

**TOWN OF ERIE  
BOARD OF TRUSTEES  
Tuesday, February 8, 2022**

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**SUBJECT:**                   **PUBLIC HEARING: Planned Development (Continued from January 11<sup>th</sup> to February 8<sup>th</sup>, 2022)**

Ordinance No. 02-2022: An Ordinance of the Board of Trustees of the Town of Erie Rezoning the Spring Hill Property from LR - Low Density Residential to PD - Planned Development

**PURPOSE:**                   Consideration of rezoning from LR – Low Density Residential to PD – Planning Development for the Spring Hill development.

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

**DEPARTMENT:**             Planning and Development

**PRESENTER:**                Audem Gonzales, Senior Planner

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**STAFF RECOMMENDATION:**

Ordinance No. 02-2022

Staff finds the Spring Hill PD – Planned Development application in compliance with the Planned Development Approval Criteria and recommends the Board of Trustees adopt Ordinance No. 02-2022, approving the Spring Hill PD – Planned Development

**PLANNING COMMISSION RECOMMENDATION:**

Resolution No. P21-25

The Planning Commission held a public hearing on December 15, 2021. They voted to recommend approval of the application to the Town Board of Trustees 4-1. The Planning Commission expressed concerns with traffic, density, housing types, use compatibility with adjacent properties and the Comprehensive Plan. The no vote came from Commissioner Hoback. He expressed concerns with the proposed housing locations and lack of buffering to adjacent properties, although, he was in favor of housing diversity.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

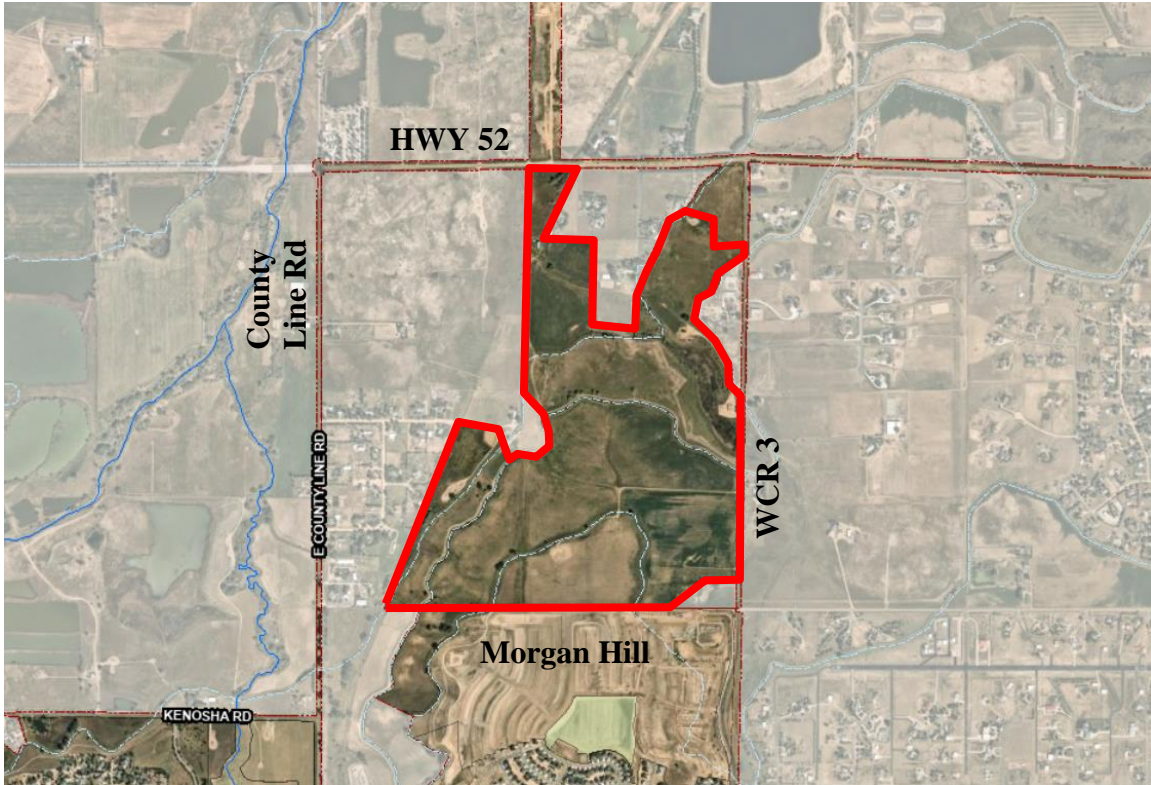
Applicant:                    ME Erie, LLC  
7353 South Alton Way  
Centennial, CO 80112

