

TOWN OF ERIE
BOARD OF TRUSTEES MEETING
March 26, 2019

SUBJECT: **Agenda # 19-129:**
A Resolution Of The Board Of Trustees Of The Town Of Erie Approving With Conditions the Preliminary Plat For Meadowlark Subdivision.

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: Review of the proposed 86.495 acre Preliminary Plat, for the Meadowlark Subdivision, which includes 118 single-family lots and 5 tracts for various landscaping, drainage, utility and open space purposes.

DEPARTMENT: Planning and Development

PRESENTER: Chris LaRue, Senior Planner

STAFF RECOMMENDATION:

Staff finds the Meadowlark Preliminary Plat in compliance with the Preliminary Plat Approval Criteria and recommends the Town Board of Trustees adopt the resolution with the following conditions of approval:

- a. At the time of final plat, Applicant shall execute a detailed Development Agreement, in the form provided by the Town;
- b. Applicant shall relocate the existing oil and gas access road from Jasper Road to Lombardi Street. The existing access road shall be removed. The Applicant shall submit appropriate documentation to the Town, including final construction documents, with the final plat application;
- c. Applicant shall dedicate any necessary right-of-way for future road improvements on the final plat. This shall include, but not limited to, a future round-about at the southern end of 123rd Street and Jay Road.
- d. Applicant shall make technical corrections to the Meadowlark Preliminary Plat as directed by Town staff.
- e. The Minor Plat for the property designating ownerships shall be recorded prior to Final Plat recordation.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing for the Preliminary Plat application on February 20, 2019. At that time, the Planning Commission voted to recommend approval of the application with the following staff recommended conditions:

- a. At the time of final plat, Applicant shall execute a detailed Development Agreement, in the form provided by the Town;
- b. Applicant shall relocate the existing oil and gas access road from Jasper Road to Lombardi Street. The existing access road shall be removed. The Applicant shall submit appropriate documentation to the Town, including final construction documents, with the final plat application;
- c. Applicant shall dedicate any necessary right-of-way for future road improvements on the final plat. This shall include, but not limited to, a future round-about at the southern end of 123rd Street and Jay Road.
- d. Applicant shall make technical corrections to the Meadowlark Preliminary Plat as directed by Town staff.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Location: Northeast of Jay and Jasper Roads. It is west of the Lost Creek Farms subdivision and south of the Erie Village and Kenosha Farms subdivisions.

Owners: TI Residential, LLC

Applicant: TI Residential, LLC

Existing Conditions:

Vacant agricultural land with oil/gas operations and a ditch.

Property Size: 86.495 acres



Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	Planned Development (PD) – Low Density Residential	Single-Family Residential – Erie Village Filing No. 3 & 4
SOUTH	Agricultural (A) – Boulder County	Residential/Agricultural Unincorporated
EAST	Suburban Residential (SR)	Single-Family Residential - Lost Creek Farm / Oil and gas
WEST	Agricultural (A) and Rural Residential (RR)-Boulder County	Residential / Agricultural

Proposed Preliminary Plat:

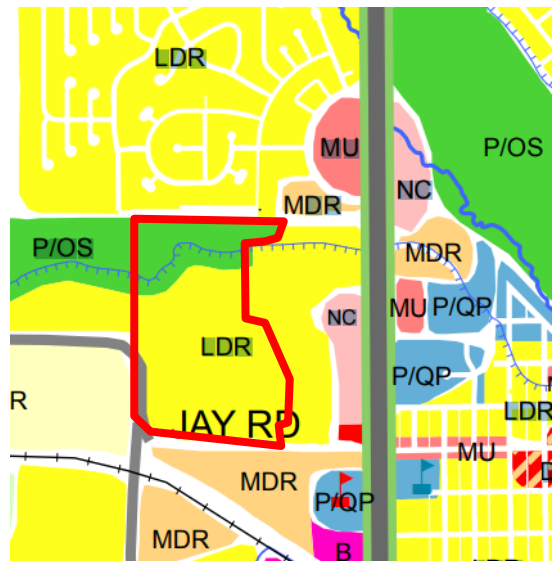
Meadowlark Preliminary Plat proposes includes 118 single family lots with an average lot size of approximately 7,500 square feet. Lots range from 5,700 square feet to 13,800 square feet.

