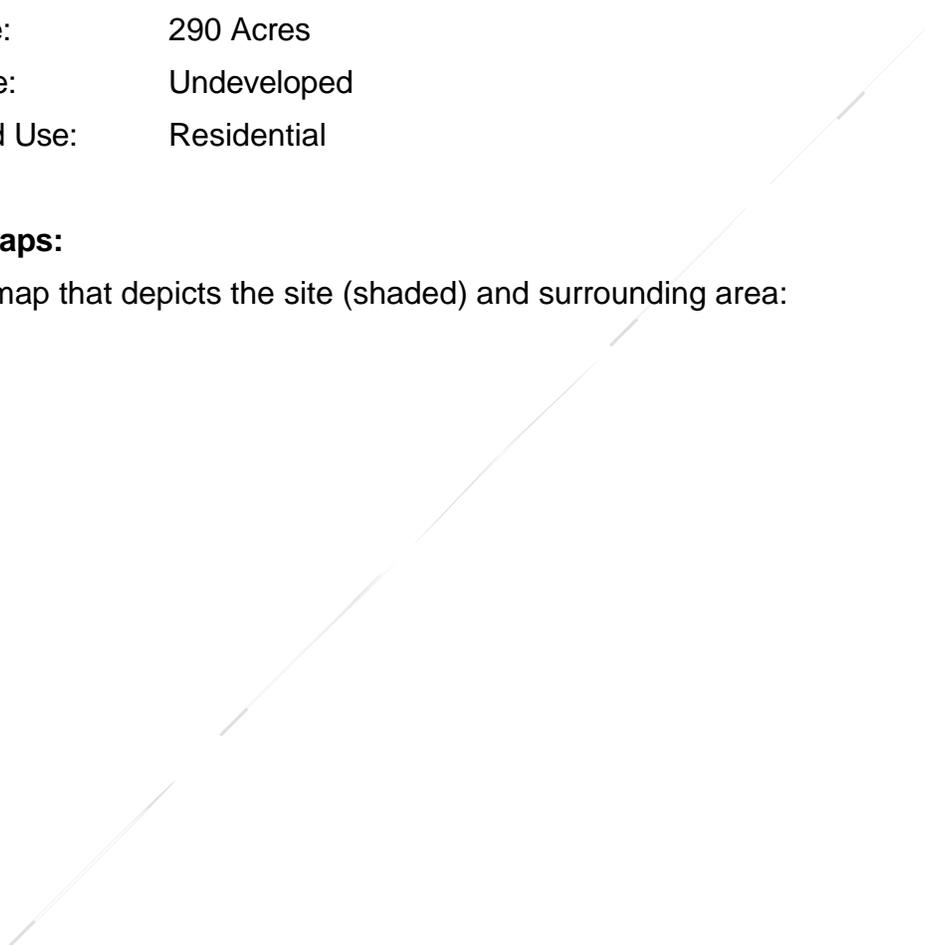
Project Size: 290 Acres

Existing Use: Undeveloped

Future Land Use: Residential

Location Maps:

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





Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	Public Lands & Institutions	Denver Regional Landfill
SOUTH	PD	Vista Ridge Single Family Residential
EAST	PD	Front Range Landfill
WEST	PD	Vista Pointe Single Family Residential

