

**TOWN OF ERIE
BOARD OF TRUSTEES
JANUARY 14, 2020**

SUBJECT: PUBLIC HEARING

A Resolution Of The Board Of Trustees Of The Town Of Erie Approving Erie Highlands Preliminary Plat No. 4

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: Review of the proposed 29.62 acre Preliminary Plat, for the fourth phase of development in Erie Highlands, which includes 156 single-family lots and 42 tracts for various landscaping, trail, utility and driveway purposes.

DEPARTMENT: Planning and Development

PRESENTER: Hannah Hippely AICP, Senior Planner

STAFF & PLANNING COMMISSION

RECOMMENDATION: Approval with Conditions

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Location: South of Erie Parkway and West of Weld County Road 5.

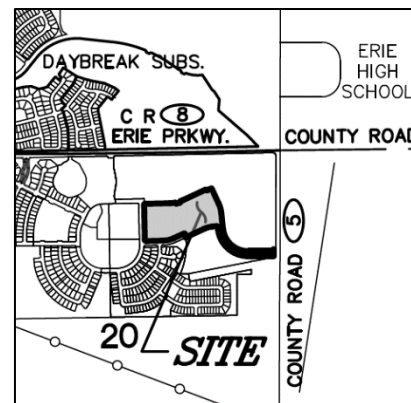
Owners: Clayton Properties Group II, Inc.
J Dearmin, LLC
J Gaz, LLC
The Jack & Sonya Shell Family Trusts
WY&K Holdings, LLC

Applicant: Clayton Properties Group II, Inc.

Existing Conditions:

Site Condition: Vacant land

Property Size: 29.62 acres



Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	MR – Medium Density Residential with PUD Overlay	Residential – Erie Highlands Filing 14 and 15
SOUTH	MR – Medium Density Residential with PUD Overlay	Residential - Erie Highlands future development site.
EAST	CC – Community Commercial with PUD Overlay	Vacant Land
WEST	LR – Low Density Residential with PUD Overlay	Residential - Erie Highlands

Proposed Preliminary Plat:

Erie Highlands Preliminary Plat No. 4 proposes the next phase of development for the neighborhood. Preliminary Plat No. 4 includes 156 single family lots with a typical lot size of approximately 2,500 square feet. These lots are clustered around a shared driveway (motorcourt) and the product constructed on these lots is called a Carriage House. This is the development of Erie Highlands Planning Area 9 as described in the PUD.

Development Information:

- Preliminary Plat Size: 29.962 acres
- Maximum # Dwelling Units Allowed per PUD in Planning Area 9: 170 dwelling units
- Number of Single Family Lots - Proposed: 156 lots
 - Minimum Lot Size Permitted – PA 9: 2,500 square feet (proposed by the PUD Amendment)
- Number of Tracts: 42
 - Future Development 10.625 acres

Compliance with Town of Erie Comprehensive Plan:

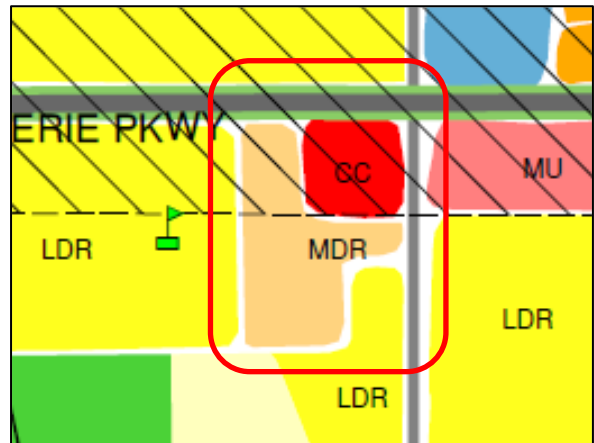
The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan Land Use Plan Map. The area is designated as MDR on the comprehensive plan which calls for 6-12 dwellings per acre. At approximately 8 dwelling units per acre, the proposal falls within this range.

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

The property is zoned MR - Medium Density Residential with an existing PUD overlay.

