

**TOWN OF ERIE
BOARD OF TRUSTEE AGENDA ITEM
Board Meeting Date: May 10, 2016**

SUBJECT: **Agenda # 16-186:**
Consideration Of A Resolution By The Board of Trustees Of The Town Of Erie, Colorado Regarding Erie Highlands Preliminary Plat No. 2, Adopting Certain Findings Of Fact And Conclusions Favorable To The Preliminary Plat.

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: Review of the proposed Preliminary Plat, for the second phase of development in Erie Highlands, that is 212 acres and includes 230 single-family lots, 1 elementary school site lot, 1 HOA clubhouse/pool site lot, and 24 tracts for various park, open space, landscaping, drainage, utility and future development area purposes.

DEPARTMENT: Community Development

PRESENTER: Deborah Bachelder AICP, Senior Planner

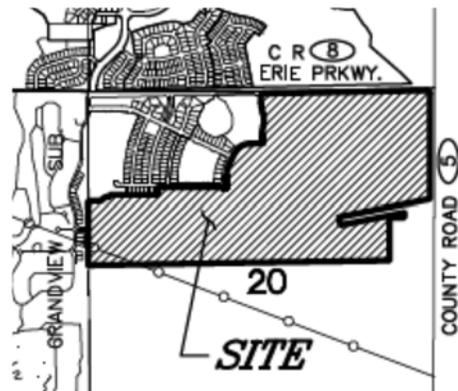
STAFF RECOMMENDATION: Approval with Conditions; Staff is requesting the Board of Trustees continue the Preliminary Plat to June 14th when the second reading of the zoning ordinances are scheduled.

PLANNING COMMISSION: Approval with Conditions

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Location: South of Erie Parkway; East of Bonanza Drive; and, West of Weld County Road 5.

Owners: Oakwood Homes, LLC
J Dearmin, LLC
J Gaz, LLC
The Jack & Sonya Shell Family Trust
WY&K Holdings, LLC



Existing Conditions:

Site Condition: Vacant land with oil/gas and agricultural operations

Property Size: 212 acres

Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	LR – Low Density Residential with PUD Overlay	Residential – Colliers Hill
SOUTH	LR – Low Density Residential AG – Weld County	Future Residential – Sunset Gun Club
EAST	AG – Weld County RP3 – Rural Preservation 3	Blake’s Auto Salvage Vacant Land
WEST	PD – Planned Development	Residential – Grandview Fire Station – MVFPD

Proposed Preliminary Plat:

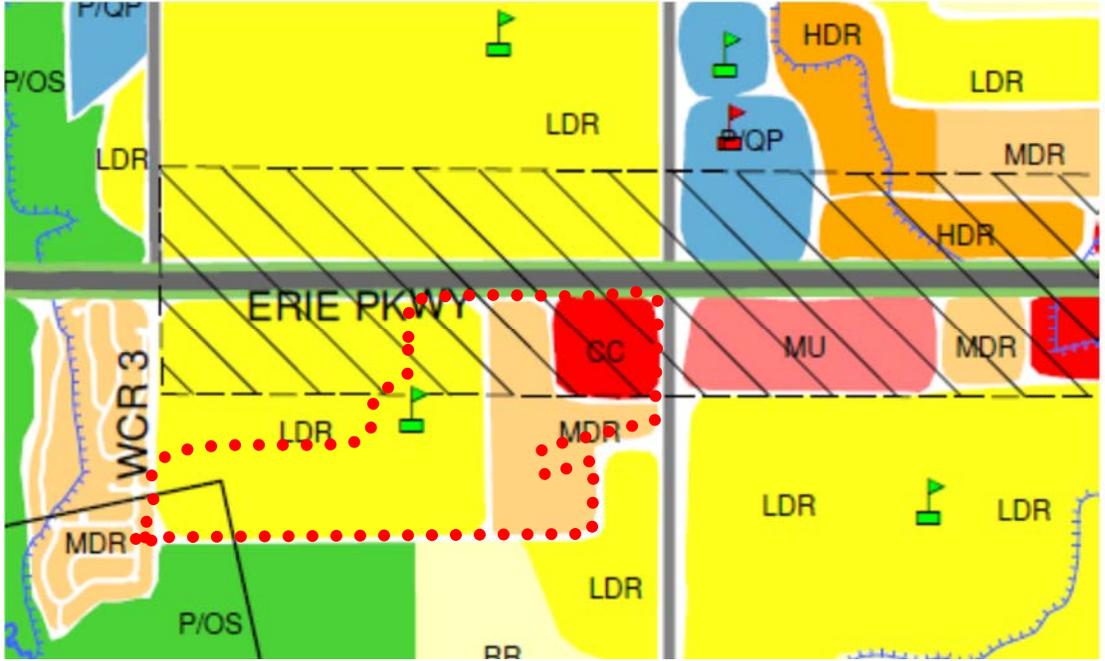
Erie Highlands Preliminary Plat No. 2 proposes the next phase of development for Oakwood Homes. Preliminary Plat No. 2 includes 230 single family lots with an average range in lot size from approximately 5,000 square feet to approximately 8,000 square feet. The Preliminary Plat also includes a Homeowners Association lot that will accommodate a pool site; an elementary school site for St. Vrain Valley School District; a neighborhood park dedication; public open dedication; pocket park; and an 87 acre tract for future development.

