



The Town of Erie
645 Holbrook St.
P.O. Box 750
Erie, CO 80516
(303) 926-2774

Planning and Development

Planning

Memo

To: Bruce Rau, Clayton Properties Group II, Inc.
From: Hannah Hippely, Senior Planner
Date: November 18, 2019
Re: RZ-001111-2019 Erie Highlands Rezoning
cc: Deborah Bachelder; Layla Rosales

Community Development has reviewed your submittal for RZ-001111-2019 Erie Highlands Rezoning application for conformance with Municipal Code, Title 10. The applications were reviewed at the November 14, 2019 Development Review Team (DRT) meeting.

REZONING

1. Staff can support the rezoning since all of the following criteria are met:

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

The rezoning is 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;

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 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 Ac to 56.59 Ac., and increase of 0.28 Ac. The LR zone shrunk slightly from 163.16 Ac to 162.88 Ac., a reduction of 0.28 Ac.

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;

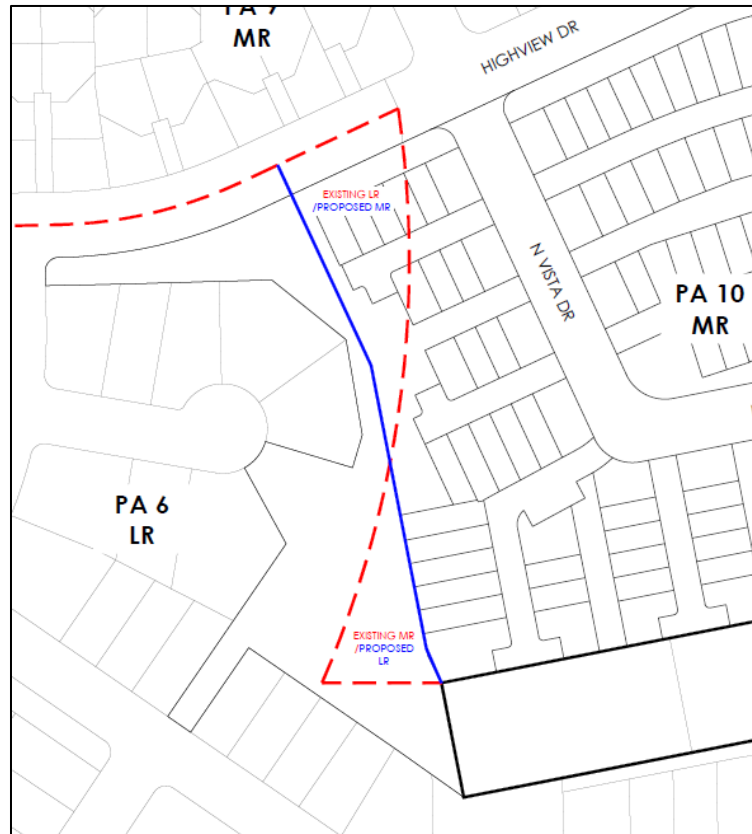
As the developer of Erie Highlands has constructed the project, the necessary facilities and services to support the development have been provided. This will continue through the final development phases and the adjustment in the zone district boundaries will not negatively impact this. The rezoning 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;

The area under consideration has long been planned for multifamily 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;

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

The rezoning does not impact the fact that at this location zoning changes from LR to MR which is a point where the development type changes from Single Family to what is proposed to be Duplexes. This adjacency is acceptable and is compatible development. 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 in bring positive growth and sustainable revenues to the Town.

This minor adjustment in the zoning will allow a more efficient development pattern to result 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.

2. Zoning Map

a. Sheet 1

- i. Remove the Planning Commission Certificate, this is no longer required on documents where the Planning Commission is not the final decision maker.

Next Steps:

The next step for the applications is revision and resubmittal before the scheduling of public hearings for the applications can be determined. Please address any comments from referral agencies.

A Neighborhood Meeting is also required to be held before a Planning Commission hearing on the application. All property owners within 500 feet of the subject properties must be notified of the neighborhood meeting.

REFERRAL AGENCIES

Referral agency packets were sent out and the referral responses that have been received by the Town are being forwarded to you for review and response.

