

**TOWN OF ERIE  
BOARD OF TRUSTEES AGENDA ITEM  
August 11, 2020**

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**SUBJECT:**           **PUBLIC HEARING**

**1. Preliminary Plat**

A Resolution Of The Board of Trustees Of The Town Of Erie  
Approving The Rex Ranch Filing No. 3 Preliminary Plat With  
Conditions

**PURPOSE:**           Review of the proposed 3.76 acres Preliminary Plat for Rex Ranch  
Filing No. 3, which includes 10 single-family lots and one tract for  
landscaping, trail connection, and drainage.

**DEPARTMENT:**     Planning and Development

**PRESENTER:**       Christopher C. LaRue, Senior Planner

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**STAFF RECOMMENDATION:**

Staff finds the Rex Ranch Filing No. 3 Preliminary Plat in compliance with the Preliminary Plat Approval Criteria and recommends the Board of Trustees adopt the resolution approving the Rex Ranch Filing No. 3 Preliminary Plat 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 make technical corrections to the Rex Ranch Filing No. 3 Preliminary Plat as directed by Town staff.

**PLANNING COMMISSION RECOMMENDATION:**

On July 15, 2020 the Planning Commission unanimously recommended the Board of Trustees approve, with 2 conditions, the Rex Ranch Preliminary Plat No. 3. One member of the public provided testimony during the hearing. The testimony expressed concerns with fencing, overcrowding of the lots, and trail connectivity.

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**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

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**Location:**     The address of the site is 2839 North 119<sup>th</sup> Street which is located west of 119<sup>th</sup> Street and is surrounded by Rex Ranch Filing No. 1 to the north,

south, and west. The Town of Erie's Lynn R. Morgan Water Treatment Facility is located approximately 500 feet to the west.

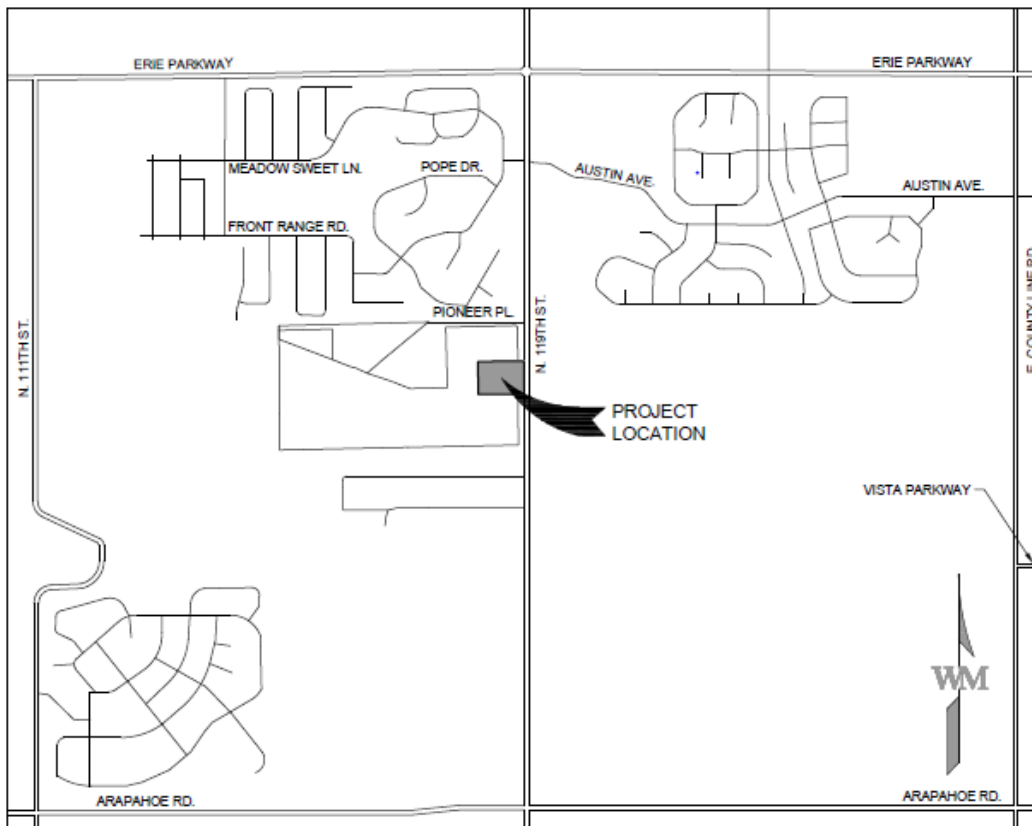
**Owners:** Hines HT Flatiron LP (Chad Murphy)

