

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
MAY 23, 2023**

SUBJECT: **PUBLIC HEARING**

Planned Development (PD)

Ordinance 002-2023: An Ordinance of the Board of Trustees of the Town of Erie Rezoning the property known as Erie Air Park from Airport (AP) to Planned Development (PD)

PURPOSE: **Planned Development (PD) Amendment**

Consideration of a Planned Development rezoning to allow certain light industrial uses as Permitted Uses and Special Review Uses on the property.

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Chris LaRue, Senior Planner

STAFF RECOMMENDATION:

Staff finds the Erie Air Park Planned Development – Development Plan (PD – DP) in compliance with the Planned Unit Development Approval Criteria and recommends the Board of Trustees adopt Ordinance No. 002-2023 rezoning the property from Airport (AP) to Planned Development (PD).

PLANNING COMMISSION UPDATE:

On Feb. 15, 2023, the Planning Commission unanimously (6,0) recommended the Board of Trustees approve the PD - Planned Development rezoning request. It should be noted the Planning Commission hearings were continued twice (on Dec. 2, 2022 & Jan. 18, 2023) due to adverse weather-related issues.

During the Dec. 21 and the Feb. 15 hearings, public comment addressed the following issues: concern over the potential increase in traffic along Airport Drive and on Highway 7; the need for adding a traffic light at the Airport Drive and Highway 7 intersection for safety; general safety of nearby residential uses; adding more commercial/industrial near residential; delivery trucks blocking the roadway; and taxiway impacts.

BOARD OF TRUSTEES UPDATE:

This application has been updated to reflect wording, naming, and formatting changes proposed by the Town Attorney's staff. To more accurately indicate the nature of the application and to improve consistency with UDC language, the name of the project has been updated to the Erie Air Park Planned Development - Development Plan (PD-DP). Additional legal language has been added to the PD-

DP zoning document itself. Staff continued these changes throughout the packet including the resolution, staff report, and presentations.

No substantive changes have occurred in the nature of the zoning proposal itself, as permitted uses, dimensional standards, and architectural standards remain the same as previously proposed

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant: Real Investments, LLC
c/o David Nassar
3000 Airport Drive, Suite 203
Erie, CO 80516

Existing Conditions:

Zoning: Airport – AP

Project Size: 10.34 acres

Existing Use: Vacant Property

Location:

The property is located north of Highway 7 and north of Airport Drive. The boundaries of the site are surrounded by a black dashed line below:



Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	Airport - AP	Vacant
WEST	Airport - AP	Light industrial buildings
SOUTH	Business - B	Vacant
EAST	Airport – AP with PUD Overlay	Light industrial buildings

Background Information:

The subject site and surrounding Erie Air Park area was annexed by the Town in December 1977. A year later, the site was platted as Tract E of the Erie Air Park Master Subdivision. In February 1987, the subject site was zoned AP - Airport. Tract E was subdivided into Tract E-2 through the Erie Air Park Tract E Subdivision in 2019. Finally, in November 2022, the site was platted as Lot 1 of the Erie Air Park Replat D.

Planned Development (PD):

The PD Zone District is generally used when there is special public interest that does not coincide with the traditional zoning in a geographic area. The PD Overlay District may only be used when an application is not able to meet the requirements of a standard zone classification. The PD is a development plan with restrictions in addition to, or less than, those in a traditional zone district. Where provisions of a PD do not address a particular subject, the UDC, as amended, shall be applicable. In this case, the AP zone will be used where items are not addressed within the PD.

General purposes of a PD are as follows:

- a. There is a special public benefit that does not coincide with standard zoning district requirements;
- b. A development proposal is unable to meet the standard zoning district requirements due to physical constraints of the property;
- c. A development proposal is unable to meet the standard zoning district requirements due to unique development design; or
- d. A development proposal is unable to meet the standard zoning district requirements due to a unique mix of land uses.

Erie Air Park PD-DP:

Currently, the property is zoned AP – Airport. As outlined in Table 3-1: Table of Permitted Uses and as defined in Chapter 11 - Definitions in the Unified Development Code, certain uses are allowed within the Airport zoning district as Permitted Uses by Right (P). Other uses may be located in the Airport district by Special Review Use (S).