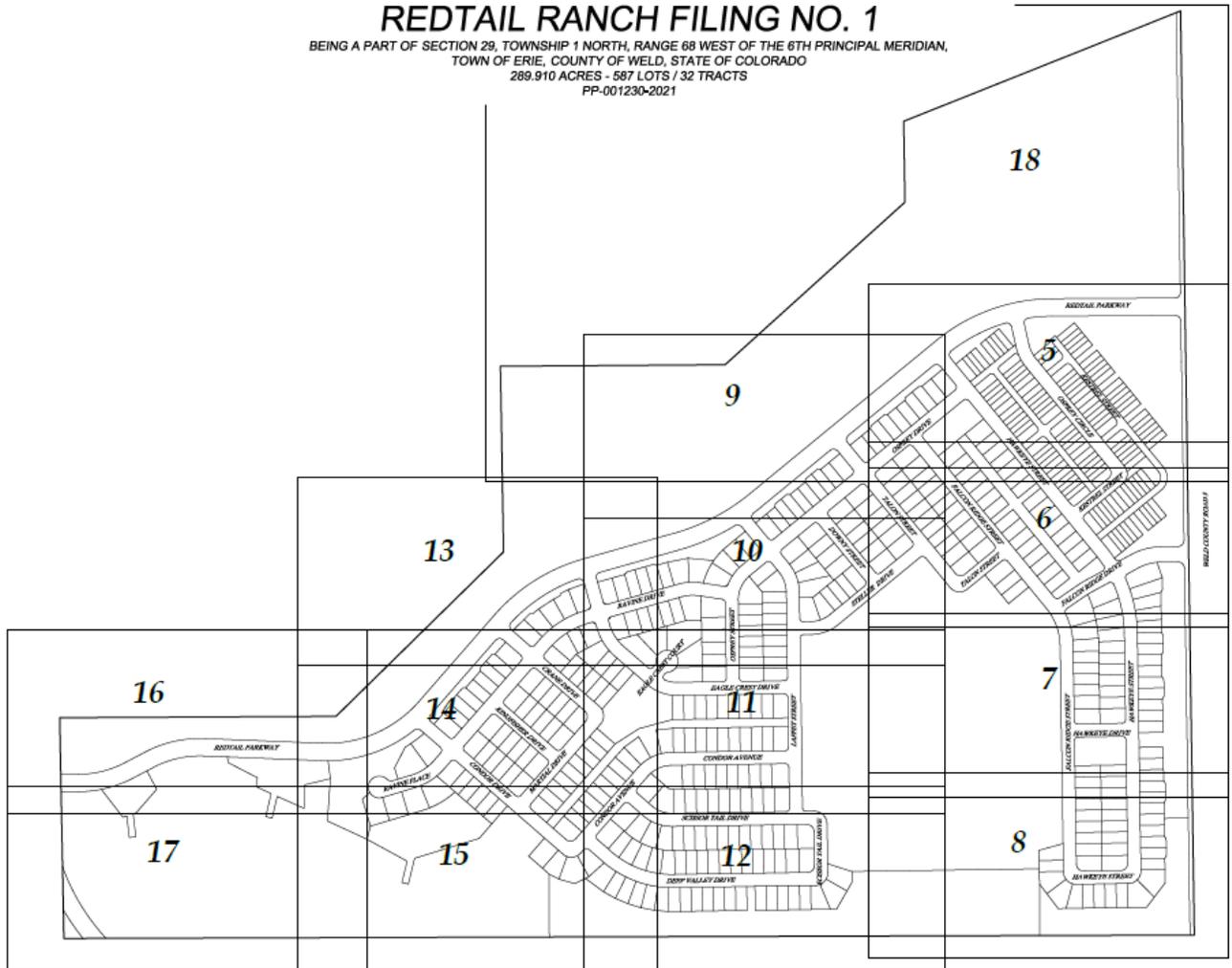
Site History and Specific Development Information:

The Town of Erie annexed the subject site in 2007 and zoned it Low Density Residential. The annexation agreement specified that there could be a maximum of 587 dwelling units on the property. The property is not currently platted.

The applicant proposes a Preliminary Plat with 524 lots and 32 tracts. The applicant anticipates that these lots would develop with single family detached, townhome, and duplex residential units. The applicant anticipates the platted tracts will accommodate site drainage, private open spaces, utilities, and trails. The plat proposes access from Vista Ridge Parkway and two access points on Weld County Road 5, as well as a new internal system of roads to serve this neighborhood. The image below shows the overall layout of the proposed Preliminary Plat.

During the Town Council hearing on May 14, 2024, public and Council comments raised concern with the adequacy of the oil and gas buffer. The application was submitted under the Town’s previous oil and gas regulations that required a 350-foot buffer from active oil and gas facilities. To address this concern, the applicant now proposes implementing a 500-foot buffer that is consistent with the Town’s current oil & gas regulations. This larger buffer resulted in the elimination of 63 residential lots from the originally-proposed Preliminary Plat with 587 lots. The Preliminary Plat included in this packet reflects that new configuration.

