

TOWN OF ERIE
PLANNING COMMISSION MEETING
April 7, 2021

SUBJECT: Consideration of a Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve an Ordinance Rezoning Portions of the Property at Erie Highlands from Medium Density Residential to Low Density Residential, and from Low Density Residential to Medium Density Residential, as shown on the Erie Highlands Zoning Map – Amendment No. 2

PURPOSE: The applicant proposes to adjust the boundary between the areas zoned Medium Density Residential (MR) and Low Density Residential (LR) within the Erie Highlands property.

CODE: Municipal Code, Title 10

DEPARTMENT: Planning & Development Department

PRESENTER: Shannon Moeller, AICP, Senior Planner

STAFF RECOMMENDATION:

Staff finds the rezoning in compliance with the Rezoning Approval Criteria and recommends the Planning Commission adopt Resolution No. P21-04 recommending approval to the Board of Trustees.

SUMMARY AND BACKGROUND OF SUBJECT MATTER

Applicants: Clayton Properties Group II, Inc.
Erie Highlands Metropolitan District 1 Through 5

Existing Conditions:

Zoning: MR – Medium Density Residential, LR – Low Density Residential / Erie Highlands PUD Overlay

Project Size: Erie Highlands is 305 acres
The MR zone is proposed to increase by 0.28 acres
The LR zone is proposed to decrease by 0.28 acres

Existing Use: Vacant property, landscaping, and trails

Location:

All of Erie Highlands is located South of Erie Parkway, east of Bonanza Drive, and west of Weld County Road 5. The areas to be rezoned are located south of Highview Drive, east of the existing residences in Planning Area 6 and west of County Road 5. The general boundaries of the rezoning areas are outlined below:



Adjacent Land-Use/Zoning to Erie Highlands:

	Zoning	Land Use
North	LR – Low Density Residential with PUD Overlay	Residential – Colliers Hill
South	LR – Low Density Residential AG – Weld County	Future Residential – Sunset Gun Club
East	AG – Weld County LR – Low Density Residential	Former Blake's Auto Salvage Future Residential – Westerly
West	PD – Planned Development	Residential – Grandview Fire Station – MVFPD

Background:

The original Erie Highlands annexation agreement was dated and adopted in 1984, and later amended in 1985 and 1986. The annexation agreement proposed a landfill concept for the property. The annexation agreement was revoked in 2013 and replaced with the Master Development Agreement for Erie Highlands.

In 2013, the property was rezoned to Low Density Residential (LR), Medium Density Residential (MR), Agriculture/Open Space (AG/OS), Community Commercial (CC), and Public Lands & Institutions (PLI), and the original Erie Highlands PUD was approved. The residential portions of the PUD anticipated a mix of housing types including single-family and attached residences. Planning Area 6 and Planning Area 10 have been planned as

single-family detached and townhomes/multi-family, respectively, since the original PUD approval. The single-family homes have been constructed.

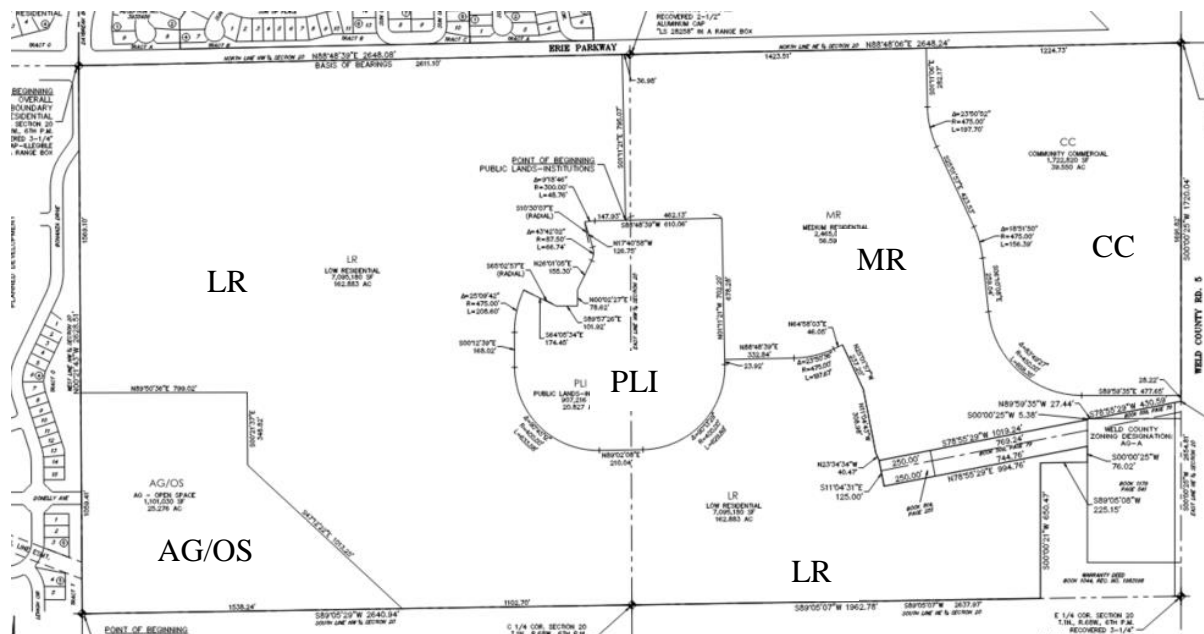
A Sketch Plan for the development of townhomes in Planning Area 10 was reviewed in 2018.

