

TOWN OF ERIE
BOARD OF TRUSTEES AGENDA ITEM
July 28, 2020

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| SUBJECT: | Agenda # 20-392: PUBLIC HEARING An Ordinance of the Board of Trustees of the Town of Erie Approving the Westerly Planned Unit Development |
| CODE REVIEW: | Erie Municipal Code, Title 10 (UDC) |
| PURPOSE: | The Westerly - PUD Overlay District proposes to modify the Unified Development Code (UDC) Chapter 4 Dimensional Standards and Chapter 6 Development and Design Standards for the NMU-Neighborhood Mixed Use and LR-Low Density Residential zoned districts in the Westerly development to facilitate a traditional neighborhood designed community. |
| DEPARTMENT: | Planning & Development |
| PRESENTER: | Deborah Bachelder AICP, Planning Manager / Deputy Director of Planning & Development |

STAFF RECOMMENDATION: Approval with Conditions

Staff recommends the Board of Trustees approve the Westerly PUD Overlay District. subject to the following conditions:

PLANNING COMMISSION RECOMMENDATION: Approval with Conditions

Planning Commission unanimously approved Resolution P20-13 recommending the Board of Trustees approve the Westerly PUD Overlay District subject to the condition that the Westerly Zoning Map that adjusted the zoning boundary between the NMU-Neighborhood Mixed Use zone district and the LR-Low Density Residential zone district shall be recorded prior to the Westerly PUD Overlay District being recorded. During the public hearing the following items were topics of discussion related to the PUD Overlay Zone District:

- Setbacks
- Encroachments

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Owners: Erie Land Company, LLC
Heidi Majerik
1225 17th Street, Suite 2420
Denver, CO 80202

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

Existing Conditions:

Site Condition: Agricultural land

Property Size: 225.64 acres



Adjacent Land-Use/Zoning:

| | ZONING | LAND USE |
|--------------|--|--|
| NORTH | PLI – Public Land and Institutions Weld County - Agricultural | School Agriculture |
| SOUTH | PD- Planned Development | Landfill |
| EAST | Weld County - Agricultural | Agriculture |
| WEST | CC – Community Commercial Weld County – Agricultural LDR – Low Density Residential | Erie Highlands – Vacant Commercial Salvage yard Vacant / Town Open Space |

Property History:

The Dearmin Property was annexed into the Town of Erie as the Horst Property in 1990. At that time the owner anticipated the property to be used as a landfill site. The pre-annexation and annexation agreements that outlined the landfill requirements for the property were terminated in 2017 when the Town rezoned the property from Rural Preservation 3 to LR-Low Density Residential, NMU-Neighborhood Mixed Use and AG/OS-Agriculture/Open Space.

The applicant submitted and the Board reviewed a Sketch Plan for this property in 2017. Then in February 2019, the applicant submitted and the Board reviewed an updated Sketch Plan.

A Rezoning application was reviewed by the Planning Commission on May 20, 2020 and was approved by the Board of Trustees on June 23, 2020. The Rezoning

application shifts the boundary between the NMU-Neighborhood Mixed Use and LR-Low Density Residential zone districts which increased the NMU zone district and reduced the LR zone district by 3.72 acres.

Purpose of a PUD Overlay:

The applicant has applied to modify the standard zone districts of NMU-Neighborhood Mixed Use and LR-Low Density Residential in the Westerly development with the Westerly - PUD Overlay District. The PUD is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