Development Information:

- Preliminary Plat Size: 212 acres
- Maximum # Dwelling Units Allowed per PUD: 978 dwelling units
- Number of Single Family Lots - Proposed: 230 lots
 - Minimum Lot Size Permitted – PA 5: 6,000 square feet
 - Minimum Lot Size Permitted – PA 6: 4,500 square feet
- 1 Homeowners Association Lot for a Pool 1.5 acres
- 1 Elementary School Site (SVVSD) 10 acres
- Number of Tracts: 24 tracts
 - Open Space Dedication 30.5 acres
 - Neighborhood Park Dedication 8.3 acres
 - Pocket Park 1.9 acre
 - Other HOA Landscape/Utilities 19.1 acres
 - Future Development 86.9 acres

Compliance with Town of Erie Comprehensive Plan:

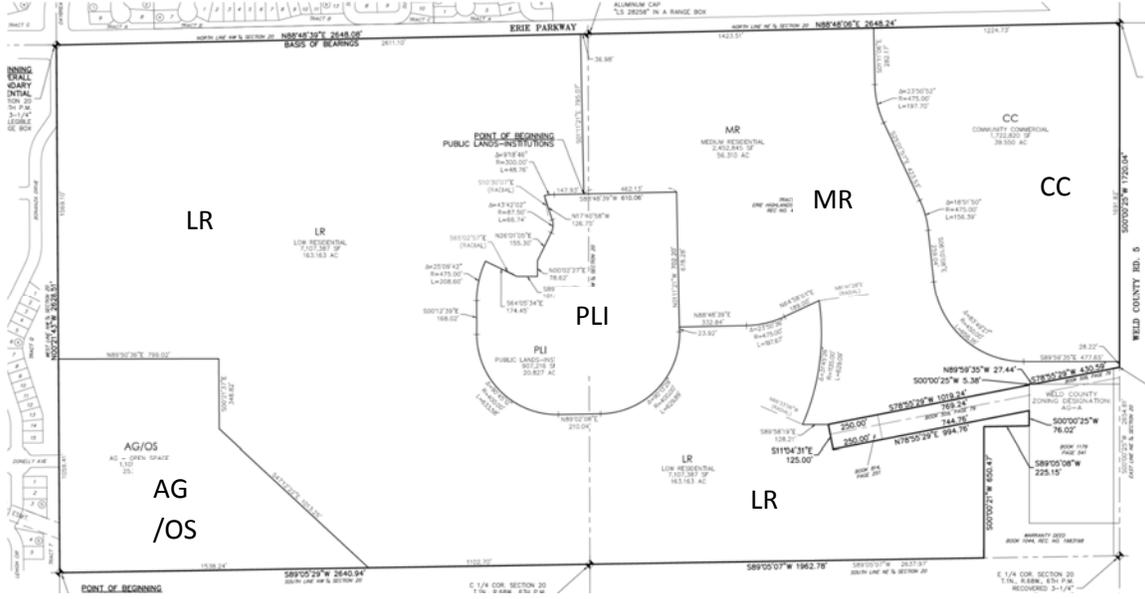
The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Plan Map; as illustrated below.