Existing Conditions:

Zoning:                         LR – Low Density Residential  
Future Land Use:            LDR – Low Density Residential, RR – Rural Residential, AG - Agricultural, OS – Open Space and Area of Special Consideration  
Project Size:                 ~300 Acres  
Existing Use:                 Vacant Property/Oil and Gas facilities

Location:

The property is generally located at the southwest corner of State HWY 52 and Weld County Road 3. The Spring Hill PD area is also located directly north of the Morgan Hill Subdivision.

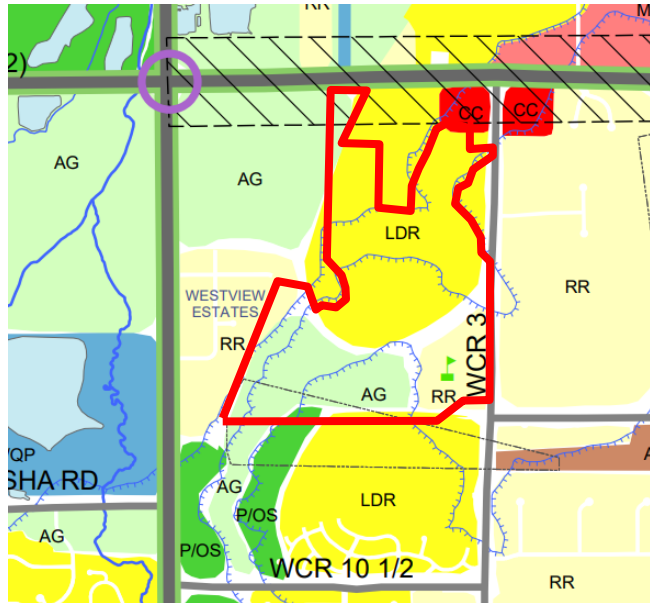


Adjacent Land-Use/Zoning:

	<b>CURRENT ZONING</b>	<b>COMPREHENSIVE PLAN- LAND USE MAP DESIGNATION</b>
<b>NORTH</b>	A – Agricultural (Weld County) R-1 - Low Density Residential (Weld County) CC – Community Commercial (Erie)	LDR – Low Density Residential AG – Agricultural CC – Community Commercial
<b>SOUTH</b>	AG-OS – Agricultural and Open Space (Erie) LR – Low Density Residential (Erie) PUD Overlay (Erie)	AG – Agricultural OS – Open Space LDR – Low Density Residential
<b>EAST</b>	A – Agricultural (Weld County)	RR- Rural Residential CC – Community Commercial
<b>WEST</b>	A – Agricultural (Weld County)	AG – Agricultural RR – Rural Residential

### Compliance with Town of Erie Comprehensive Plan:

The application is in general compliance with the Land Use designations on the Comprehensive Plan, Land Use Plan Map. The Comprehensive Plan shows the Low Density Residential (LDR), Rural Residential (RR), Agricultural (AG), and Open Space (OS) and Area of Special Consideration designations for the Spring Hill property. The applicant is proposing 632 residential units within the PD area which provides a density of 2.1 dwelling units per acre. RR allows 0-2 du/ac and LDR allows 2-6 du/ac. Staff believes the PD and proposed development is generally consistent with the Comprehensive Plan.



### Planning Unit Development Applicability:

A Planned Development (PD) is generally used when there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PD procedure allows the modification of specific regulations of the Unified Development Code at the time of initial zoning for annexation or as a rezoning of a property from another zone district. General PD zone district modifications may be considered for the following UDC Sections:

1. Chapter 3: Use Regulations
2. Chapter 4: Dimensional Standards
3. Chapter 5: Section 5.4 Layout and Design of Subdivisions; and,
4. Chapter 6: Development and Design Standards

### Property History

The subject area was annexed into the Town in 2014 as the Andalusia Annexation. Under the associated annexation agreement, the maximum number of residential units that may be constructed was limited to 632. The annexation agreement provides for a 10-year vested rights period which started from the time of approval of the agreement.