Proposed Zoning Map:

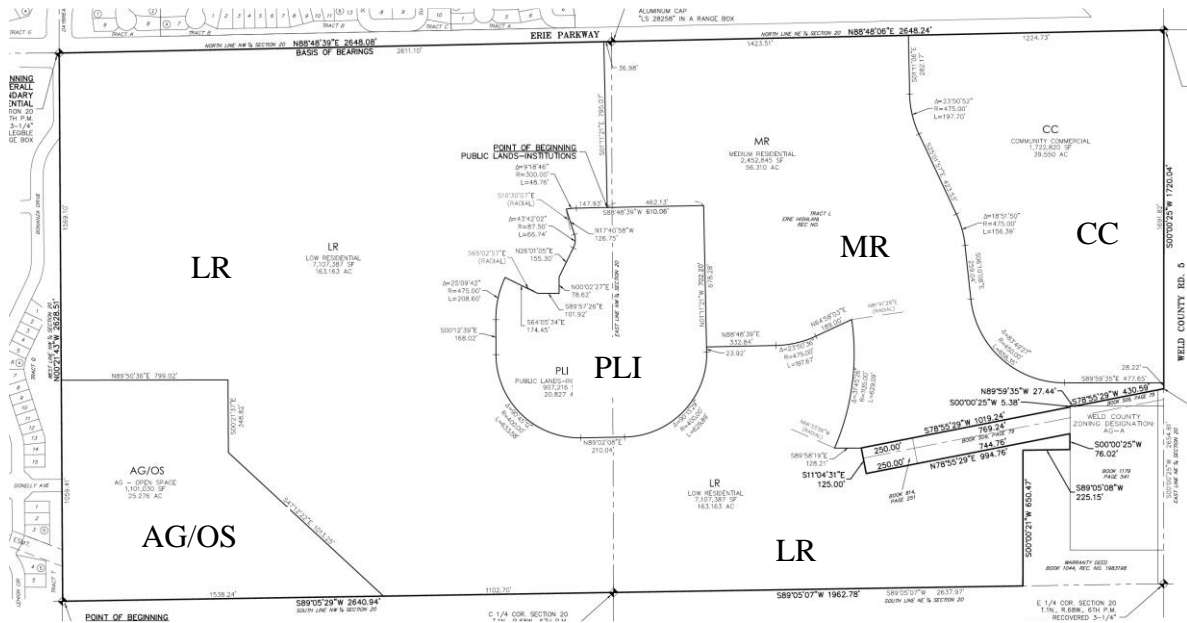
The rezoning application proposes a change to the current zone district boundaries to accommodate a more efficient site plan for the development of Planning Area 10. The boundary line adjustment would increase the portion of the property zoned Medium Density Residential by 0.28-acres, and decrease the portion of the property zoned Low Density Residential by 0.28-acres. Below is a summary chart of the proposed zoning change, as well as the proposed Zoning Map Amendment No. 2 and the current Zoning Map. An administrative plat amendment is being processed to be recorded concurrently with the rezoning.