In 2015, the applicant zoned the property to the east as a PUD identical to the PD proposed on the subject site. The eastern property was developed per a Site Plan approved in 2016 that includes a combination of buildings composed of two-story office space in the front portion of each building and hangars in the rear. These office spaces and other uses and their adjacency to hangars accommodate certain uses that are not currently allowed within the Airport District. In order to simplify the process of filling these combination spaces with compatible uses, the applicant has requested that certain Permitted Uses by Right and Special Review Uses also be allowed on Lot 1 through this Planned Development application.

In addition to the Permitted Uses by Right within the underlying AP – Airport zone district, the applicant proposes adding the following uses to Lot 1 as Permitted by Right:

- Aviation Museum;
- Repair Shop;
- Contractor's Shop, Interior Only;
- Industrial, Light;
- Light Equipment Sales, Service and Rental;
- Light Manufacturing, General.

In addition to the Special Review Uses within the underlying AP – Airport zone district, the applicant proposes adding the following uses to Lot 1 as Special Review Uses:

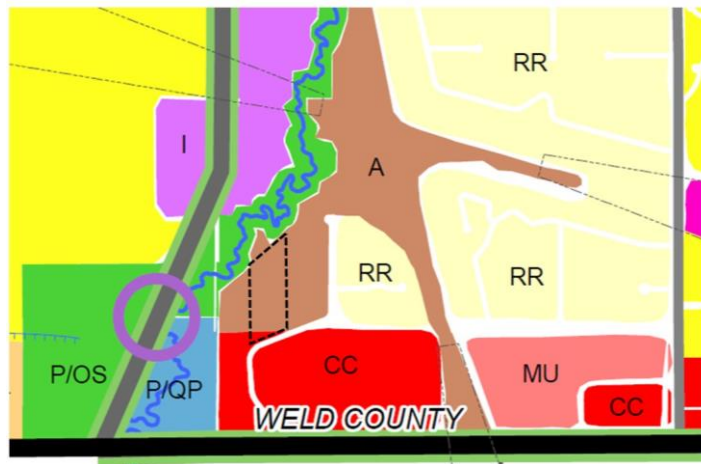
- Museum;
- Commercial Amusement, Indoor;
- Contractor's Shop with Exterior Storage or Storage Yard;
- Mini-Warehouse / Self Storage.

The applicant believes that these uses, located within buildings to be proposed on a future site plan, are compatible with the Airport District, and the adjacent sites.

Compliance with Town of Erie Comprehensive Plan:

The application is in general compliance with the Land Use designation on the Comprehensive Plan, Land Use Plan Map. The Comprehensive Plan shows the Airport - A land use designation for the site and surrounding area. Airport areas are primarily to be developed as airport and related business uses. Secondly, airport areas can develop with commercial uses when they are compatible with Airport uses. A combination of uses that allow for a broader business and employment base is generally consistent with the Comprehensive Plan.

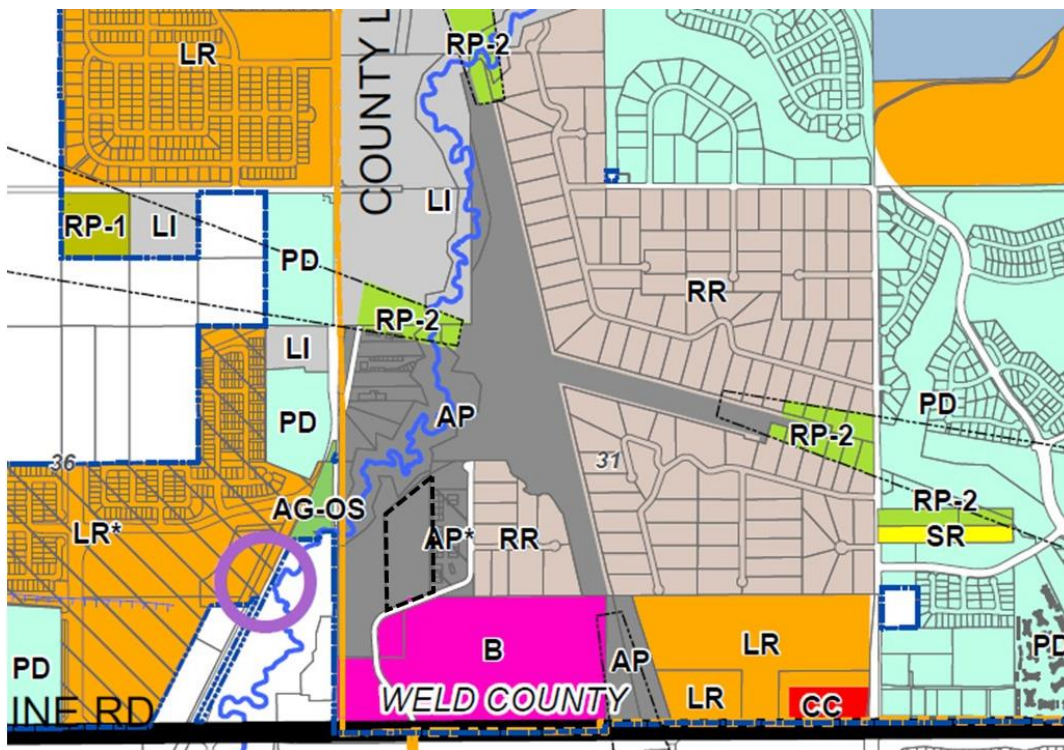
Highlighted in a black dashed line below is the subject site on the Comprehensive Plan Map:



Compliance with Town of Erie Zoning Map:

The site and surrounding area are zoned AP – Airport. The site directly to the east is zoned AP with a PUD – Planned Unit Development Overlay. That overlay, which was approved in 2015, is identical to the PD being proposed in this application. The purpose of the Airport zone district is to provide areas for the development of airport land uses. The proposed PD would be consistent with the AP zone district, especially since identical uses are allowed on the property to the east.

Below is the current zoning map, with the site outlined in a black dashed line below:



STAFF REVIEW AND ANALYSIS

The Erie Air Park PD-DP was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.20.C.2 Approval Criteria. Staff finds the application generally 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 and 7.20.

Staff: The PD proposes a unique, but limited, mix of land uses to include light industrial types of uses in the overall AP setting. The PD allows some limited industrial uses, while still requiring the overall AP development standards, thereby creating flexibility in exchange for greater public benefits through economic development that would not have otherwise been achieved through development under another zone district. The proposal is generally consistent.

- 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 proposed modifications allow for the innovative integration of limited industrial uses within the AP zone district. These uses will expand opportunity for employment and businesses on the site. Alternative Equivalent Compliance, or other modifications, cannot be utilized to add a use to a zone district.

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

Staff: The addition of some limited light industrial uses within the overall confines of the AP zone district will not negatively impact 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: A combination of uses that allow for a broader business and employment base is generally consistent with the Comprehensive Plan. The site is designated as Airport, which supports airport related uses. The PD could allow uses unrelated to the airport, however, one of the purposes of the PD zoning district is to allow a unique mix of uses that are not typically allowed within a standard zone district. Additionally, the development proposal will still comply with all of the AP zone requirements with the exception of the proposed uses.

- 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: Adequate facilities are available to serve the property and existing development.

- 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 facilities are required.

- 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 facilities will be required.

- 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: The site is currently undeveloped. Significant adverse impacts are not anticipated.

- 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: The site is currently undeveloped. The redevelopment of the site is not anticipated to have negative impacts on properties in the vicinity. In fact, the property to the east contains PUD zoning, which is identical to what is being proposed with this application.

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

Staff: The proposed light industrial development is in scale with adjacent properties. The PD includes limited industrial uses that are already allowed to the east. All other requirements of the AP zone district will be followed.

- 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: Not applicable to the proposed light industrial development.

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

Staff: Future site plan applications will ensure this requirement is met.

- 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 PD proposes a unique, but limited mix of land uses to include light industrial types of uses in the overall AP setting. A combination of uses that allow for a broader business and employment base, while still following the requirements of the overall AP zone district will add value to the area.

NEIGHBORHOOD MEETING

As required by the Municipal Code a Neighborhood Meeting was held on May 17, 2022 (see attached summary). 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: by 5/3/23

Property Posted as required: by 5/5/23

Letters to Adjacent Property Owners: by 5/5/23

PUBLIC COMMENTS

Written public comments were received prior to the Dec. 21, 2022, Planning Commission hearing and are attached.