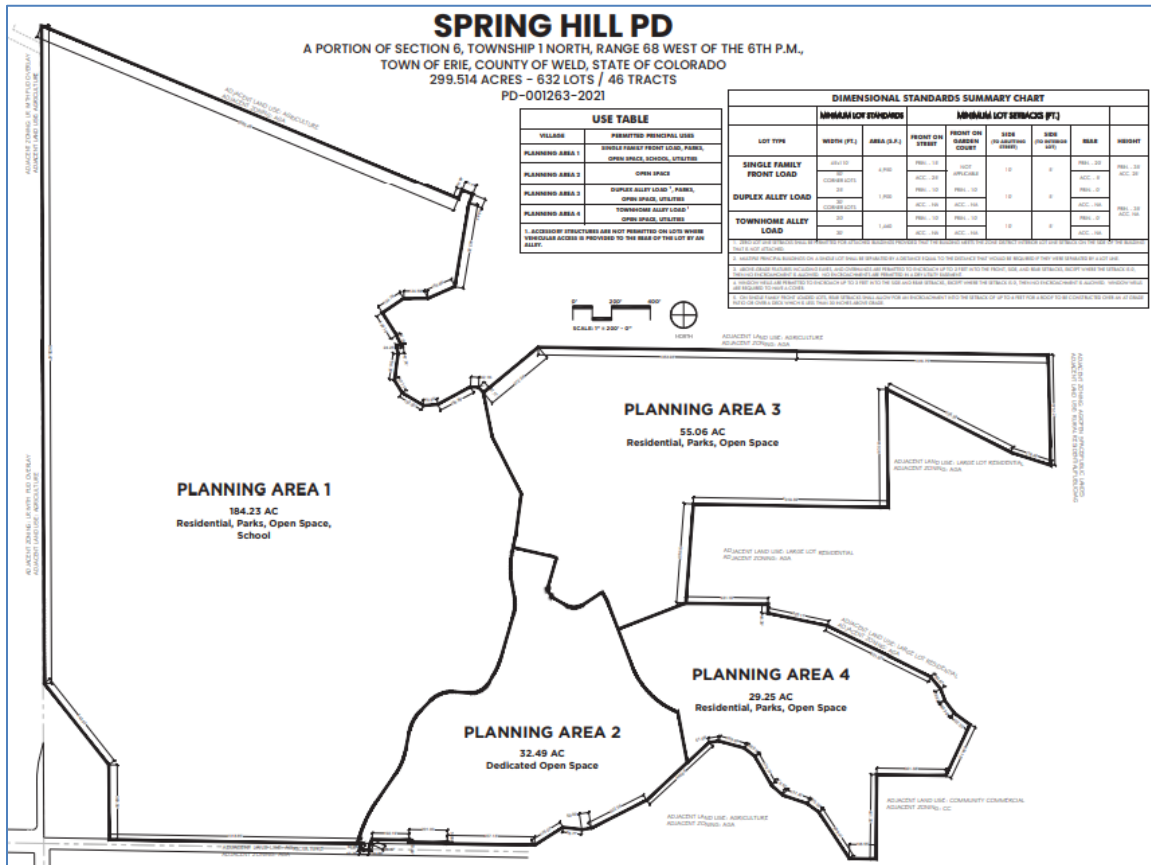
The property went through the Sketch Plan process in April/May of 2019. At that time, the applicant introduced the project to both the Planning Commission and Board of Trustees.

In 2021, the property owner amended the annexation agreement to clean up language on the number of housing types that would be allowed within this area. Originally, the agreement only permitted one housing type, which was interpreted to be an error. The applicant is proposing 3 housing types and 2 variations, therefore, the annexation agreement needed to be amended to accommodate that mix of housing.