PRELIMINARY PLAT
REDTAIL RANCH FILING NO. 1
 BEING A PART OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO
 289.910 ACRES - 587 LOTS / 32 TRACTS
 PP-001230-2021



Preliminary Plat Development Data:

Preliminary Plat Size	290 acres total
Number of Lots - Proposed	524 lots
Minimum Lot Size Permitted by Zoning	2,500-4,999 SF for SFD 'Medium' 5,000 SF for SFD 'Large' 2,500 SF per DU for Duplex
Gross Density	1.8 DU/Acre
Number of Tracts	32 tracts (167 acres)
Public Right-of-Way (ROW)	44 acres

Future Required Applications:

If approved, the next steps for development of the subject site will include a Development Agreement, and Final Plat(s) application that will be reviewed by staff with final acceptance by the Town Council.

Compliance with Town of Erie Comprehensive Plan:

The Preliminary Plat application is in general compliance with the Land Use designations on the 2015 Updated Comprehensive Plan Land Use Map. The Land Use Map designates the entirety of this project area as Rural Residential (RR), which has a density of 0 to 2 dwelling units per acre. The Town zoned the property Low Density Residential in 2007, and the annexation agreement limited density to the threshold of Rural Residential (maximum 587 units) to maintain a character consistent with the designation in the Comprehensive Plan. The LR zoning allows clustering where development is most appropriate, given the constraints of the site. This Preliminary Plat will have a mix of housing types by including duplexes and single family detached units. The overall density of the proposed Preliminary Plat is 1.8 dwellings per acre.

Both clustering and a mix of housing types is encouraged by the Comprehensive Plan, as outlined in the following policies:

CCD 1.3: As an alternative to large lot subdivisions, the Town will encourage cluster development of housing in areas that may be appropriate.

HN 3.1: The Town will encourage the incorporation of a mixture of housing types with varied price ranges, lot sizes, lot configurations, and densities, to attempt to meet the needs of all segments of the community.

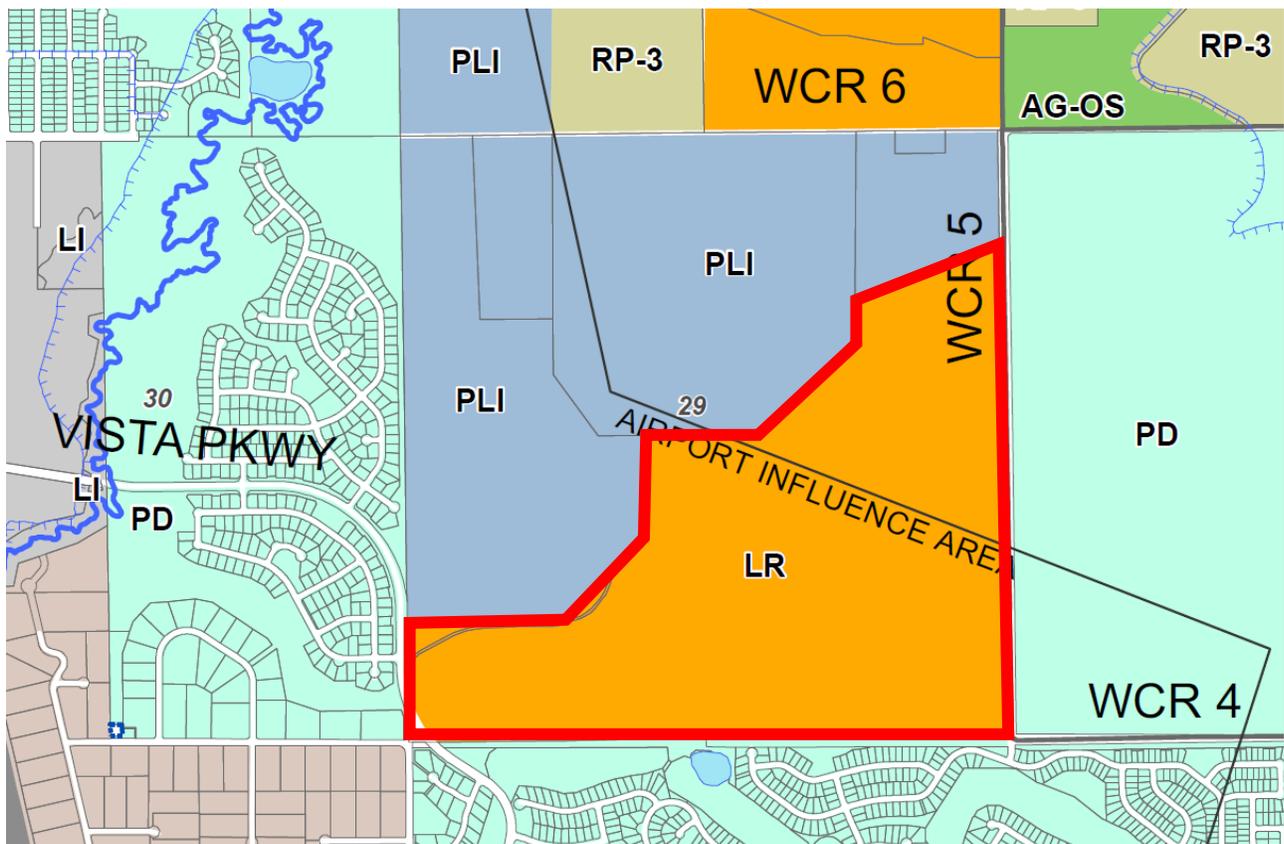
HN 3.2: The Town will encourage innovative design in housing by considering financial incentives and other mechanisms to reduce development costs, such as; varied lot sizes, varied lot configurations, clustering, mix of builders, and efficiency standards.

