

**TOWN OF ERIE
PLANNING COMMISSION AGENDA ITEM
February 5, 2020**

SUBJECT: **Agenda # 20-033:**
A Resolution Of The Planning Commission Of The Town Of Erie Recommending That The Board Of Trustees Approve The Sunset Preliminary Plat With Conditions

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: Review of the proposed 103.83 acres Preliminary Plat, which includes 24 Duplex lots and 214 single family detached lots and 23 tracts for various purposes including landscaping, trails, utilities, drainage and parks.

DEPARTMENT: Planning and Development

PRESENTER: Hannah Hippely AICP, Senior Planner

STAFF RECOMMENDATION: Approval with Conditions

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

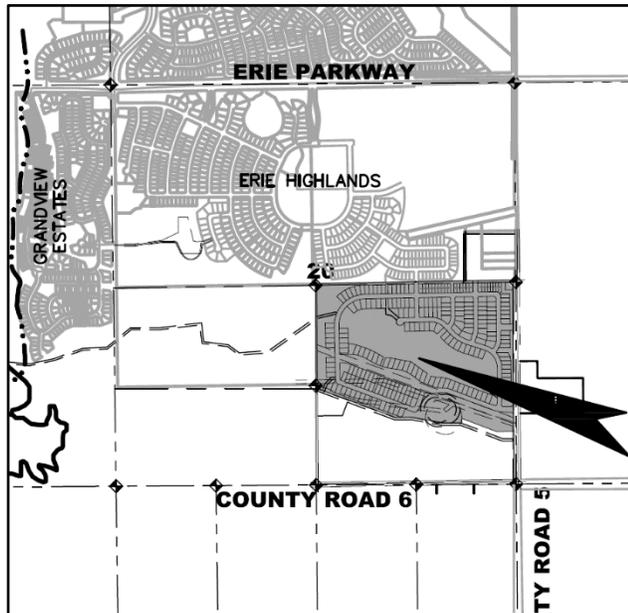
Location: West of CR 5, north of CR 6, and south of Erie Parkway.

Owners: FS Erie Estates, LLC

Existing Conditions:

Site Condition: Vacant land
Oil and gas operations

Property Size: 103.83 acres



Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	LR – Low Density Residential with PUD Overlay AG – Weld County	Residential – Erie Highlands Blake’s Auto Salvage
SOUTH	LR – Low Density Residential	Open Space Bicycle track
EAST	LR – Low Density Residential RP-3 Rural Preservation AG-OS	Vacant Land Residential – Single family home and outbuildings
WEST	Weld County - Agricultural	Shooting Range - Green Mill Sportsmans Club

Proposed Preliminary Plat:

Sunset preliminary plat proposes 103.83 acre Preliminary Plat, which includes 24 Duplex lots and 214 single family detached lots and 23 tracts for various purposes including landscaping, trails, utilities, drainage and parks.

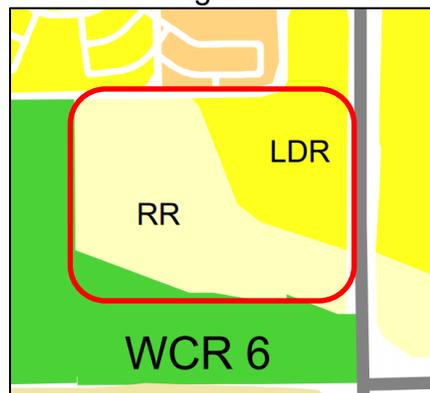
Development Information:

- Preliminary Plat Size: 103.83 acres
- Number of Duplex Lots 24
- Number of Single Family Lots - Proposed: 214 lots
 - 5,000 – 9,999 s.f. lot 204
 - 10,000-39,999 s.f. lot 10
- Number of Tracts: 23

Compliance with Town of Erie Comprehensive Plan:

The Comprehensive Plan designates Rural Residential and Low Density Residential land uses within the area of the plat as shown in Figure 1 below. The density anticipated in an RR area is between 0-2 du/ac. In LDR areas the density contemplated is 2-6 du/ac. The anticipated gross density of the project is 2.06 du/acre (238 dwelling units/103.83 acres). The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Plan Map.

Figure 1



The Comprehensive Plan includes the following:

NRE 2.2— MAINTAIN SIGNIFICANT VIEWS The Town will seek to preserve the visual character of the community through the protection of important viewsheds within the community. Viewsheds should be identified as part of the site planning process and development organized to preserve them to the extent feasible. Key areas to be considered include, but should not be limited to, those areas that contain the most varied topography, such as major landforms and hilltops visible from community gateways and corridors.