Spring Hill PD – Planned Development:

As illustrated on the proposed PD zoning map below, the ~300 acres of land are broken up into four planning areas. Each area contains specific permitted uses and development standards. Three of the four planning areas propose residential development with a density consistent with the approved Andalusia Annexation Agreement from 2014. The remaining planning area (planning area 2) proposes Open Space, to be dedicated at time of subdivision.

- Planning Area 1: Single Family Front Load, Parks, Open Space, School, Utilities
- Planning Area 2: Open Space
- Planning Area 3: Duplex Alley Load, Parks, Open Space, Utilities
- Planning Area 4: Townhome Alley Load, Open Space, Utilities



Spring Hill PD Planning Areas. Note: North is shown at the right side of this illustration.

PD Dimensional Standards:

The following table shows the proposed dimensional standards for the different planning areas within the PD zoning document. Duplex and townhome development is limited by the existing dimensional standards found in the Unified Development Code. Planned Development zoning is necessary to modify those dimensions to accommodate these housing types. This PD proposes small lot sizes/widths for duplex and townhomes. The proposed setbacks are also complimentary to smaller attached dwelling products. Single-family homes are front loaded while duplex and townhomes are all alley loaded. Alley loaded homes are proposed with a 0-foot setback on the rear on the lot.

The note section below the dimension table contains standard notes for encroachments. Above grade features such as roof eaves are proposed to encroach into setbacks up to 2 feet while covered window wells are proposed to encroach up to 3 feet. No encroachments are permitted within any easement on the property per this PD.

The applicant has worked with Town staff on creating these dimensional standards found within the PD. The lot sizes, setbacks, encroachments, etc. are all consistent with other developments within Erie. The Spring Hill PD does not propose any standard not already found within Erie.

DIMENSIONAL STANDARDS SUMMARY CHART								
	MINIMUM LOT STANDARDS		MINIMUM LOT SETBACKS (FT.)					
LOT TYPE	WIDTH (FT.)	AREA (S.F.)	FRONT ON STREET	FRONT ON GARDEN COURT	SIDE (TO ABUTTING STREET)	SIDE (TO INTERIOR LOT)	REAR	HEIGHT
<b>SINGLE FAMILY FRONT LOAD</b>	45x110'	4,950	PRIN. - 15'	NOT APPLICABLE	10'	5'	PRIN. - 20'	PRIN. - 35' ACC. 25'
	50' CORNER LOTS		ACC. - 25'				ACC. - 5'	
<b>DUPLEX ALLEY LOAD</b>	25'	1,900	PRIN. - 10'	PRIN. - 10'	10'	5'	PRIN. - 0'	PRIN. - 35' ACC. NA
	30' CORNER LOTS		ACC. - NA	ACC. - NA			ACC. - NA	
<b>TOWNHOME ALLEY LOAD</b>	20'	1,460	PRIN. - 10'	PRIN. - 10'	10'	5'	PRIN. - 0'	
	30'		ACC. - NA	ACC. - NA			ACC. - NA	
1. ZERO LOT LINE SETBACKS SHALL BE PERMITTED FOR ATTACHED BUILDINGS PROVIDED THAT THE BUILDING MEETS THE ZONE DISTRICT INTERIOR LOT LINE SETBACK ON THE SIDE OF THE BUILDING THAT IS NOT ATTACHED.								
2. MULTIPLE PRINCIPAL BUILDINGS ON A SINGLE LOT SHALL BE SEPARATED BY A DISTANCE EQUAL TO THE DISTANCE THAT WOULD BE REQUIRED IF THEY WERE SEPARATED BY A LOT LINE.								
3. ABOVE-GRADE FEATURES INCLUDING EAVES, AND OVERHANGS ARE PERMITTED TO ENCROACH UP TO 2 FEET INTO THE FRONT, SIDE, AND REAR SETBACKS, EXCEPT WHERE THE SETBACK IS 0', THEN NO ENCROACHMENT IS ALLOWED. NO ENCROACHMENTS ARE PERMITTED IN A DRY UTILITY EASEMENT.								
4. WINDOW WELLS ARE PERMITTED TO ENCROACH UP TO 3 FEET INTO THE SIDE AND REAR SETBACKS, EXCEPT WHERE THE SETBACK IS 0', THEN NO ENCROACHMENT IS ALLOWED. WINDOW WELLS ARE REQUIRED TO HAVE A COVER.								
5. ON SINGLE FAMILY FRONT LOADED LOTS, REAR SETBACKS SHALL ALLOW FOR AN ENCROACHMENT INTO THE SETBACK OF UP TO 6 FEET FOR A ROOF TO BE CONSTRUCTED OVER AN AT GRADE PATIO OR OVER A DECK WHICH IS LESS THAN 30 INCHES ABOVE GRADE.								