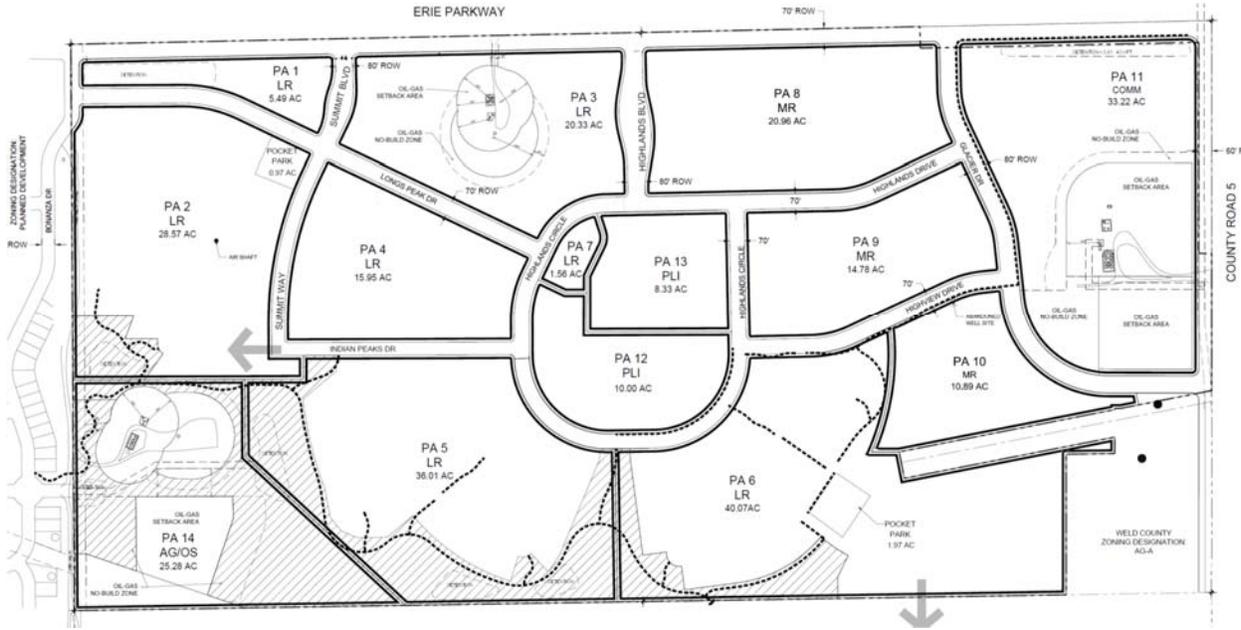
Compliance with Town of Erie Zoning Map and Erie Highland Planned Unit Development (PUD) Overlay Zoning:

The applicant is processing a Rezoning application and a PUD Amendment application concurrently with the Preliminary Plat application. The Rezoning and PUD Amendment applications adjust zoning boundaries to move the location of the HOA pool site and some minor modifications to the boundary of the public open space dedication around the single family residential lots. If the Rezoning and PUD Amendment are approved, then the applicant's proposed Preliminary Plat will meet the zoning and PUD requirements.