Development Information:

- Preliminary Plat Size: 86.495 acres
- Number of Single Family Lots - Proposed: 118 lots (20.533 acres)
 - Minimum Lot Size Permitted – LR: 5,000 square feet
- Number of Tracts: 5 tracts (56.497 acres)
- Residential Density Proposed: 1.72 dwelling units per acre
- Residential Density Allowed: 0 to 5 dwelling units per acre

Compliance with Town of Erie Comprehensive Plan:

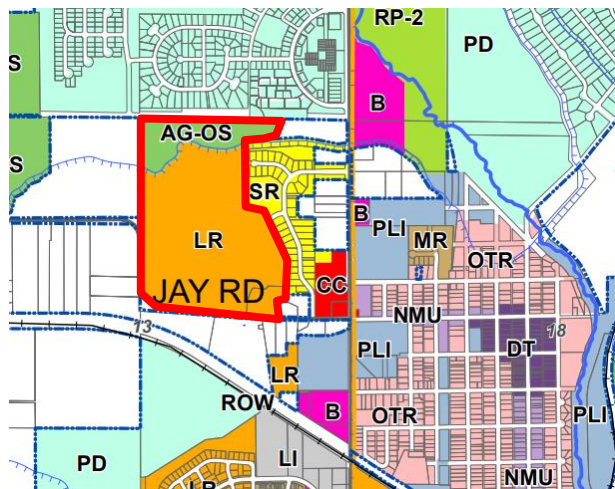
The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Plan Map. The subject site is designated as Low Density Residential which designates a density of 2-6 du/ac. Overall there is approximately 68.63 acres of LR zoned land within the Meadowlark development area. This would amount to a density of 1.72 du/ac. However, approximately 31.74 acres of the site is undevelopable to due undermining. The proposed development would generally be



consistent with the Comprehensive Plan designation due to the development constraints associated with past mining.

Compliance with Town of Erie Zoning Map:

The property is zoned LR-Low Density Residential and AG-OS-Agricultural/Open Space. The single-family residential lots are shown within the LR zoned district. The density proposed in this Preliminary Plat is 1.72 units/acre and is in compliance with the LR zoning district maximum density of 5 units/acre. The area designated as AG-OS is proposed to be preserved as Open Space on the preliminary plat, which would be consistent with the zoning.



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 Meadowlark Preliminary plat contains 68.63 acres of LR zoned land, which would require a housing diversity of 2 housing types or 1 housing type and 1 housing variation. Due to previous undermining only the north half of the LR zoned area, which consists of 36 acres, will support development. The Meadowlark Preliminary Plat proposes developing with single-family homes with no variation. Given the development constraints on the property, staff is supportive of this proposal.

Schools:

The Meadow Lark Preliminary Plat is located in the St. Vrain Valley School District. No land dedication for a school was requested from the school district with this development. The applicant will be required to provide the appropriate impact fee.

Fire Protection:

The Mountain View Fire Protection District will provide fire and emergency medical services. A fire station is located 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 Impact Study was submitted with the Meadowlark Preliminary Plat application materials. All of the streets proposed are public roads. The streets and improvements proposed are in compliance with the Town’s Standards and Specifications. Access to the west side of the subdivision will be via Lombardi Street. Lombardi Street will be constructed from Jasper Road and extended north to the current stub location of the road within the Kenosha Farm Subdivision. A round-about is proposed where Lombardi Street intersects with Jasper Road. The Meadowlark development will connect to the Lost Creek Farm Subdivision at Farmer Place. New residential streets will be constructed internally to access the proposed residential lots. The applicant was required to provide a round-about design at the southern end of 123rd Street and Jay Road. The applicant will not be required to install this round-about, but the design was required in order to ensure the proper right-of-way is provided. The applicant will be required to depict this right-of-way on the final plat.

Parks, Open Space and Trails:

Public Dedication Requirements:

The required dedications for public parks and open space dedications are based on the Town of Erie Municipal Code. The table below details how these requirements have been or will be met.

Public Dedications	Required by UDC (acres)	Proposed for Preliminary Plat (acres)
Pocket Park	0.17	0.33
Neighborhood Park	1.02	Fee in Lieu
Community Park	1.70	Fee in Lieu
Open Space	5.79	10

Pedestrian Trails:

Meadowlark Preliminary Plat will provide connections to local trails and the existing spine trail which connects to the neighborhoods and surrounding community. The existing spine trail runs on the east side of the Meadowlark Preliminary Plat. A trail and connection is proposed on the north side of the development. This connection will extend the existing trail south of Erie Village to the west to the future Lombardi Street extension. An additional trail is proposed on the south side of the southern lots and will provide connections to Lombardi Street, the proposed pocket park, and the spine trail. Another spine trail connection is proposed mid-block on the east side of the proposed lots.

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.

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. The development is proposing a detention basin in Tract B which will serve the development within the boundaries of the Preliminary Plat.

Oil/Gas Facilities:Surface Use Agreements (SUA)

The applicant has executed Surface Use Agreement's (SUA) with Encana Oil and Gas; the applicant is responsible with meeting the SUA requirements with the Final Plat submittals. The Meadowlark Preliminary Plat identifies the SUA setback requirements on the Preliminary Plat.