PD Development Standards:

This PD proposes specific architectural standards for future single-family detached, duplex and townhome housing products. The minimum standards include providing architectural variety, architecture character, material variety, building orientation regulations as well as garage and porch standards. Each of these sections are consistent with similar type projects in Erie and mimic future UDC development standard amendments.

The result of applying these provisions creates a well-balanced building façade. Multiple windows, materials and enhancements are combined to create a high-end finish that is unique to Erie. Also, the PD ensures that publicly accessed spaces are fronted by enhanced elevations on all housing types.

Oil and Gas Facilities

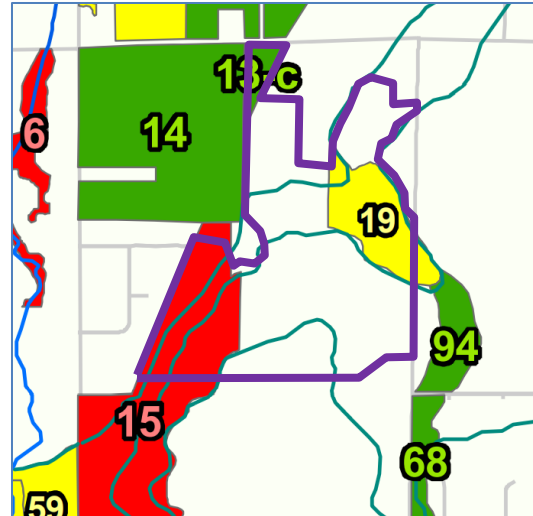
The Spring Hill PD – Planned Development area contains several Oil and Gas Facilities that are both active and plugged and abandoned. Future lots require specific setbacks to these facilities at the time of platting. The Spring Hill PD – Planned Development is not proposing any modified setbacks for Oil and Gas Facilities. The property is subject to the setbacks that were in place in 2014 during annexation; 150-feet to active facilities and 25-



feet to plugged and abandoned facilities. The applicant has stated that the intent of this development includes plugging and abandoning all Oil and Gas Facilities.

### Natural Areas

The Natural Areas Inventory Master Plan identifies three areas within the project area as environmentally sensitive. Site 13-C is identified in the plan as having black tailed prairie dogs and is labeled as a Low Quality Area. Site 15 is identified as an area with water and wetlands and is labeled as a High Quality Area. Site 19 is another area identified with water and wetlands and is labeled as a Medium Quality Area in the Plan. The PD document includes open space as a use in all planning areas, with planning area 2 proposed entirely for dedicated public open space. These natural areas will potentially dictate where development may occur during the Preliminary Plat phase of development. At that time, staff will review technical documents and determine how these natural areas shall be integrated within the site.



### **APPROVAL CRITERIA - STAFF ANALYSIS:**

The Spring Hill Planned Development Rezoning was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.23.C.9 Approval Criteria. Staff finds the Spring Hill Planned Development Rezoning application 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 Section 2.5.

*Staff: The Spring Hill PD is generally consistent with Section 2.5. The PD application proposes an innovative approach to development with the inclusion of alley loaded housing products and smaller lot dimensions. This approach allows for clustering homes and preserving more public and private open space.*

- 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.

*Staff: 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 residential development with unique and creative standards that respond to Spring Hill's specific location adjacent to open space and existing residential development. Developing duplex and townhomes with straight zoning doesn't allow for alley loaded products. A PD is necessary to accomplish this housing type.*

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

Staff: *The PD promotes the public health, safety and general welfare. The PD proposes appropriate uses within the planning areas. No incompatible uses that could affect public health, safety and general welfare are proposed with this application.*

- 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.