Zone District	Current Area (Acres)	Proposed Area (Acres)	Change (Acres)
Low Density Residential	163.163	162.883	-0.28
Medium Density Residential	56.310	56.590	+0.28

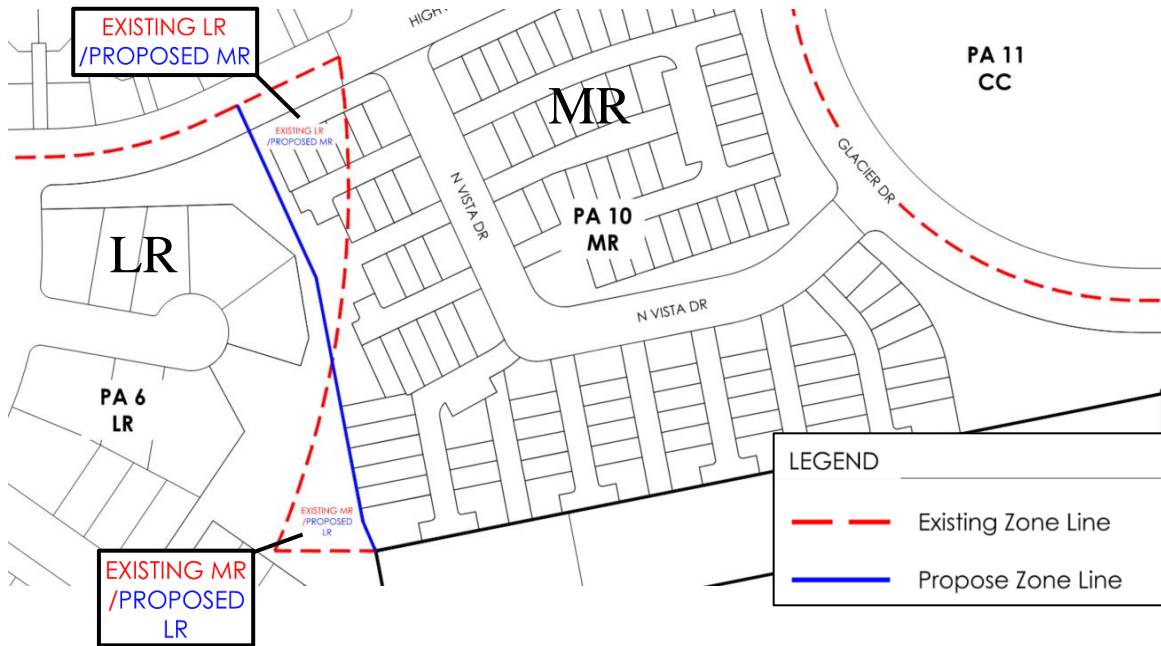
Proposed Erie Highlands Zoning Map Amendment No. 2:



Current Erie Highlands Zoning Map:



Below is a graphic depicting the areas of rezoning at a larger scale:



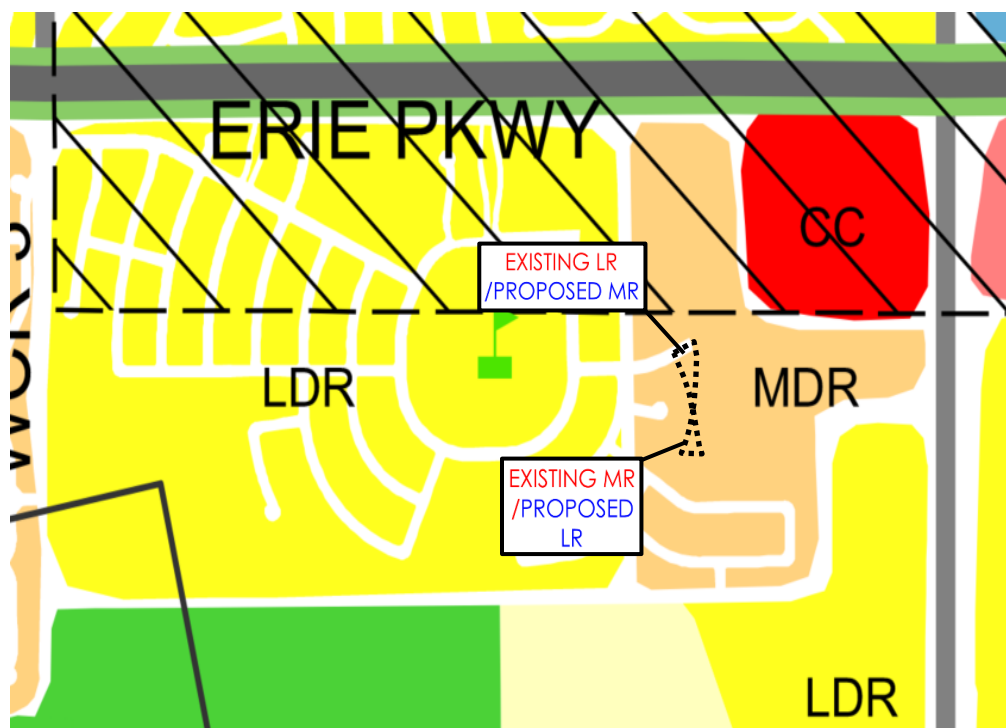
Compliance with Town of Erie Comprehensive Plan:

The Land Use designation on the Comprehensive Plan Land Use Plan Map in the areas of rezoning is:

MDR – Medium Density Residential (Gross Density of 6-12 Dwelling Units/Acre)

The application is in general compliance with the Land Use designation on the Comprehensive Plan Land Use Plan Map. The adjusted zoning boundary line and the proposed increase in the MR zoning district is consistent with the underlying Comprehensive Plan land use designation of MDR.

Staff Review and Analysis:



The Erie Highlands Zoning Map – Amendment No. 2 was reviewed for conformance with Municipal Code 10.7.5 B.9. Rezoning Approval Criteria. Staff finds the Erie Highlands Zoning Map – Amendment No. 2 in compliance with the Rezoning Approval Criteria as listed below.

- a. The Rezoning will promote the public health, safety, and general welfare;

Staff: The rezoning allows the implementation the plan facilitating the development of the final area planned for development in Erie Highlands as it was intended when the zoning was applied.

- b. The Rezoning is generally consistent with the Town's Comprehensive Master Plan and the purposes of this UDC;

Staff: The Town's Comprehensive Plan and UDC strive to have a diversity of housing types built within the Town. The plan for Erie Highlands accomplished these goals; the purpose of the rezoning is to modify the zone line between the LR and MR zones in order to create a more efficient site plan for PA10 located in the MR zone. The MR zone grew slightly from 56.31 to 56.59 Acres, an increase of 0.28 Acres. The LR zone shrunk slightly from 163.16 to 162.88 Acres, a reduction of 0.28 Acres.

- c. Adequate facilities and services (including streets 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;

Staff: As the developer of Erie Highlands has constructed the project, the necessary facilities and services to support the development have been provided. This will continue through the final development phases and the adjustment in the zone district boundaries will not negatively impact this. The rezoning allows for an efficient lot and infrastructure layout.

- d. The 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;

Staff: The area under consideration has long been planned for multi-family development and the rezoning to make a small adjustment in the boundary itself has little impact.

- e. The Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;

Staff: The change in the zoning boundary would facilitate the development of Planning Area 10 in a more efficient manner. It does change where that development could occur. Staff has not found this change to be significant adverse impact as the resulting development will be in conformance with the long term development plan for the area. Additionally, the change in location results in a more efficient and orderly development pattern overall which is a benefit to the neighborhood and the Town.

- f. Future uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property; and

Staff: The rezoning is a realignment of an existing zoning boundary between the LR and MR zoning districts. At this boundary, a transition from low density residential to medium density residential has long been planned. The adjacency of these land uses is acceptable and compatible development. The townhomes planned for Planning Area 10 will fulfill the housing diversity standards for the overall Erie Highlands development as required in Section 10.6.7 of the Erie UDC. The Town consistently strives to incorporate different housing types into developments and this is a common approach to achieving this goal.

- g. The Zoning is generally consistent with the Towns' economic development goals and objectives to bring positive growth and sustainable revenues to the Town.

Staff: This minor adjustment in the zoning will allow a more efficient development pattern which is consistent with the Town's goals related to quality growth and development however, it is not anticipated that this small change will impact the Town's revenues or larger economic development goals.

Neighborhood Meeting

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

Neighborhood Meeting Date: July 21, 2020

Neighborhood Meeting Location: Online/Virtual

The required posting 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 17, 2021

Property Posted: March 17, 2021

Letters to adjacent property owners within 500': March 18, 2021

Public Comments:

No written public comments have been received for the application.