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HOME BUILDERS
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of
METRO DENVER®

July 21, 2021

Town of Erie
Malcolm
Fleming Fred
Starr
Deborah
Bachelder 645
Holbrook Street
Erie, CO 80516

Dear Malcolm, Fred and Deborah:

Thank you for notifying us about the town's intention of updating the remaining sections of the UDC related to residential development. While appreciate the opportunity to discuss the revisions, potential challenges and to build a partnership with you and your staff, it would have been helpful if we provided more time to conduct a thorough review. During the 2019 and 2020 revisions, the HBA and the Town of Erie organized a joint taskforce to facilitate an ongoing dialogue between the town and the active builders within the community. We believe a similar arrangement would have been preferable again this this year and was a missed opportunity for important stakeholder engagement.

Process:

- Improved communication would be helpful in the development process.
 - Please consider reinitiating our Joint Taskforce Model that has been successful in the past – both for UDC updates and other significant policy matters within the town.

Town Comment: The JTF meetings during 2019 and 2020 covered the majority of the items being incorporated into this set of amendments.

- Consider eliminating the waste and expense of providing duplicate reports for concurrent applications.

Town Comment: All application documents are now electronic rather than paper so duplicating the reports for concurrent applications should no longer be an issue.
- Consider allowing a Preliminary Plat to depict all lots and recognize that as a Preliminary Plat there will be refinements that take place as the final detailed design work is accomplished with the Final Plat.

Town Comment: This is the Town's practice. If there is a major variation in layout or number of units proposed the Code allows for the Final Plat to be reviewed at public hearings with the Planning Commission and Board of Trustees.

- Consider reducing the information required at Preliminary Plat.
Town Comment: Comment is not specific on what is considered information that was not necessary for review. We would need more clarity on the issue to provide direction on this item.
- If Preliminary Plat is not recorded, the town should reconsider enforcing requirement of the Preliminary Plat.
Town Comment: The preliminary plat is the public process for a subdivision in which neighborhood meetings are required and public hearings at the Planning Commission and Board of Trustees are held. Without a preliminary plat the public review process would be eliminated. Staff supports the opportunity for the public and our Board and Commission to review a subdivision application.
- Consider requiring reasonable timelines from staff. Review times can take months.
Town Comment: As part of the SOLVE process, review timelines were updated in 2020 to reduce resubmittal review times by two weeks per review. Digital referrals have also reduced time spent with physical items being mailed to referral agencies. These times are specific to staff/referral agency review and not to the applicant's resubmittal time.
- Providing Final Construction Documents at the Site Plan and Preliminary Plat stage is very costly and we request that you consider removing this requirement at this stage of the process.
Town Comment: Final construction documents are currently required with a final plat; not a preliminary plat. We have revised the timing of the site plan applications so that they are not concurrent with a preliminary plat; they should be concurrent or after a final plat application. This issue should be resolved with these processes now in place.
- Final Landscape drawings should be done after CDs, not as early as currently requested.
Town Comment: Final landscape construction plans are required to be processed and approved with the final construction plans. They are both a requirement to receive an approved final plat and are required for cost estimates for surety in the development agreement. We do not have a process after a final plat for another review and approval. Staff supports all construction plans being required with the final plat.
- Consider reviewing Final Plat applications before Preliminary Plats are approved by the Town Board of Trustees. This could save months in the process.

Town Comment: Staff is not able to confirm conformance of the final plat to the preliminary plat before the Board of Trustees has approved the preliminary plat.