Staff: *The Comprehensive Plan designates the northern portion of the site as lower density residential and the southern portion of the site as agricultural and rural residential. The Plan also shows a potential school site at the southeastern corner of the site. The PD zoning map designates residential, parks and open space throughout the site. It also proposes the school use in a planning area at the southeastern corner of the site. The PD proposes uses that are consistent with the Comp Plan and proposes these uses in locations are also consistent with the Comp Plan. Other master plans contain elements such as wetland areas, trail corridors, parks, open space, etc. These elements are not prohibited by this PD. They are typically addressed with the Preliminary Plat phase of development and not with zoning. This zoning application permits these elements, therefore, this application is consistent with other master plan documents outside of the Comprehensive Plan.*

- 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.

Staff: *The above referenced services are available or are within close proximity to the property. Additional facilities and levels of service will be mitigated through subsequent subdivision and site plan approval procedures. This PD does not prohibit any of the above mentioned items from being developed within this area.*

- f. The PD zone district provides adequate vehicular circulation and parking facilities in terms of traffic volumes, convenience, safety, access, screening and noise.

Staff: *Adequate vehicular circulation and parking facilities will be provided for through subsequent subdivision and site plan approval procedures. This PD application does not propose a street network or specific parking facility locations.*

- 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.

Staff: *Adequate pedestrian and bicycle circulation will be provided for through subsequent subdivision and site plan approval procedures. This PD application does not propose a pedestrian or bicycle circulation system.*

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

Staff: *No significant adverse impacts to the above referenced qualities/conditions are anticipated. The subsequent subdivision and site plan approval process will require the mitigation of impacts to these qualities/conditions if and when they are encountered based on required studies/reports. Natural Areas were identified*

*within the project area and the proposed planning areas include the open space as a permitted use. These elements were factored into the creation and location of the planning areas.*

- 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.

Staff: *Significant adverse impacts are not anticipated. The PD is merely permitting specific uses within planning areas. Parks, open space and residential uses are not perceived as uses that will result in significant adverse impacts on adjacent properties. The exact location of these uses are determined at the Preliminary Plat stage of development.*

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

Staff: *The proposed development will be compatible in scale. The Comprehensive Plan designates low density residential for the majority of this site. Single-family homes, duplexes and townhomes may be developed at a lower density. The existing LR zone district across the entire project allows for these residential uses. The PD is not permitting additional uses beyond what is already permitted. The exact location of these uses are determined at the Preliminary Plat stage of development.*

- 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.

Staff: *The PD allows for different housing types by including specific residential uses in the planning area. The density of the project area was set by the annexation agreement and states no more than 632 units may be constructed. This density is consistent with a lowest density residential designation within the Comprehensive Plan.*

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

Staff: *Visual relief is provided for through setbacks and will be implemented with subsequent subdivision and site plan procedures. The setbacks proposed within this PD are consistent with other PD and PUD projects within Erie. Single-family homes contain larger setbacks vs. duplex and townhome products which creates opportunities for visual relief. Access to open space and parks is accomplished by allowing these uses within all planning areas that contain a residential component. The exact location of these uses are determined at the Preliminary Plat stage of development.*

- 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.

Staff: *The modifications in the PD allow for multiple housing types to be constructed within this area. The Unified Development Code makes developing alley loaded products very difficult, therefore, Planned Developments are necessary to accomplish this type of development.*



**NEIGHBORHOOD MEETING:**

As required by the Municipal Code, a Neighborhood Meeting was held on October 11, 2021. The required notice for the Neighborhood Meeting was provided.

**PUBLIC NOTICE:**

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly:	December 22, 2021
Property Posted as required:	December 23, 2021
Letters to Adjacent Property Owners:	December 23, 2021

Since this item was continued from January 11<sup>th</sup> to February 8<sup>th</sup>, additional letters to adjacent property owners and signs were required by Town Staff.

**PUBLIC COMMENTS:**

No written public comments have been received for the BOT public hearing. Several public comments were submitted for the Planning Commission public hearing. Those letters/emails can be found in the application packet. Several residents spoke at the Planning Commission public hearing as well. Their concerns covered several topics which include density, traffic, housing types, zoning, the Comprehensive Plan, use capability, etc.