

**TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, December 1, 2021**

SUBJECT:

PUBLIC HEARING:

Planned Development

Resolution P21-25: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Spring Hill 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

STAFF RECOMMENDATION:

Planned Development (PD): Resolution P21-25

Staff finds the Spring Hill PD – Planned Development application in compliance with the Planned Development Approval Criteria and recommends the Planning Commission adopt Resolution No. P21-25 recommending approval to the Board of Trustees.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant:

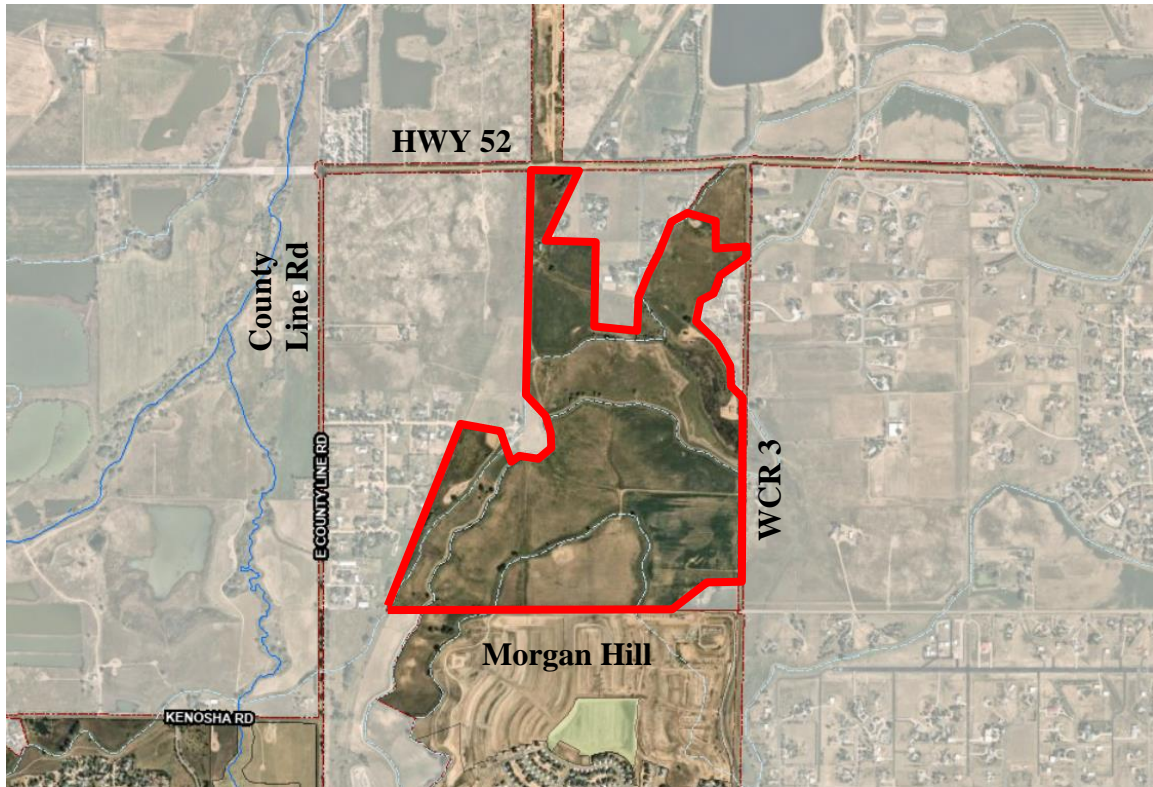
ME Erie, LLC
7353 South Alton Way
Centennial, CO 80112

Existing Conditions:

Zoning: LR – Low Density Residential
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.

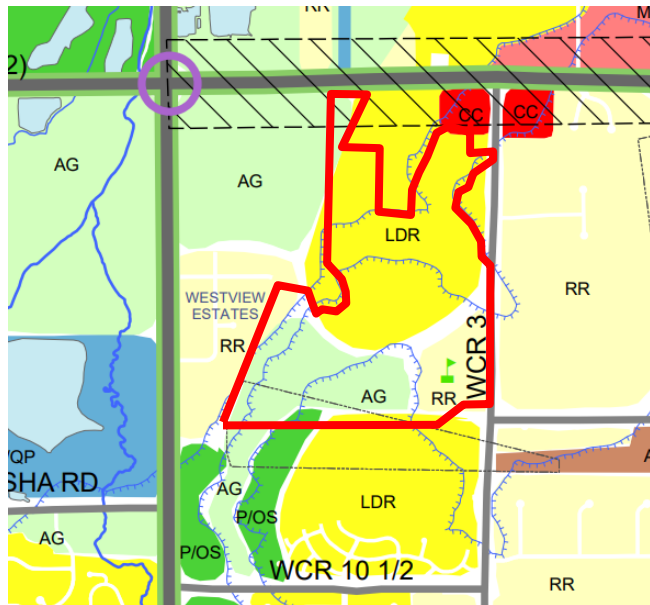


Adjacent Land-Use/Zoning:

	CURRENT ZONING	COMPREHENSIVE PLAN- LAND USE MAP DESIGNATION
NORTH	A – Agricultural (Weld County) R-1 - Low Density Residential (Weld County) CC – Community Commercial (Erie)	LDR – Low Density Residential AG – Agricultural CC – Community Commercial
SOUTH	AG-OS – Agricultural and Open Space (Erie) LR – Low Density Residential (Erie) PUD Overlay (Erie)	AG – Agricultural OS – Open Space LDR – Low Density Residential
EAST	A – Agricultural (Weld County)	RR- Rural Residential CC – Community Commercial
WEST	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) 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 products that would be allowed within this area. Originally, the agreement only permitted one housing type. The property owner amended that agreement to allow for more than one housing type.

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 proposes Open Space, to be dedicated at time of subdivision.

Planning Area 4: Townhome Alley Load, Open Space, Utilities



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	
SINGLE FAMILY FRONT LOAD	45x110'	4,950	PRIN. - 15'	NOT APPLICABLE	10'	5'	PRIN. - 20'	PRIN. - 35' ACC. 25'	
	50' CORNER LOTS		ACC. - 25'				ACC. - 5'		
DUPLEX ALLEY LOAD	25'	1,900	PRIN. - 10'	PRIN. - 10'	10'	5'	PRIN. - 0'	PRIN. - 35' ACC. NA	
	30' CORNER LOTS		ACC. - NA	ACC. - NA			ACC. - NA		
TOWNHOME ALLEY LOAD	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 setback 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.

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 Sections 2.5 and 7.6.

Staff: *The Spring Hill 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.

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.*

- 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.*

- 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 PD 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.

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.*

- 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.*

- 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.*

- 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.*

- 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 as they have been mitigated by requirements in the PD.*

- 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.*

- 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 and a density appropriate to the area and the previously approved Annexation Agreement.*

- 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 PD requirements and will be implemented with subsequent subdivision and site plan procedures.*

- 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 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 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:	November 10, 2021
Property Posted as required:	November 12, 2021
Letters to Adjacent Property Owners:	November 12, 2021

PUBLIC COMMENTS:

No written public comments have been received for these applications.