- Consider eliminating the public hearings for a Site Plan; give the Planning Director the authority to approve a Site Plan.
Town Comment: Only large commercial (over 25,000 square feet) and attached residential (over 25,000 square feet) are required to be reviewed by Planning Commission. Proposals that do not meet these thresholds are eligible for the administrative site plan process. Additionally, single-family detached homes and duplexes no longer require a site plan review.
- Consider making the Sketch Plan optional.
Town Comment: Staff supports the current Code provision where Sketch Plan is a staff level review only.
- Consider eliminating the requirement for the Sketch Plan to go before the Planning Commission and Town Board of Trustees.
Town Comment: The Board of Trustees agreed in 2020 that the Sketch Plan review process will match the UDC and would only be a staff level review.
- Review all costs and fees; developers are receiving bills for third party consultants that are under Erie's typical service. Unexpected and changing costs reduce certainty in projects.
Town Comment: The Town uses these resources to provide quicker review times and we also have reviewers that provide review from professional backgrounds that we do not have on staff. The Town has recently hired additional staff to reduce the need to refer application resubmittals to outside consulting firms.
- Digital submittals
 - Consider streamlining this process by providing a link to submit plans.
 - Currently each project may require over 50 thumb drives per application.***Town Comment: Staff has implemented a change to allow for digital submittals and digital referrals to outside agencies which has eliminated the need for thumb drives.***
- Recognize different Open Space and Park dedication requirements for different styles of developments.
Town Comment: The Town's current practice is to evaluate different developments based on the development style, e.g. single-family detached vs. multi-family.
- Consider removing redundant processes and requirements for so much detail on the front end of the process.
 - Allowance for changes within some agreed upon tolerance without having to amend document.***Town Comment: The UDC does provide a degree of tolerance in the preliminary plat to final plat; and, typically there is a 10% tolerance***

written into PD zoning documents.

- Remove requirement to write legals with sketch for zoning boundaries (take a bubble approach).

Town Comment: When reviewing a sketch plan application that overlays different zone districts it is useful to know where the zoning boundaries are in relation to the proposed development. This allows staff to identify if a zoning amendment process may be required.

- Allow for permits without street lights and electrical being energized.
Town Comment: This is not an UDC requirement. This would be a discussion with engineering staff.

- Consider allowing for overlap of processes and allow for concurrent, rather than linear review.

Town Comment: The Town does allow for some concurrent land use applications.

- Consider allowing for phased acceptance of infrastructure with a Plat that will allow for homes to start construction if phase stands on its own. This will reduce small Plats.

Town Comment: The Town has implemented this approach.

- Consider eliminating referring everything out on each submittal and taking to the Development Review Team every time.

Town Comment: This is how the Town typically processes applications. First submittals are sent to all applicable referral agencies and resubmittals after that are typically sent to only those referral agencies that have outstanding issues that needed to be addressed.

- Encourage continuity and grid network between parcels owned by different individuals/companies.

Town Comment: Staff and the UDC currently support interconnections for streets and pedestrian trails between adjacent developments.

- Require a representative sample of the model and elevation of single-family detached homes.

- Full architectural review will be completed with the building permit review.
- This recently held up a project for six months.

Town Comment: The architectural review of single-family detached homes and duplexes is required to be completed before a building permit submittal. The Town supports this process.

- Consider a warranty bond for improvements.

- Guarantees rather than cash in-escrow or a line of credit for Public Improvements.
- Post LC only for revegetation at time of construction. LC gets posted for warranty amount at SCCA and don't allow permits to be pulled until SCCA is met.

- Post cash, but allow for drawing against to pay for improvements.
Town Comment: The Town's practice is not to accept warranty bonds.
- Consider phased acceptance rather than requiring full infrastructure completion.
Town Comment: The Town has implemented this approach.

Chapter 3 – Use Regulations:

- Table 3-1 of permitted uses: Dwelling, live work – Under CC. add **(S)** (this is a compatible complimentary use).
Town Comment: The UDC allows for live/work dwellings in the Mixed Use zone districts (DT, NMU, CMU) and by special review in the Light Industrial, Airport, and PLI zone districts.
- Table 3-1 of permitted uses: Dwelling, single-family attached – Under LR change to **(P)** (SFA @ 5 du per acre should be allowed as a townhome fee simple use)
Town Comment: Single-family attached is typically a higher-density product and a higher-density zoning could be requested where this product is desired.

