

**TOWN OF ERIE  
BOARD OF TRUSTEES  
March 10, 2020**

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**SUBJECT:** **Agenda # 20-148: Public Hearing**  
A Resolution Regarding Nine Mile Corner PD-DP Amendment No.1, Adopting Certain Findings of Fact and Conclusions Favorable to the Amendment.

**CODE REVIEW:** Erie Municipal Code, Title 10

**PURPOSE:** Amend the existing Nine Mile Corner PD-DP.

**DEPARTMENT:** Planning and Development

**PRESENTER:** Hannah Hippely, Senior Planner

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**STAFF RECOMMENDATION:**

Staff and Planning Commission find the Nine Mile Corner PD-DP Amendment No.1 in compliance with the Approval Criteria and recommends approval to the Board of Trustees with the following condition of approval:

- a. Staff may direct the applicant to make technical corrections to the document.

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**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

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**Location:** Southeast corner of Hwy 287 and Arapahoe Road (outlined in red)

**Owners:** Town of Erie URA  
645 Holbrook St.  
Erie, CO 80516  
  
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645 Holbrook St.  
Erie, CO 80516

**Applicant:** Evergreen 287 & Arapahoe, LLC  
1873 S. Bellaire St., Suite 12000  
Denver, CO 80222



**Existing Conditions:**

Existing Use: Vacant Land

Property Size: 47.21 acres

**Adjacent Land-Use/Zoning:**

	<b>ZONING</b>	<b>LAND USE</b>
<b>NORTH</b>	Arapahoe Ridge PD – Planned Development	Commercial; Single Family Residential
<b>EAST</b>	RR – Rural Residential (Boulder County)	Single Family Residential
<b>SOUTH</b>	R1 – Medium Density Residential (City of Lafayette)	Single Family Residential
<b>WEST</b>	A – Agricultural (Boulder County)	Rural residential

**PD Amendment Overview:**

The existing PD was recorded on 9/26/2017. That PD established the basic framework for the PD including the two planning areas and included development standards which were primarily focused on the multifamily residential portion of the project.

This current PD Amendment proposes to clarify and clean up the existing document by removing obsolete information (primarily on Sheet 1) and adding additional details (particularly to Sheet 2) to help understand the various existing elements. The Amendment adds the 150' buffer to the south edge of the property as outlined in the IGA with the City of Lafayette. The PD proposed to allow 4 story buildings of 53 feet in height within Planning Area 2. However, tallest buildings are required to meet a 400 foot setback from the North and South PD Boundary which locates them at the center of the development.

The largest amendment is the addition of various standards and provisions related to the development of Planning Area 1 which includes items such as parking, lighting, landscaping, architectural design, and uses. A comprehensive sign plan for both Planning Areas is also included.

**Compliance with Town of Erie Comprehensive Plan:**

The properties are shown as RC – Regional Commercial in the 2015 Comprehensive Plan, Land Use Plan Map. The Comprehensive Plan contemplates Regional Commercial primary land uses as “More intense retail and employment uses designed to serve the community or region, including general retail, employment (e.g. business parks), retail with outdoor storage, “big box” retail centers, and regional malls.” Under secondary land uses in Regional Commercial, “Up to 30% medium or high density residential is permitted as a secondary use. Open space and recreation, general commercial, places of worship, other public uses are also appropriate.” The commercial uses and design standards listed in the PD are consistent with the Comprehensive Plan designation. The high density residential uses comprise less than 30% of the PD and are also consistent with the Comprehensive Plan designation.

**Compliance with the existing PD:**

Overall, the proposed amendment is not a significant departure from the existing PD. Helpful clarifications are made, the IGA with the City of Lafayette is incorporated, standards are developed for the commercial portion of the project (Planning Area 1), and a sign program is established. This amendment completes the work that was begun in 2017 and allow will allow the Nine Mile Corner development to move forward as intended.

## **STAFF REVIEW AND ANALYSIS**

The Nine Mile Corner PD-DP Amendment No.1 was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.23 C.9. Approval Criteria. Staff finds the Nine Mile Corner PD-DP Amendment No.1 application generally 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.

The Nine Mile Corner PD is generally consistent with Section 2.5. Section 7.6 (PUD Overlay) is not applicable.

- 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.

The PD allows for certain modifications to the UDC that Alternative Equivalent Compliance, PUD Overlay Zoning, and other zone districts cannot achieve. The modifications allow for commercial and residential development with unique and creative standards that respond to Nine Mile's specific location adjacent to high volume intersection and streets and existing commercial and residential development.

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

The PD Amendment promotes the public health, safety and general welfare by establishing a set of standards that will support the development of the Nine Mile Corner project in a high quality manner.

- 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.

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.

Adequate facilities are already available or will be constructed 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.

Adequate vehicular facilities are provided within the PD area.

- 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.

Adequate pedestrian facilities will be reviewed at the time of site plan review however the PD supports these facilities by requiring pedestrian lighting on the paths.

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

Significant adverse impacts are not anticipated as no relevant features have been identified within the PD area.

- 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.

The PD has incorporated the IGA requirements to mitigate impacts to the residential properties to the south. A requirement for fencing along the east property line has been included to mitigate impacts to the east.

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

The proposed commercial and residential development is in scale with adjacent properties. The PD Amendment includes setbacks and buffers to ensure the project will not be built too close to the residential uses where the concern regarding scale is most relevant.

- 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.

Not applicable to the proposed development.

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

Visual relief is proposed by requiring screening and landscape buffers. The placement of buildings also helps the commercial to residential transition from Planning Area 1 to Planning Area 2.

- 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.

The modifications in the PD allow for commercial and residential uses at a scale and design appropriate to the adjacent corridors and larger region while providing increased separation, buffers, and design solutions to adjacent existing uses, both of which are greater public benefits that would not be otherwise achieved under another zone district or districts.

### **NEIGHBORHOOD MEETING**

As required by the Municipal Code a Neighborhood Meeting was held:

Neighborhood Meeting Date: October 30, 2019

The required posted and mailed notice of the Neighborhood Meeting was provided as required.

### **PUBLIC NOTICE**

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly: February 19, 2019

Letters to adjacent property owners within 500': February 21, 2020

### **PLANNING COMMISSION**

This application was considered by Planning Commission at a public hearing on March 4, 2020. Minutes of the meeting and the resolution recommending approval are attached.