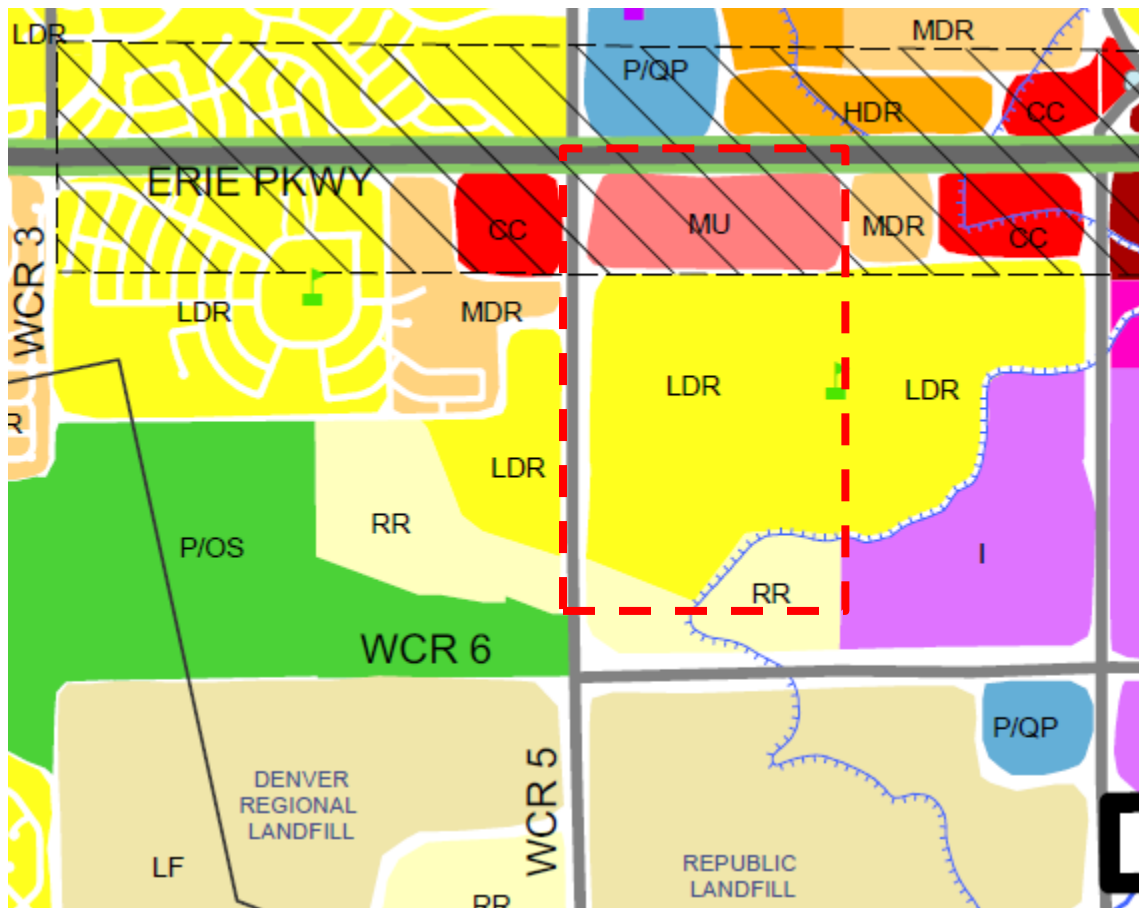
In Municipal Code 10.2.7 D. – the general purposes of a PUD are as follows:

- a. Establish a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels.
- b. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
- c. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
- d. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
- e. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
- f. To convert land so poorly developed as to be a public liability.
- g. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- h. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.
- i. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

Compliance with Town of Erie Comprehensive Plan:

The PUD application is in general compliance with the Land Use designations on the Town of Erie Comprehensive Plan, Land Use Plan Map; as illustrated below. The proposed Westerly - PUD Overlay District will modify standards within the MU – Mixed

Use and LDR – Low Density Residential Land Use Designations of the Comprehensive Plan. The proposed density of the 3.5 dwelling units per acre falls within the Land Use Designation density range of 2-6 dwelling units per acre.



Compliance with Town of Erie Zoning:

The PUD is in compliance with the approved Rezoning.

Proposed Westerly - PUD Overlay District:

The proposed amendment would modify the standards in the NMU – Neighborhood Mixed Use and LR Low Density Residential zone districts.

UDC Chapter 3 Use Regulations:

The Westerly - PUD Overlay District will limit the Principal Uses allowed in the LR zone district to:

- Single family front load garages
- Single family alley load garages
- Duplex alley load garages
- Town home alley load garages

Accessory structures will not be allowed on alley loaded lots.

UDC Chapter 4 Dimensional Standards:

The LR zone district dimensional standards from the UDC are listed below:

| TABLE 4-1: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL AND COMMERCIAL DISTRICTS (Additional standards may apply. See Use-Specific Standards in Section 3.2 Density bonuses are available as an incentive to encourage a mix of dwelling unit types) | | | | | | | | |
|--|---------------------------|---------------------------------|----------------------------------|-------------------------------------|-------------------|-------------------|-------------------------------|---------------------|
| | | Minimum Lot Standards | | Minimum Setbacks (ft.) ^② | | | | Max Height (ft) |
| District | Max/Min Density (DU/Acre) | Width (ft) | Net Area ^③ (sq ft) | Front | Street (all uses) | Interior Lot Line | Rear | |
| LR | 5/na | SF: 50 60 corner MF: none | SF: 5,000 MF: 2,500 per DU | Principal: 20 Accessory: 30 | 20 | 5 ^① | Principal: 20 Accessory: 5 | Prin: 35 Acc: 25 |

The applicant proposes to modify the LR zone district dimensional standards with the PUD as listed in the table below. The lot standards of width and area are reduced for all housing types and the setbacks have been reduced in the front yard, side yard to street and rear yard to accommodate the alley loaded products and to facilitate the applicant's traditional neighborhood designed community.

| 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 |
| VILLAGE ONE | | | | | | | | |
| SINGLE FAMILY FRONT LOAD | 45' | 4,500 | PRIN. - 15' GARAGE - 20' | NOT APPLICABLE | 8' | 5' | PRIN. - 15' | PRIN. - 35' ACC. 25' |
| | 48' CORNER LOTS | | ACC. - 25' | | | | ACC. - 5' | |
| SINGLE FAMILY ALLEY LOAD | 34' | 3,000 | 8' | 5' | 8' | 5' | PRIN. - 0' | |
| | 37' CORNER LOTS | | | | | | | |
| DUPLEX ALLEY LOAD | 24' | 1,700 | 8' | 5' | 8' | 5' | PRIN. - 0' | |
| | 27' CORNER LOTS | | | | | | | |
| TOWNHOME ALLEY LOAD | 20' | 1,200 | 8' | 5' | 8' | 5' | PRIN. - 0' | |
| | 28' | | | | | | | |