Chapter 4 – Dimensional Standards

- Table 4-1: Dimensional & Density Standards: District LR - Lot Width (SFD Corner): change 45' to 40'. The side on street setback is 10 not 15'.
Town Comment: Thank you, this has been revised to 40'.
- Table 4-1: Dimensional & Density Standards: District LR - Front Setback: change 15' to 10' (Alley Load)
Town Comment: Town staff supports the 15' setback for all principal structures from ROW; 5' is permitted to garden courts; note that elements such as porches and other exterior approaches may encroach an additional 6' into the front setback.
- Section 10.4.1 Table of Dimensional Standards: (side setback contradiction) change as follows: ***No building shall be located closer than **10'** from any street ROW or tract. **Delete (Public Park, Open Space, or Spine Trail)**
Town Comment: The intent is for fronting onto these elements; this will be clarified in the text.
- Section 10.4.2: Measurements and Exceptions: C. Projections into Easement and Right-of-ways Prohibited. **Add** – projections shall not extend or encroach into any easement(s) or right(s)-of-way **with the exception of roof eaves.**
Town Comment: Roof eaves cannot extend into right-of-way or easements.

- A.1.b.iv. Incidental Features. Thank you for allowing window wells to encroach. This is a great change.

Town Comment: Thank you.

Chapter 6 - 10.6.3 Parks, Open Space, and Trails

Town Comment: The initial draft of the UDC amendments provided to the HBA included some changes to Section 10.6.3, but these changes will instead be considered as part of a future amendment.

Chapter 7: Review and Approval Procedures

- A. Purpose – Consider changing “Development Design Standards” to “Residential Design Standards.”

Town Comment: The Development Design Standards will eventually include both residential and non-residential standards.

- C. Procedure for Administrative Architectural Review

- We are having trouble understanding the purpose this section and its intended use. Also, it may be more beneficial to require builders to disclose architectural variety standards since the developer is not in contact with potential homebuyers.

Town Comment: The purpose of the section is to ensure that architectural variety/monotony standards are tracked and in compliance. This is a relocation of existing standards to this chapter. The definition of “developer” in Chapter 11 has been revised to clarify responsibility of these items includes the homebuilder.

Development and Design Standards

Please Note: This document does not facilitate the development review process and does not read in the same vernacular as the UDC. Furthermore, goals and objectives of the board were to simplify and streamline the development review process. This document extremely ambiguous and subjective.

Site Design Standards Section – Why is this section here? How does this get applied in the Development Review Process?

Town Comment: The intent of this section is to break down the site design process into a series of steps for use during the design and review process. It is intended to support the UDC and place these considerations into a single location with a logical order.

- B. Natural Features and Views – How does this get evaluated compared to the UDC Code?

Town Comment: These items are intended to complement the UDC and provide a general stepped approach to site development.

D. Development Blocks

1. There is no diagram included in reference to 2.4.4.B Block Type. Please include a reference diagram.
2. A. Does this apply to green courts?

Town Comment: Diagrams were in process at the time of this review and have since been completed. The maximum block length standards apply to the length of a street between intersections.

E. Single-Family Detached and Duplex Block Types

- This section is missing the diagram showing a block length and depth. Please include.

Town Comment: Diagrams were in process at the time of this review and have since been completed.

F. Building Orientation: Standard 1 regarding rear loaded garages and alleys will be impossible to implement. Perhaps a setback requirement would be appropriate.

Town Comment: The intent is that alley-loaded garages do not front or parallel highways/streets. Alternative Equivalent Compliance can be requested.

Building Design Standards Section

1. Building Orientation part (E) – Add Private Drive or Motor Court

Town Comment: Motor Courts could be requested through a PD.

2. Architectural Character

(B) – Regarding the requirement that each front and rear elevation shall include more than one wall plane – Some styles of architecture do not have plane breaks. Ex. Farmhouse architecture. Also, this requirement should not apply to alley loaded product.

Town Comment: Standard has been amended to limit this requirement to homes greater than 30' in width. Alternative Equivalent Compliance can also be used to provide flexibility to this standard.

(H) – Regarding requirement that roof overhangs shall be a minimum of 12 inches

– this will not work with modern farm-house architecture. The home style should dictate.