The view from CR 5 to the west is an important view shed. The topography of the site with high elevations along CR 5, and the steep drop to the west at the top of the drainage provide an expansive view over the Town to the Front Range. In reviewing development on this site, preservation of this view has been a goal. In response to this goal the applicant has proposed to impose a height restriction on Lots 7 through 15 in Block 1 to preserve the view of the Front Range from County Road 5. The height of structures on those lots would be limited by placing an elevation restriction on the lots. The specific restriction for each lot are shown on Sheet 6 of the preliminary plat. Based on these elevation restrictions and the grade of the adjacent County Road 5 as shown on Sheets 11 and 12 (the Grading Plan) the resulting impact would be that houses on these lots would be 12-17 feet higher than the adjacent CR 5. If Planning Commission finds this an acceptable preservation of the views along this road then this method would be used at final plat to implement the limitation.

Compliance with Town of Erie Zoning Map:

The property is zoned LR - Low Density Residential. The purpose of this zone district is to provide residential uses of an urban character, at gross density not to exceed 5 dwelling units per acre. The anticipated gross density of the project is 2.06 du/acre which is consistent with and implements the intent of the LR zone district.

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 Sunset property has 103.83 acres zoned LR - Low Density Residential. This quantity of residentially zoned land requires the Sunset developers to provide either:

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

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 proposed for Sunset includes:

- 1 Housing Type:
 - Single Family Detached – lots in the 5,000 to 9,999 square foot range. (204 lots)
- 1 Housing Type Variation:
 - Single Family Detached lots in the 10,000 to 39,999 square foot range. (10 lots)
- 1 Housing Type:
 - Duplex – Front Load

As proposed, the Sunset development will have the required 2 Housing Types (i.e. Single Family Detached Lot Size 5,000 to 9,999 sq. ft. and Duplex – Front Load) and 1 Housing Type Variation (Single Family Detached Lot Size 10,000 – 39,000 sq. ft.).

On the front page of the preliminary plat document, the table in the top left indicates that there will be 24 duplex lots. In the notes section (center bottom of the front page), Note 3 indicates the housing types will be single family and Next Generation Homes. Lennar is the anticipated builder in the development and the Lennar website indicates that a Next Generation Home is a Single Family Home with a suite intended for multi generation living or a guest (Nex Gen suite). The suite does not meet the definition of a 2nd dwelling unit and is not intended to function independently for a second family. This product does not meet the intent of the UDC or the UDC definition of a Duplex (a building having accommodations for and occupied exclusively by 2 families living independently of each other). Staff recommends that as a condition of the preliminary plat, the duplex lots shall be clearly defined as part of the final plat submittal and development of buildings on those lots shall meet the Duplex definition. Lennar has duplex products in their portfolio and should be able to bring an appropriate product to the Sunset development.

Schools:

Sunset is located in the St. Vrain Valley School District. The School District has indicated that the district has capacity to accommodate this project. The District has not requested a land dedication but cash in lieu fees will be required.

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 application materials. All of the streets proposed are public roads. The streets and improvements proposed will be in compliance with the Towns Specifications and Standards. Approval of a final plat is contingent upon the Town accepting Final Construction Documents, all outstanding comments from Town Engineering and WAPA shall be addressed at the time of final plat application.

As a condition of approval, the final plat application(s) shall include measures which will slow traffic and enhance the appearance of street segments over 600 feet in length since this requirement is not met by the current preliminary plat.

Parks, Open Space and Trails:

Public Dedication Requirements:

The Sunset development is required to include Pocket Parks at a rate of 0.5 acres per 1000 residents. With 238 units and 2.89 people per dwelling this results in 0.34 of an acre of pocket required. Pocket parks are required to be a minimum of 0.25 of an acre in size and must be located within ¼ mile of each lot. Proposed pocket park dedications are:

	Dedicated with Phase No. 1	Dedicated with Phase No. 2	Dedicated with Phase No. 3
Pocket Park	3.811	0.281	0.439
	Tract U	Tract H	Tract R

The development does not meet the minimum dedication requirements for either a Neighborhood Park or a Community Park and appropriate fee in lieu for parks will be collected.