**Applicant:** Hines HT Flatiron LP

**Existing Conditions:** Vacant land

**Property Size:** 3.76 acres

Below is a map which depicts the site and surrounding area:



### Adjacent Land-Use/Zoning:

	ZONING	LAND USE
<b>NORTH</b>	Low Density Residential-LR	Rex Ranch Filing 1 –Developing Single-Family
<b>SOUTH</b>	Low Density Residential LR	Rex Ranch Filing 1 –Developing Single-Family
<b>EAST</b>	A – Agricultural (Boulder County)	Single-Family and Agricultural

<b>WEST</b>	Low Density Residential-LR	Rex Ranch Filing 1 –Developing Single-Family
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### **Site History and Specific Development Information:**

The subject site was annexed by the Town on January 23, 2018 by Ordinance No. 10-2018 (See applicant materials). Rex Ranch Filing No. 1 surrounds the subject site to the north, south, and west. The final plat for Rex Ranch Filing No. 1 was approved by the Town on November 14, 2017 by Resolution No. 17-140 (see applicant materials for the Rex Ranch Filing No. 1 plat). Rex Ranch Filing No. 2 was approved the Town on November 12, 2019 by Resolution No. 19-164 (see applicant materials for the Rex Ranch Filing No. 2 plat). The preliminary plat proposes ten single-family lots and one tract. Lot sizes would range from 9,000 to 13,000 square feet. Access is provided to the proposed lots through Rex Ranch Filing No. 1, by means of an extension of Red Iron Court to the south. No direct access would be provided onto 119th Street to the east. The development will incorporate trails that would tie into the overall Rex Ranch development and a sidewalk to be installed along 119<sup>th</sup> Street.

### **Proposed Preliminary Plat:**

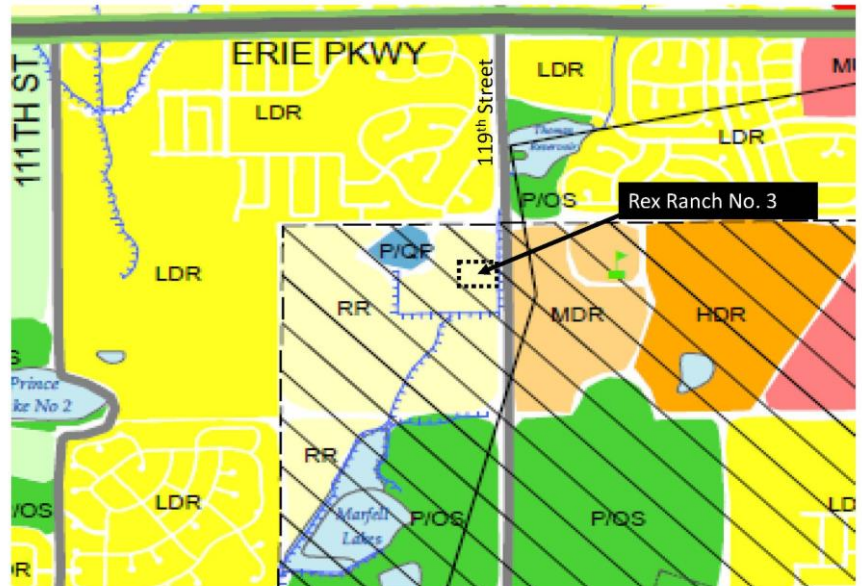
#### **Development Information:**

- Preliminary Plat Size: 3.76 acres
- Number of Single-Family Lots - Proposed: 10 lots (2.60 acres)
  - Minimum Lot Size Permitted – LR: 5,000 square feet
- Number of Tracts: 1 tract (0.37 of an acre)
- Residential Density Proposed: 2.66 dwelling units per acre
- Residential Density Allowed: 0 to 5 dwelling units per acre
- Open Area 0.37 acres