Town Comment: Staff supports the 12 inch overhang because the majority of builders can easily meet this requirement. There is an opportunity to request an AEC when an alternative design is proposed that is equal to or better than

code. Others can apply for a PD if necessary.

(I) – Regarding the design of columns supporting roof structures – the architectural style should dictate the design standard.

Town Comment: Language has been cleaned up.

(K) number 6 – Masonry requirements – Modern Farmhouse does not typically have masonry incorporated into the design.

Town Comment: Builders using a Modern Farmhouse design can select from the list of options, of which masonry is just one option, to fulfill the three required elements from the list of options.

Multi-Family and Townhome Design Standards Section

1. Urban Design Intent and Principles – Front loaded townhomes should be included and seems inconsistent with the UDC Zoning Code. This seems to be in conflict with downzoning and with Chapter 3.

Town Comment: Front loaded townhomes are permitted.

2. Creating Neighborhoods Versus Developments – *High Quality* - This could be more specific... What exactly are “high quality” materials?

Town Comment: This is a general intent statement. Refer to specific material standards in the Materials section, i.e. minimum warranty lengths, etc.

- E. Structured Parking Block – Standards: Table 2.5 – These requirements appear to be too prescriptive.

Town Comment: The language in this section has been revised to indicate that these are guidelines rather than specific standards. Developments that provide structured parking are likely to be a unique proposal befitting a PD approach to accommodate the specific site and proposal.

- F. Building Orientation

Frontage Requirements – Buildings act as a natural buffer – why is that bad?

Town Comment: The frontage requirements are not intended to require any additional setbacks or landscape buffers. Diagrams in this section have been removed to avoid confusion.

- Local Street Standards: iii. The required 20 foot landscape buffers are not very urban in nature and contradict a number of the UDC diagrams.

Town Comment: The frontage requirements are not intended to require any additional setbacks or landscape buffers. The language has been revised accordingly.

- G. Sensitivity to Adjacent Uses

- Multi-family and Townhome Development Adjacent to Commercial and Industrial – Standard A. **This precludes good design when working on an infill development?**

Town Comment: The standard allows for an integrated development. In an infill scenario, Alternative Equivalent Compliance could be utilized in a case where the design supported an alternative standard.

- Multi-Family and Townhome Development Adjacent to Parks and Open Space – Standard A. Not sure what the point of having a landscape buffer from a park or open space. This doesn't make sense and is an inefficient use of land.

Town Comment: This standard is intended to provide for separation between residential lots and Town-owned/maintained Community and Neighborhood Parks, and Town-owned open spaces. This standard does not apply to privately (HOA/Metro District) owned and maintained areas such as pocket parks or private open spaces. Language has been revised to reflect this.

- Park Lot Design Intent – Requiring the location of parking lots internal to development blocks and behind buildings will make it difficult to meeting parking requirements on the surface. This will be extremely difficult to achieve.

Town Comment: The Intent statement indicates a preferred layout however other layouts are still permitted. Alternative Equivalent Compliance can be used for alternative designs. Language has been clarified to add distance from right-of-way information to allow for additional flexibility for parking areas that are located further from the right-of-way.

I. Grading and Retaining Walls

- Retaining Wall Standard of capping the height at 4' could be very limiting from a constraint – particularly for larger buildings and pad sites.

Town Comment: A terraced retaining wall can be used to allow additional height, and additional walls can be approved by the Director.

3. **Garages** – (A) Alley-Loaded Garages – Delete number 3 – No setbacks in the alley should be required.

Town Comment: The intent of this language is to provide an offset to break up the plane of garages along the alley. The language has been clarified. Similar language exists in the UDC today and the proposed language provides additional flexibility.

Thank you for your consideration of our comments as we move forward with the UDC process. The continued partnership between the members of the HBA of Metro Denver and the Town of Erie is appreciated. We also appreciate being included in the overall process and look forward to lending our expertise and experience to the Town of Erie.

Sincerely,
Ted Leighty

A handwritten signature in blue ink, appearing to read "Ted Leighty". The signature is fluid and cursive, with a prominent loop at the end.

Chief Executive Officer
Home Builders Association of Metro Denver