Proposed Erie Highlands Zoning Map Amendment No. 1:



Proposed Erie Highlands PUD Zoning Map Amendment No. 1:



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 available to potential consumers looking for housing in Erie. The overall Erie Highlands property has 222 acres zoned LR - Low Density Residential and MR – Medium Density Residential. This quantity of residentially zoned land will require the Erie Highlands developers to provide either:

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

Below is a listing of what is considered a housing type and what is considered a housing type variation:

Housing Type	Housing Type Variation
Duplex	Front Loaded
	Alley Loaded
Stacked Tri-plex / Quad-plex	Three Dwelling Units per Building
	Four Dwelling Units per Building
Manor Home	Variation in Building Length 30% or More
	Variation in Building Footprint 30% or More
Townhouse (Single-Family Attached)	Front Loaded
	Alley Loaded
Apartment (Multi-family)	Variation in Building Length 30% or More
	Variation in Building Footprint 30% or More
Live-Work Units	Front Loaded
	Alley Loaded
Single Family Detached	Front Loaded

	Alley Loaded
	Lot Size Under 5,000 Square Feet
	Lot Size 5,000 – 9,999 Square Feet
	Lot Size 10,000 – 39,999 Square Feet
	Lot Size 40,000 Square Feet or More

The Housing Diversity for Erie Highlands Final Plats Filings 1 through 7 contain:

- 1 Housing Type:
 - Single Family Detached – lots in the 5,000 to 9,999 square foot range.
- 2 Housing Type Variations:
 - Single Family Detached lots in the under 5,000 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. 2 contains:

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

The Housing Diversity Proposed for Future Residential Development in Erie Highlands:

- 2 Housing Types:
 - Single Family Detached.
 - Apartment/Townhouse.

Schools:

Erie Highlands is located in the St. Vrain Valley School District. Erie Highlands Preliminary Plat No. 2 identifies a central school site for a future elementary school that is 10 acres in size.

Fire Protection:

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.

Police Services:

The Erie Police Department will provide service to the property.

Roadways:

A Traffic Report was submitted with the Erie Highlands Preliminary Plat No. 2 application materials. All of the streets proposed are public roads. The streets and improvements proposed are in compliance with the Towns Specifications and Standards.

Natural Areas Inventory/Ecological Site Assessment:

The Town of Erie Natural Areas Inventory identifies a natural area within Erie Highlands Preliminary Plat No. 2.

Natural Area 75

Only a small portion of Natural Area 75 is located within the Erie Highlands development. The tip of a natural drainage way is located on the southeastern portion of the site. The Natural Area 75 map and site report are attached to this agenda item.

Parks, Open Space and Trails:

Public Dedication Requirements:

The public parks and open space dedication requirements, for the build-out of the Erie Highlands property, are based on the maximum residential build-out of 978 dwelling units. The required dedications for parks and open space can be found on the Erie Highlands PUD Zoning Map Amendment No. 1 and on the table below.

Public Dedications	Dedicated with Final Plat No. 1 through 7	Proposed for Preliminary Plat No. 2	Total	Requirement for Build-Out - PUD Amendment No. 1
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 for 13 acres

Public parks and open space dedications are based on the Erie Highlands PUD Zoning Map Amendment No. 1 that identifies the general location and the quantity of park and open space to be dedicated. The applicant anticipates paying a fee-in-lieu for the entire community park dedication requirement and for a portion of the open space dedication requirement.

Private Open Space:

Approximately 19 acres of private open space is distributed throughout the proposed preliminary plat; it includes areas such as landscape buffers along roadways, oil and gas well sites, and trail corridors.

Pedestrian Trails:

Erie Highlands Preliminary Plat No. 2 will provide a spine trail in the dedicated public open space that connects to the neighborhoods, school site and to future development at the corner of Erie Parkway and Weld County Road 5.

Open Space and Trails Advisory Board (OSTAB):

OSTAB has reviewed the application materials and provided referral comments in the attachments.

Utilities:

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

At the time of building permit, raw water fees are collected that allow the Town to purchase water rights ensuring an adequate water supply for potable water and wastewater services. In addition, raw water fees are collected at final plat(s) approval for parks and open space areas.

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 established at the time of final plat.