Staff finds that this application complies with the Comprehensive Plan. The subject site is outlined in red on the Future Land Use map, below.



Compliance with Town of Erie Zoning Map:

The subject property is zoned LR – Low Density Residential. The property is outlined in red on the zoning map below. Staff find that this application is consistent with LR zoning. The proposed lots comply with the minimum lot size, lot width, and other development standards in the UDC. Staff evaluated the lot layout in relation to the dimensional standards (setbacks, etc.), and find that the lots are configured in a way that will allow compliance with the standards. At the time of the first submittal of this application, the UDC permitted Townhomes as a use by right in the Low Density Residential zone district.



Access/Roadways:

A Traffic Impact Study was submitted with the Preliminary Plat application materials. The Traffic Impact Study found that the traffic generation from this future development can be accommodated by the proposed internal and existing surrounding network with recommended intersection improvements. These intersection improvements will be specified in the Development Agreement included with the forthcoming Final Plat(s) and include:

- Weld County Road 5 (WCR 5) –
 - WCR 5 is anticipated to be widened to accommodate a second through-lane in each direction from Erie Parkway to Weld County Road 4 (WCR 4). This improvement is anticipated to be completed by the applicant prior to development of Redtail Ranch.
 - Unsignalized site access points from Redtail Ranch on WCR 5 will operate at acceptable levels of service through 2042 with stop signs and turn lanes.
 - The future intersection of WCR 5 and realigned WCR 4 is planned as an all-way stop but may require a traffic signal by 2042.
- Vista Parkway
 - Vista Parkway and the existing roundabout can accommodate the proposed traffic volumes with the new connection proposed at Redtail Parkway.
- Internal Street Network
 - The new internal street network proposed with the Redtail Ranch preliminary plat will adequately accommodate future traffic from the development.
- Regional Intersections
 - The Traffic Impact Analysis evaluated levels of service of nearby major intersections and the contribution to traffic volume by the proposed Redtail Ranch development. New intersection improvements may be necessary in the future. The Town will evaluate levels of service with future land use applications in Redtail Ranch and other nearby developments to determine necessary improvements for the following streets and intersections:
 - CR 5 & Erie Parkway
 - County Line Road & Vista Parkway
 - Hwy 7 & Sheridan Parkway
 - Hwy 7 & Vista Parkway

The streets and improvements proposed follow the Town's Standards and Specifications. Internally, the lots are served by a network of interconnected streets and sidewalks.