The NMU zone district dimensional standards from the UDC are listed below:

| TABLE 4-1: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL AND COMMERCIAL DISTRICTS (Additional standards may apply. See Use-Specific Standards in Section 3.2 Density bonuses are available as an incentive to encourage a mix of dwelling unit types) | | | | | | | | |
|--|---------------------------|-----------------------|-------------------------------|-------------------------------------|-------------------|-------------------|-------------------------------|-----------------|
| | | Minimum Lot Standards | | Minimum Setbacks (ft.) ^② | | | | Max Height (ft) |
| District | Max/Min Density (DU/Acre) | Width (ft) | Net Area (sq ft) ^③ | Front | Street (all uses) | Interior Lot Line | Rear | |
| NMU | na | 25 | | 0 | 0 | 0 | Principal: 20 Accessory: 5 | 45 3 stories |

The applicant proposes to modify the NMU zone district dimensional standards, for Live Work units only, with the PUD as listed in the table below. The proposed modifications are generally more restrictive than the UDC. All other uses proposed in the Westerly development will follow the UDC requirements for the NMU zone district.

| VILLAGE TWO | | | | | | | | |
|-------------|--------------------|-------|----|----------------|----|----|------------|-------------------------|
| LIVE WORK | 20' | 1,000 | 5' | NOT APPLICABLE | 8' | 5' | PRIN. - 0' | PRIN. - 45' ACC. 25' |
| | 28' CORNER LOTS | | | | | | | |

In addition to the dimensional standard modifications listed above the applicant also has requested modifications to the UDC encroachment provisions as listed below. Below the table is a staff summary of how the modification compares to its corresponding UDC requirement.

| |
|--|
| 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. FRONT, SIDE, AND REAR SETBACKS SHALL ALLOW FOR ENCROACHMENTS INTO THE SETBACK OF UP TO 2 FEET FOR ABOVE-GRADE FEATURES INCLUDING EAVES, AND OVERHANGS, EXCEPT WHERE THE SETBACK IS 0, THEN NO ENCROACHMENT IS ALLOWED. |
| 4. SIDE AND REAR SETBACKS SHALL ALLOW FOR ENCROACHMENTS INTO THE SETBACK OF UP TO 3 FEET FOR WINDOW WELLS, 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. |
| 6. UTILITY EASEMENTS MAY BE MORE RESTRICTIVE THAN MINIMUM SETBACKS, THE GREATER OF THE MINIMUM SETBACK OR THE UTILITY EASEMENT SHALL GOVERN. |
| 7. ALL LOTS WITHIN VILLAGE 2 EXCEPT AS MODIFIED HEREBY SHALL FOLLOW THE DIMENSIONAL STANDARDS ESTABLISHED BY THE UDC FOR NMU OUTSIDE OF OLD TOWN AS AMENDED. |

1. Same as UDC.
2. Same as UDC.
3. Similar to UDC except that 2 foot encroachment is not allowed to be less than 5 feet from the lot line.
4. Similar to UDC except that the encroachment in UDC is only 2 feet and is not allowed to be less than 5 feet from the lot line.
5. UDC does not allow this type of encroachment.
6. Same as UDC.
7. Clarifying statement to follow UDC.

Neighborhood Park:

The PUD map identifies the location of the future neighborhood park that will be dedicated to the Town of Erie.

UDC Chapter 6 Development and Design Standards:

The Westerly - PUD Overlay District will establish architectural character regulations. The applicant has attached a PUD comparison that outlines the changes proposed. Generally, the PUD is equal or more restrictive than the UDC standards.

STAFF ANALYSIS AND SUMMARY

Staff finds the application to be consistent with the PUD Overlay approval criteria in Municipal Code, Section 10.7.6.D.9, as outlined below:

- a. The PUD Rezoning is consistent with the Purpose of the PUD Overlay District in Section 2.7.D.1;
- b. The PUD Rezoning will promote the public health, safety, and general welfare;
- c. The PUD Rezoning is consistent with the Town's Comprehensive Master Plan and the purposes of this UDC;
- d. The PUD Rezoning is generally consistent with the PUD standards in Subsection 2.7.D.2;
- e. Adequate facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
- f. The PUD Rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- g. The PUD Rezoning is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the Town;
- h. The PUD Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
- i. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;
- j. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the schedule of the development or Development Agreement submitted by the applicant; and
- k. The PUD Plan provides public benefit(s).

NEIGHBORHOOD MEETING

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

Neighborhood Meeting Date:

September 4, 2019

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: July 8, 2020

Property Posted: July 10, 2020

Letters to adjacent property owners within 500': July 10, 2020