On the far, southwest corner of the property, the Western Area Power Association (WAPA) power distribution lines cut across the corner of the property. Residential development is not proposed near the overhead power lines in Erie Highlands Preliminary Plat No.2.

Drainage and Erosion:

A Drainage Study was submitted and reviewed. The development is proposing several detention ponds in Tract D.

Oil/Gas Facilities:

Surface Use Agreements (SUA)

The applicant has executed Surface Use Agreement's (SUA) with Encana and Anadarko/Kerr-McGee; the applicant is responsible with meeting the SUA requirements with the Final Plat submittals. The Erie Highlands Preliminary Plat No. 2 identifies the SUA setback requirements on the Preliminary Plat.

Existing Wells

There are 3 existing Encana oil and gas well sites in the Erie Highlands development; 2 existing well sites are located in Erie Highlands Preliminary Plat No. 2. It is the applicant's responsibility to ensure that existing well facilities, access roads and fencing meet the Municipal Code requirements at the time of Final Plat.

The western well site is accessed off the existing joint use road for the Green Mills Gun Club and the oil and gas wells that are located along the property boundary between the Grandview Subdivision and Erie Highlands. The access to this site is not proposed to change.

The eastern well site is accessed of Weld County Road 5 and this access will also remain in its current general location.

Future Wells

Anadarko/Kerr McGee has two future drilling sites that are illustrated on the Erie Highlands Preliminary Plat No. 2; one on the west side of the property and one on east side of the property. Both locations are co-location sites with Encana to help minimize the well site impact on the Erie Highlands development.

The western Encana well site has an option for expansion with additional wells.

Gas Distribution Pipelines

There are several existing and proposed locations for gas distribution pipelines that encumber portions of the Preliminary Plat. All gas distribution pipelines will need to be located in easements at the time of Final Plat, in conformance with the Municipal Code.

Soils and Geology:

Most of Erie Highlands Preliminary Plat No. 2 is undermined by the Boulder Valley #1 mine at depths of approximately 200 to 325 feet. The Colorado Geological Survey

(CGS) reviewed various technical/engineering documents and studies provided by the applicant and recommended at Final Plat a plat note be added stating that the lots have undermining and are not eligible for participation in the Mine Subsidence Protection Program. 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. 2.

STAFF REVIEW AND ANALYSIS

Staff finds the application is consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, as outline below:

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

Staff: The subdivision as proposed is generally consistent with the Town's Comprehensive Plan.

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

Staff: The subdivision is generally consistent with the Erie Highlands Zoning Map Amendment No. 1 that includes the zone districts of LR-Low Density Residential, MR-Medium Density Residential, CC-Community Commercial, PLI-Public Lands & Institutions, and, AG/OS-Agriculture and Open Space. The subdivision is also generally consistent with the Erie Highlands PUD Zoning Map Amendment No. 1 overlay zoning.

- 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 subdivision is generally designed to meet the Town's standards related to health and safety.

- 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 subdivision generally complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of this UDC and with the modifications in the Erie Highlands PUD overlay zoning.

- 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 subdivision generally complies with all applicable regulations, standards, requirements, or plans of the Federal or State governments and other relevant jurisdictions.

- 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: The subdivision will not result in significant adverse impacts on the natural environment.

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

Staff: The subdivision is integrated and connected with the adjacent developments through street connections, sidewalks, trails, and similar features.

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

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

- 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: The subdivision is developing roadways in compliance with their transportation report and the Town's Transportation Master Plan. Utilities are adequate and meet the Town's Utility Master Plan. The applicant will be dedicating parks, open space and trails as well as paying a fee in lieu for portions of the Community Park and Open Space dedication requirements. The applicant will be dedicating an elementary school site.

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

Staff: Phasing of the subdivision is rational in terms of available infrastructure capacity.

NEIGHBORHOOD MEETING

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

Neighborhood Meeting Date:	February 3, 2016
Neighborhood Meeting Location:	Erie Community Center

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:	April 20, 2016
Property Posted:	April 22, 2016
Letters to adjacent property owners within 300':	April 22, 2016