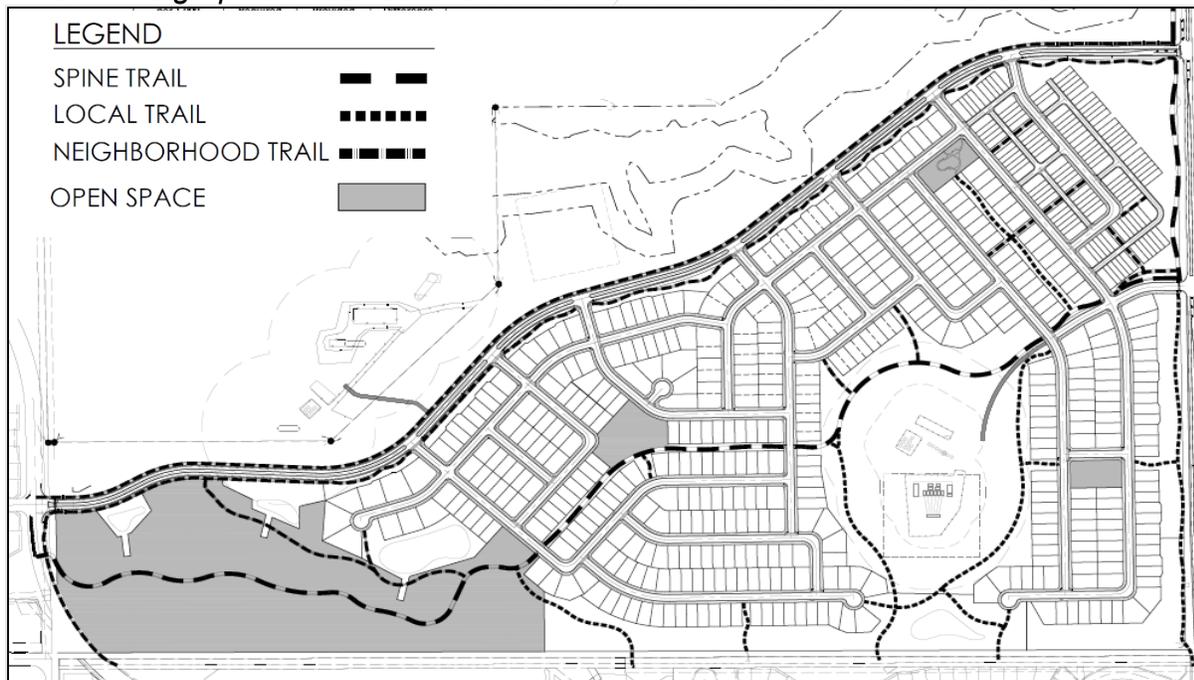
Parks, Open Space, and Trails:

The Preliminary Plat includes new trail connections and public open space dedications and pocket parks dedications. Fee-in-lieu will also be collected for the Neighborhood Parks requirement as well as impact fees for the Community Parks requirement. The proposal includes new Spine Trail connections through the development and connections to existing trails to the north, west, and south.

Park and Open Space Dedication Requirements

Park Type	Acres Required per 1,000 Residents*	Required Acres	Provided Acres	Difference (Cash In-Lieu)
Pocket Parks	0.05	0.76	2.92	
Open Space	17	25.74	29.43	
Sub-Total		26.50	32.35	2.66
Neighborhood Parks	3	4.54	0	-4.54
Total		31.05	32.35	
*Residents per unit	2.89			
Total Units	524			

****Note: this graphic does not reflect the elimination of 63 lots due to 500' O/G buffer****



Natural Areas Inventory:

The Town of Erie Natural Areas Inventory does not identify any natural areas of special concern within the project area. Coal Creek is the only drainage within the vicinity of the site that includes a FEMA mapped 100-year floodplain. Intermittent (seasonal) and ephemeral (post-storm event) drainage on-site is not identified or mapped by FEMA.

Development plans do not impact any jurisdictional waters or wetlands. Improvements to intermittent drainage of non-jurisdictional wetlands and waters on the north end of the site will be necessary for landfill remediation, creation of stormwater detention/water quality facilities and enhancement of open space. The northern ephemeral drainage is of very poor quality, is not jurisdictional, not regulated under the Clean Water Act and therefore no Section 404 permit is required.