### **Compliance with Town of Erie Comprehensive Plan:**

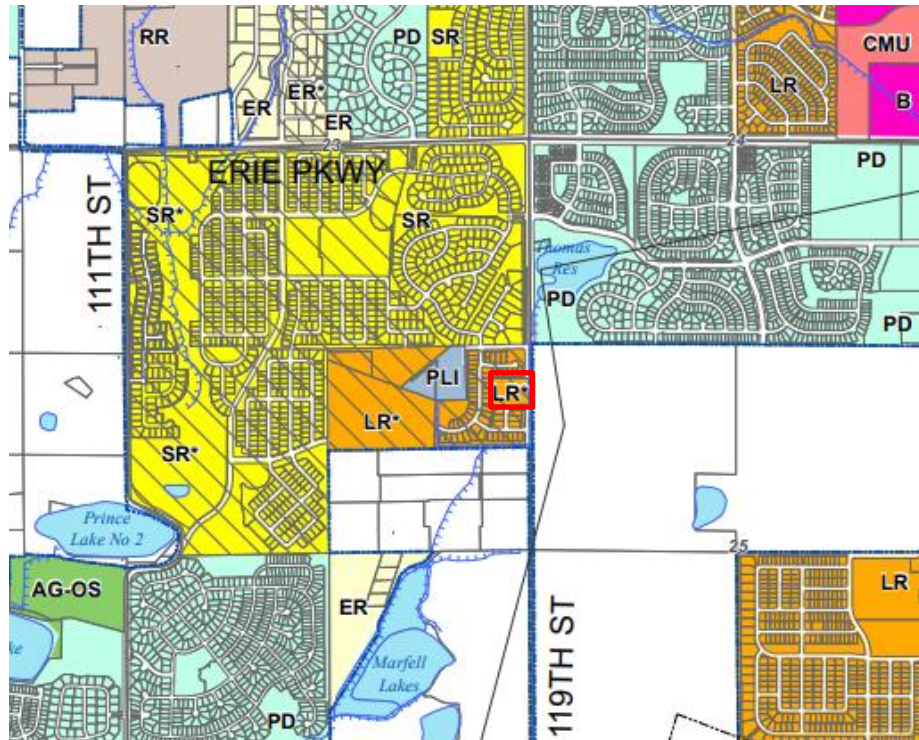
The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Map. The subject site is

designated as Rural Residential (see map to the right) which designates a density of up to 2 du/ac. Overall, there is approximately 3.76 acres of LR zoned land within the Rex Ranch Filing No. 3 development area. This would amount to a density of 2.66 du/ac. However, Rex Ranch as a whole (Filings 1, 2, & 3 combined), has an overall density of 1.35 du/ac. The maximum gross density limits set forth in the Annexation (see applicant materials) is 133 total units on 98.28 acres, or 1.35 units per acre for all of Rex Ranch. Filing No. 1 consists of 60 units and Filing No. 2 consists of 63 units, which will allow 10 units on the subject site. The site is also contained within an area of Special Consideration which requires landscaping, pedestrian connections, and design considerations. This was addressed in Rex Ranch Filing No. 1 as well in the preliminary plat submittals for Filing No.3. The proposed development would be consistent with the Comprehensive Plan.



### **Compliance with Town of Erie Zoning Map:**

The property is zoned LR-Low Density Residential, and also has a PUD overlay. The overlay only specifies side setback encroachments for eaves and window wells. The density proposed in this Preliminary Plat is 2.66 units/acre (1.35 du/ac for all of Rex Ranch) and is in compliance with the LR zoning district maximum density of 5 units/acre. In the zoning map below, the property is highlighted with a red box.



### **Housing Diversity:**

The Town of Erie has a housing diversity requirement (UDC Section 10.6.7.D) that is based on the acres of residentially zoned property to ensure that as the Town grows, a variation in housing choices are provided. All three filings of Rex Ranch total 98.28 acres. To meet the UDC Mix of Housing Type requirement for all three filings of Rex Ranch, the development needs to provide three housing types or two housing types and one housing variation. With the Preliminary Plat concept, the overall development would not meet the housing type requirement, but would provide one housing type with one housing variation.

Per the Comprehensive Plan the site is located within an area of Special Consideration to acknowledge that an increased level of review and consideration will need to be placed on development proposals occurring within the area identified in terms of their use and design. To the south of Rex Ranch are rural areas located within Boulder County that are developed with single-family homes on large lots and Boulder County open space. In order to create a buffer, and transition from the rural area to the Orchard Glen and Flatiron Meadows developments, staff is recommending the Town grant Alternative Equivalent Compliance (see attached request) to the Mix of Housing Type requirement to allow only one type of housing (single-family detached) with one housing variation in the lot sizes.