Trails:

Sunset will provide a Spine Trail connection which connects to Erie Highlands to the north and the Town Sunset Open Space to the south. The Spine Trail is shown as being constructed in the third Phase of development. Since the long term build out of this development is unknown staff recommends that the Spine Trail improvements be included in the first phase of development as a condition of approval of the preliminary plat. As a condition of approval of the preliminary plat staff recommends that approval of a final plat is contingent upon the Town accepting Final Landscape and Irrigation Plans, all outstanding comments from Town Parks and Recreation Department shall be resolved at the time of final plat application.

An internal trail system is also proposed.

Open Space

With 238 units and 2.89 people per dwelling, the UDC requires 11.69 acres of Open Space. The applicant materials depict the drainage basin located within the middle of

the development (Tract G) as the dedicated open space. Town staff recommends as a condition of approval of the preliminary plat, that a conservation easement be granted to the Town over Tract G instead of accepting this area for Town ownership and maintenance.

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.

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.

Drainage and Erosion:

A Drainage Study was submitted and reviewed.

Oil/Gas Facilities:

One active oil and gas operation exists within the development in Tract T. Crestone Peak Resources is the owner/operator of the facility. Crestone has participated in the preliminary plat review and the applicant has addressed their concerns through revisions to the proposal.

Anadarko also participated in the review process and indicated that their subsidiary Kerr-McGee Gathering LLC has a pipeline easement located within the project area. Any existing pipeline would need to be relocated, the pipe removed, and the easement vacated prior to final platting any residential lots that would conflict with the easement.

Final plats will be sent to these entities to ensure that all of the concerns are resolved before approval of a final plat.

Soils and Geology:

The Colorado Geological Survey (CGS) reviewed various technical/engineering documents and studies provided by the applicant. CGS did not have any objections to approval of Preliminary Plat but a series of recommendations was included in their referral. As a condition of approval of the preliminary plat, the applicant shall follow the recommendations found in the GCS referral dated May 4, 2017.

STAFF REVIEW AND ANALYSIS

Staff finds the application, with recommended conditions of approval, which are necessary in order for the criteria to be met, to be 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.
- b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.
- 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.

Existing underground petroleum pipelines must be removed and the associated easements vacated prior to the approval of a final plat on the area of the pipeline.

A note indicating a maximum allowable foundation length of 115 ft. shall be included on all final plats.

The recommendations found in the GCS referral dated May 4, 2017 shall be followed in the development of the property.

Off-site easements necessary for the development of the site shall be required prior to approval of any final plat.

- 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.

At the time of the first final plat the applicant shall demonstrate that the final layout of all of the pocket parks within Sunset will meet the ¼ mile distance requirement.

A conservation easement over Tract G shall be granted to the Town, with the final form of this agreement being approved by the Board of Trustees. The development agreement for the first phase of development shall address when the conservation easement is to be granted.

Duplexes, which are proposed to meet the Town's Housing Diversity requirements shall meet the all Town requirements for a Duplex. The duplex lots shall be clearly defined as part of the final plat submittal and development of buildings on those lots shall meet the Duplex definition.

The final plat application (s) shall include measures which will slow traffic and enhance the appearance of street segments over 600 feet in length.

- 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.
- 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.
- g. The subdivision shall be integrated and connected, where appropriate, with adjacent development 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.
- 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.

At the time of final plat, Applicant shall execute a detailed Development Agreement.

Approval of a final plat is contingent upon the Town accepting Final Construction Documents and all outstanding comments from Town Engineering and WAPA (including but not limited to entering into a license agreement) shall be resolved at the time of final plat application.

Approval of a final plat is contingent upon the Town accepting Final Landscape and Irrigation Plans and resolving all outstanding comments from Town Parks and Recreation at the time of final plat application. The Spine Trail construction shall be included in the first phase of development. Each phase of the development shall include a pocket park which meets the size and design requirements for a pocket park per the Town Standards and Specifications.

- j. As applicable, the proposed phasing plan for development 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: January 27, 2018

Neighborhood Meeting Location: Erie Community Library

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

PUBLIC NOTICE

Notice of the Planning Commission Public Hearing has been provided as follows:

Published in the Daily Times Call: January 15, 2020

Property Posted: January 16, 2020

Letters to adjacent property owners: January 17, 2020

Notice of the Board of Trustees Public Hearing on February 11, 2020 has been provided as follows:

Published in the Daily Times Call: January 22, 2020

Property Posted: January 16, 2020

Letters to adjacent property owners: January 22, 2020