Existing Wells

There is one existing oil and gas well site within the northwest boundary of the Preliminary Plat. This well site is accessed by an oil and gas road off of Jasper Road however, this access is required to be relocated as part of the final plat resulting from an approval of this Preliminary Plat. It is the applicant's responsibility to ensure that existing well facilities, access roads and fencing meet the Municipal Code requirements at the time of Final Plat.

Future Wells

No future oil and gas are identified.

Gas Distribution Pipelines

There are several existing locations for gas distribution pipelines that encumber portions of the Preliminary Plat. All gas distribution pipelines will need to be located in easements in conformance with the Municipal Code, at the time of Final Plat.

Soils and Geology:

The southern portion of the Meadowlark Preliminary Plat is undermined by the Longs Peak mine at depths of approximately 54 to 86 feet. The Colorado Geological Survey (CGS) reviewed various technical/engineering documents and studies provided by the applicant. The applicant is proposing creation of a strain isolation trench behind the southern lots and prohibiting any development south of this line. CGS approves the applicant's plan that no development south of the 0% strain line would occur, and that identification and extent of the strain isolation trench on the construction (grading) plans, have been satisfactorily addressed. CGS did not have any objections to approval of the Meadowlark Preliminary Plat.

STAFF REVIEW AND ANALYSIS

Staff finds the application is consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, as outlined below:

- a. The subdivision is generally consistent with the Town's Comprehensive Master Plan.

Staff: The subject site is designated as Low Density Residential which designates a density of 2-6 du/ac. Overall there is approximately 68.63 acres of LR zoned land within the Meadowlark development area. This would amount to a density of 1.72 du/ac. However, approximately 31.74 acres of the site is undevelopable to due undermining. The proposed development would generally be consistent with the Comprehensive Plan designation due to the development constraints associated with past mining.

- b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.

Staff: The subdivision is in compliance with the LR zone district. The proposed lots meet the minimum zoning requirements and are consistent with the residential intent of the zone.

- 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.

Staff: The proposed subdivision meets the applicable Town's standards. Appropriate open space is being dedicated which will preserve an important area. The proposed grading will preserve existing vegetation and views from adjacent subdivisions to the maximum extent practicable. Existing trees that are removed through the proposed grading will be replaced in compliance with the Code. Required tree replacement is in addition to required landscaping of right-of-ways, parks and buffers.

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

Staff: The design of the Preliminary Plat takes into account applicable use, development and design standards of Chapters 3, 5, and 6 of the Code. Layout and design of the proposed subdivision is appropriate and consistent with the general provisions of the UDC. Proposed streets and connections are appropriate and will benefit the future residents. Utility easements are provided on the proposed plat. Appropriate provisions are in place for storm water and

water and wastewater lines. Appropriate land dedications and fees-in-lieu are provided for within the development.

- 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.

Staff: Significant adverse impacts are not anticipated. The site is not impacted by a designated floodplain. Provisions are in place to protect water quality, erosion control, and wastewater. Appropriate studies were reviewed during the review of the preliminary plat and no concerns are outstanding. Construction documents as part of the Final Plat process will require Best Management Practices (BMP's) for water quality, stormwater management and erosion control in accordance with the Town of Erie - Standards and Specifications for Design and Construction of Public Improvements

- 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.

Staff: Significant adverse impacts are not anticipated. Appropriate studies were reviewed during the review of the preliminary plat and no concerns are outstanding.

- g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.

Staff: Pedestrian and vehicular accesses are adequately provided throughout the subdivision. Several spine trail connections are provided at key locations. New trails are proposed south of the proposed lots and through the proposed dedicated open space. In addition, open space and buffers are integrated with the open space and buffers of adjacent subdivisions.

- h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.

Staff: Significant adverse impacts are not anticipated. As part of the Preliminary Plat review of drainage and erosion, traffic impact, environmental, and cultural studies were reviewed. No concerns are outstanding.

- 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.

Staff: Adequate services and facilities currently exist or will be enhanced (transportation, school impact fee, fire facility site, open space, parks and trails) by the Preliminary Plat that will provide service to the proposed development, adjacent neighborhoods and the community at large.

- j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Staff: A phasing plan is not proposed for the Meadowlark Preliminary Plat. A Development Agreement between the applicant and the Town will be reviewed by the Board of Trustees as part of Final Plat approvals.

NEIGHBORHOOD MEETING

As required by the Municipal Code a Neighborhood Meeting was held:

Neighborhood Meeting Date: June 12, 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: March 6, 2019

Property Posted: March 7, 2019

Letters to adjacent property owners within 300': March 8, 2019