Drainage and Erosion:

A Drainage Study was submitted and reviewed with the Preliminary Plat, with no concerns noted by engineering. Final drainage plans will be reviewed with the Final Plat.

Fire Protection:

Mountain View Fire Protection District provides fire and emergency medical services. The closest fire station is MVFPD Station 8, at 400 Bonanza Drive. The district had no concerns with the proposal.

Police Services:

The Erie Police Department will provide and plan for service to the property.

Schools:

This project falls within the SVVSD boundary. School fees-in-lieu will apply to this development, as no land is being dedicated to the school district. According to SVVSD, this project will generate 193 new students between elementary, middle, and high school levels - highlighted in yellow, below. The School District anticipates that this development would contribute to overcrowding at Soaring Heights K-8. However, Highlands Elementary will alleviate overcrowding at Soaring Heights in the elementary ranges, which will open additional capacity in grades 6-8. See tables below.

CAPACITY INFORMATION			
<i>School Level</i>	<i>Building Capacity</i>	<i>Students Oct-20</i>	<i>Student Impact</i>
Elementary	625		98
Middle (SH 6-8)	375	481	45
High (EHS)	1,456	1,609	50
Total	2,456		193

CAPACITY BENCHMARK*										
(includes projected students, plus development's student impact)										
Stdts.	2021-22		2022-23		2023-24		2024-25		2025-26	
	Cap.		Stdts.	Cap.	Stdts.	Cap.	Stdts.	Cap.	Stdts.	Cap.
316	51%		374	60%	410	66%	445	71%	489	78%
509	136%		535	143%	558	149%	585	156%	616	164%
1716	118%		1782	122%	1843	127%	1888	130%	1925	132%
2541			2691		2811		1918		3030	
*Highlands Elementary will alleviate overcrowding at Soaring Heights K8 at the elementary level, opening up additional capacity in grades 6-8										

As this project does not dedicate land to the school district, SVVSD estimates the fees-in-lieu will total \$426,957 as identified in the table below.

Cash-in-Lieu per unit payment by housing type:

HOUSING TYPE	CASH-IN-LIEU PAYMENT	UNITS PROPOSED	COST
Single Family	\$970	339	\$328,830
Duplex/Triplex	\$846	68	\$57,528
Multi-Family	\$589	0	
Condo or Townhouse	\$347	117	\$40,599
Mobile Home	\$785	0	
TOTAL			\$426,957

Utilities:

The Town of Erie provides both water and wastewater services to the property. The utility service provider for the property is Xcel Energy for gas and electric, Century Link Communications for telephone services and Comcast for cable television. Utility easements for these providers will be established at the time of Final Plat but are adequately shown on the Preliminary Plat.

Trash Service:

Individual developments will contract for local pickup service.

Oil and Gas Facilities:

There are existing oil and gas facilities within this plat. The applicant submitted this Preliminary Plat application in 2021. At that point in time, the applicable regulations required a 350-foot setback from active oil and gas wells for all public parks and residential and non-residential buildings.

This application is subject to the 2021 regulations. However, to respond to concerns raised during the May 14, 2024 hearing, the applicant proposes to abide by the Town's

current oil & gas setback of 500 feet. This larger buffer will eliminate 63 residential lots from the Preliminary Plat. The 500-foot setback shown on the Preliminary Plat will thus restrict the affected area from construction of buildings but would allow other site uses such as parking and streets, landscaping, and outdoor fields.

Soils and Geology:

This application included a Mine Subsidence Investigation. The historic Columbine Mine did undermine a significant portion of the property included within the Redtail Ranch Preliminary Plat. However, the mining occurred primarily at depths greater than 250 feet below the surface. Given the depth of the undermining, the area is suitable for development at the scale of single-family dwellings proposed by the application. Larger-scale buildings could also be appropriate but would require further investigation on a case-by-case basis.