The application complies with the PUD

Overlay presuming the proposed PUD amendment which was drafted to facilitate this development is approved. The proposed Preliminary Plat results in 8 dwelling units per acre where the minimum density of 5 dwelling units per acre is required.



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 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 previous filings of Erie Highlands Final Plats:

- 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. 4 contains:

- 1 Housing Type Variation:
 - Single Family Detached lots in the under 5,000 square foot range.

The Housing Diversity Anticipated for Future Residential Development in Erie Highlands Planning Area 10:

- 1 Housing Type:
 - Duplex.

Currently, Erie Highlands does not meet the diversity requirements for 2 Housing Types (i.e. Single Family Detached and Duplex) and 2 Housing Type Variations (i.e. Lot Size Under 5,000 sq. ft. and Lot Size 10,000 – 39,000 sq. ft.). Future filings in Planning Area 10 are anticipated to provide the required diversity.

Schools:

Erie Highlands is located in the St. Vrain Valley School District. Erie Highlands Filing 11 platted a lot for a future elementary school that is 10 acres in size. The SVVSD has decided that a school will be constructed on this site and is in the design phase of the project.

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.4 application materials. All of the streets proposed are public. The streets and improvements proposed are in compliance with the Town's Specifications and Standards.

Dwellings within the area will have vehicular access to their dwellings from the public street via a shared driveway (the motorcourt). The motorcourt is a tract that is owned and maintained by the metropolitan district.

Parks, Open Space and Trails:

Public Dedication Requirements:

The required dedications for 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 table below details how these requirements have been or will be met. There are no required dedications within the boundaries of the proposed Preliminary Plat, these requirements have been met in previous filings of the development.

Public Dedications	Dedicated with Final Plat No. 1 through 7	Dedicated with Final Plat No. 8 through 13	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

Pedestrian Trails:

Erie Highlands Preliminary Plat No. 4 will provide connections to local trails which 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. As noted in the OSTAB referral there are no Natural Areas Inventory sites within the Preliminary Plat area.

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:

The applicant has executed Surface Use Agreement's (SUA) with Encana and Anadarko/Kerr-McGee. The SUA setback requirements were adopted into the PUD as zoning requirements.

Oil and gas facilities in the area are located outside the boundaries of this Preliminary Plat.

Soils and Geology:

Most of Erie Highlands Preliminary Plat No. 4 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. 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. 3. CGS did recommend an updated geotechnical study in order to address expansive soils and bedrock, this has been included in the conditions of approval for the Preliminary Plat.

As part of the application materials, information regarding the mining waste rock pile that was located on the site was provided. The applicant has removed the waste pile and the materials provided relate to the testing of the materials that was performed prior to its removal.

STAFF REVIEW AND ANALYSIS

Staff finds the application, with recommended conditions of approval, 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.

The proposed subdivision can only comply with the zoning requirements if the proposed Erie Highlands Planned Unit Development Amendment No. 2 is approved. If it is approved then it shall be followed in the development of the Property.

- 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.
- d. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of the UDC that have not otherwise been modified or waived pursuant to those Chapters or the UDC. Applicants shall refer to the Development Standards in Chapter 5 of the 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.
- 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.

Easements and any associated agreement related to the shared use of and access to private property shall be shown the final plat and finalized prior to recordation of a final plat in order to ensure that the necessary shared use of side yards is well known and acknowledged by property owners.

- 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 executed a detailed Development Agreement;

Approval of a final plat is contingent upon the Town accepting Final Landscape and Irrigation Plans, all outstanding comments from Town Parks and Recreation shall be addressed at the time of final plat application.

Approval of a final plat is contingent upon the Town accepting Final Construction Documents, all outstanding comments from Town Engineering shall be addressed at the time of final plat application.

- 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 23, 2018

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: December 25, 2019

Property Posted: December 19, 2019

Letters to adjacent property owners within 500': December 23, 2019

PLANNING COMMISSION

A public hearing regarding this application was held by Planning Commission on December 18, 2019. The application was recommended for approval per the attached resolution.