### **Schools:**

The Rex Ranch Filing No. 3 Preliminary Plat is located in the Boulder 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. Fire stations are located on the southwest corner of Erie Parkway and Bonanza Drive in the Grandview Subdivision, and northeast of Bonanza Drive and Piper Way near Vista Ridge.

**Police Services:**

The Erie Police Department will provide service to the property.

**Roadways:**

Access into the site and to the proposed lots would be from Red Iron Court, which would be extended from Rex Ranch Filing No. 1. The streets within Rex Ranch are public roads. The roads incorporate detached sidewalks and tree lawns to meet Town design standards. The streets and improvements proposed are in compliance with the Town's Standards and Specifications. A Traffic Conformance Letter was submitted with the Rex Ranch Filing No. 3 Preliminary Plat application materials which indicated the proposed development is in conformance with overall traffic study completed for Rex Ranch Filing No. 1 and 2.

**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. Based on calculations that includes all three of the Rex Ranch subdivision filings, the pocket park requirement will be met. The Preliminary Plat is located within approximately ¼ mile of a pocket park proposed in Filing No. 2.

Appropriate neighborhood, and open space fees in-lieu and fee for community park shall be required. The Parks Division has provided the applicant with minor comments.

The table below details how park requirements are met:

	<b>Overall requirement</b>	<b>Filing # 1</b>	<b>Filing # 2</b>	<b>Filing # 3 (proposed)</b>
<b>Pocket Park</b>	<b>0.192</b>	<b>0</b>	<b>0.90</b>	<b>0</b>
<b>Neighborhood Park</b>	<b>1.153</b>	<b>cash-in-lieu</b>	<b>cash-in-lieu</b>	<b>cash-in-lieu</b>
<b>Community Park</b>	<b>1.92</b>	<b>fee at building permit</b>	<b>fee at building permit</b>	<b>fee at building permit</b>
<b>Open Space</b>	<b>6.53</b>	<b>cash-in-lieu</b>	<b>cash-in-lieu</b>	<b>cash-in-lieu</b>

Pedestrian Trails:

Rex Ranch Filing No. 3 Preliminary Plat will provide a connection to local trails which connect to the neighborhoods and surrounding community. A trail connection is proposed at the end of the Red Iron Court cul-de-sac. This connection will connect the internal sidewalk system to the eight-foot sidewalk along 119<sup>th</sup> Street.

**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. In addition, OSTAB had no concerns with the Preliminary Plat.

**Utilities:**

The Town of Erie will provide both water and wastewater services to the property.

Utility service provider for the property is Xcel Energy for gas and electric, 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. A regional detention facility within Rex Ranch Filing 1 is located to the north to provide detention and water quality for the Filing No. 3 site.

**Oil/Gas Facilities:**

No impacts.

**Soils and Geology:**

CGS had no concerns.

**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 Rural Residential which designates a density of up to 2 du/ac. Overall, there are approximately 3.76 acres of LR zoned land within the Rex Ranch Filing No. 3 development area. This would amount to a density of 2.66 du/ac. However, Rex Ranch as a whole (Filings 1, 2, & 3 combined), has an overall density of 1.35 du/ac. The maximum gross density limits set forth in the Annexation Agreement is 133 total units on 98.28 acres, or*

*1.35 units per acre for all of Rex Ranch. The proposed development would generally be consistent with the Comprehensive Plan.*

- 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. In addition, the proposed lots shall comply with the Rex Ranch PUD overlay.*

- 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 standards. Appropriate open space is being dedicated by cash-in-lieu. Trails will provide linkages to the Rex Ranch Subdivision and overall community. The proposed grading will preserve existing vegetation and views from adjacent subdivisions to the maximum extent practicable.*

- 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. A trail connection is provided at a key location. In addition, open areas and buffers are integrated into the subdivision.*

- 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 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 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 16, 2020

Neighborhood Meeting Location: Digital Meeting by Zoom

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 22, 2020

Property Posted: July 24, 2020

Letters to adjacent property owners within 500': July 24, 2020