Environmental Hazards:

The Redtail Ranch property sits adjacent to multiple former (inactive) landfills and the Front Range Landfill, of which portions are currently active. Of particular concern is the northern portion of the Redtail Ranch property that was utilized as part of the former Neuhauser Landfill. Investigations revealed that chemical waste was improperly disposed of in the 1960s within northern portions of the Redtail Ranch site. The developer worked with a consultant team to investigate the extent of the environmental contamination for the entirety of the Redtail Ranch property.

The investigation discovered soil and groundwater contamination related to the improper chemical waste disposal. As a result, the applicant and consultants prepared and executed a Corrective Measures Work Plan to remove and mitigate contaminated materials. This work plan and an associated report complies with Environmental Protection Agency (EPA) standards and was approved by EPA.

In summary, the applicant and team mitigated the contamination risk satisfactorily according to CDPHE/EPA. These entities provided recommendations for continued monitoring and management of soil materials as construction commences.

Biological Assessment and Cultural Resources:

The Cultural Resources Report identified remnants of the Burlington Northern Railroad spur that came through the area associated with the Columbine Mine. Two isolated pieces of farm equipment were also found. Neither the railroad nor the farm equipment was identified as having significant historical significance.

STAFF REVIEW AND ANALYSIS

Staff finds the application is 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 subdivision is generally consistent with the Comprehensive Plan. The proposed Preliminary Plat meets the intent of the Rural Residential land use designation in overall density and clustering of housing.

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

Staff: While the property is zoned Low-density residential (LR) which has an intent of providing areas for residential uses of an urban character, at a gross density no greater than five dwelling units per acre, and no less than three, the Annexation Agreement caps the gross density of the development at two dwelling units per acre. The proposed lots meet all dimensional standards included in LR and will allow for orderly development.

- 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 Preliminary Plat meets the applicable Town standards as well as environmental corrective measures required by CDPHE and EPA. The major open space at the southwest corner of the plat maintains a riparian area. The grading plan will preserve existing vegetation and views from adjacent subdivisions to the maximum extent practicable.

- 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 design of the Preliminary Plat considers applicable use, development, and design standards of Chapters 3, 5, and 6 of the Code. The layout and design of the subdivision is appropriate and consistent with the general provisions of the UDC. Streets and trail connections are appropriate and will benefit future residents and provide continuity to external developments and trails. Utility easements are provided on the Preliminary Plat. Appropriate provisions are in place for storm water, water, and wastewater lines.

- 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: Significant adverse impacts are not anticipated. The site is not impacted by a

designated floodplain. Provisions are in place to protect water quality, erosion control, and wastewater. Appropriate studies were reviewed during the review of the Preliminary Plat and no concerns are outstanding. Construction documents as part of the Final Plat process will require Best Management Practices (BMP's) for water quality, stormwater management and erosion control in accordance with the Town of Erie - Standards and Specifications for Design and Construction of Public Improvements.

- 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: All new developments have impacts on the natural environment. This subdivision is not anticipated to create any significant or unmitigated adverse impacts on the environment. Appropriate studies were reviewed during the review of the Preliminary Plat and no concerns are outstanding.

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

Staff: Pedestrian and vehicular access is adequately provided throughout the subdivision. Sidewalk and trail connections are provided at key locations and extend to existing facilities to the west, north, and south of the site.

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

Staff: Significant adverse impacts are not anticipated. As part of the Preliminary Plat review, drainage and erosion, traffic impact, environmental, and cultural studies were reviewed. No concerns are outstanding.

- 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 services and facilities currently exist or will be enhanced by the Preliminary Plat that will provide service to the development, adjacent neighborhoods, and the community at large. The School District anticipates that the impact on schools will be offset by an estimated total fee-in-lieu sum of \$488,067.

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

Staff: A phasing plan is not contemplated for the Preliminary Plat. A Development Agreement between the applicant and the Town will be reviewed by The Town Council as part of Final Plat approvals which may include a phasing plan.

NEIGHBORHOOD MEETING

As required by the Municipal Code, a Neighborhood Meeting was held on April 21, 2021. The summary of the meeting and list of attendees is attached.

PUBLIC NOTICE

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly: 6/5/24

Property Posted: 6/7/24

Letters to adjacent property owners within 300 feet: 6/7/24