- a. Mountain View Fire
- b. Vranesh and Raisch, LLP
- c. Felzburg Holt & Ullevig
- d. CGS
- e. Century Link
- f. United Power
- g. Xcel Energy
- h. Surveyor (forthcoming)

RESUBMITTAL

Please submit the following to the Planning & Development:

Paper Copies:

- 1 copy of the new and updated materials bound and labeled for Planning to update the binder and application materials already submitted. Provide 11x17 plans for the notebook.
- 1 copies of the complete submittal in tabbed binders labeled for the Public. Provide 11x17 plans in the notebook.

Digital Copies:

- A PDF format of the complete resubmittal materials on 1 USB flash drive with file names consistent with the Town's Users Guide.
 1. Town of Erie (File)



October 16, 2019

MEMORANDUM

TO: Hannah Hippely

FROM: Charles M. Buck, P.E., PTOE

SUBJECT: Traffic Engineering Review

PROJECT: Erie Highlands Planning Area 10
Rezoning RZ – 00111-2019
Preliminary Plat – PP-001109-2019
PUD Amendment – PUDA-001110-2019
FHU Reference No 195190-01

I have reviewed the materials provided for Erie Highlands Planning Area 10. A flash drive containing submittal documents and drawings was provided. I have examined these materials specifically from the perspective of traffic engineering and transportation planning but not general civil or utility engineering. I note the following:

- Per the Narrative provided in the Rezoning materials, a small land swap between PA's 6 and 10 is proposed; no change in traffic impacts would be anticipated as a result of the Rezoning.
- Per the Narrative provided in the Preliminary Plat materials, the current zoning for PA 10 allows for 203 dwelling units, but only 114 units are proposed. The reduction in units will result in fewer traffic impacts.
- The Transportation Engineering Plan included in the Preliminary Plat materials shows internal roads (local and alleys) will be constructed to Town of Erie standards.

Based on the above findings, I have no traffic related concerns with this proposed development. Please call if you have questions or if I can provide any additional information.

Hannah Hippely

From: Samantha Riblett <sriblett@UnitedPower.com>
Sent: Monday, November 11, 2019 2:17 PM
To: Development Referral
Subject: Erie Highlands Planning Area 10 - Rezoning - RZ-001111-2019

Hello,

Thank you for inviting United Power, Inc. to review and comment on the case referral for Erie Highlands Planning Area 10 - Rezoning - RZ-001111-2019. After review, United Power has no additional comments or issues with the rezoning for this area.

United Power would like to work with the developer early in the construction process on getting an electric design prepared so that we can request any additional easements needed and can be dedicated on the plat rather than obtaining via sperate document. The developer must contact <https://www.unitedpower.com/construction> and submit an application along with CAD data.

We look forward to safely and efficiently providing reliable electric power and outstanding service to future members.

Thank you,

Samantha

Right of Way Administrative Assistant
Main 303-659-0551 | D 303-637-1324



Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you received this message in error, please contact the sender and delete the message. Any disclosure, copying, review reproduction, or distribution in relation to any of the contents of this information is strictly prohibited.



VRANESH AND RAISCH, LLP
ATTORNEYS AT LAW

5303 Spine Road, Suite 202 Boulder, Colorado 80301
Telephone: 303.443.6151 www.vrlaw.com

November 11, 2019

Hannah Hippely
Town of Erie
Community Development Dept.
P.O. Box 750
Erie, CO 80516
developmentreferral@erieco.gov

Re: Erie Highlands Planning Area 10 – Rezoning (RZ-001111-2019) and
Preliminary Plat and PUD Amendment (PP-001109-2019, PUDA-001110-
2019)

Dear Hannah:

You asked for comments regarding the Rezoning of Erie Highlands Planning Area 10 by November 12 and for comments regarding the Preliminary Plat and PUD Amendment of Erie Highlands Planning Area 10 by November 19. This letter provides comments on both matters.

The Town should assure that the property has been included into the Northern Colorado Water Conservancy District ("NCWCD") and its Municipal Subdistrict prior to providing any water service. Exception Nos. 37 and 38 in the title commitments provided by the applicant (both Amendment No. 7 and Revision No. 1) reference Orders of Inclusion for the NCWCD and its Municipal Subdistrict. Based on those title commitments, it appears that the property may have been included in both NCWCD and its Municipal Subdistrict; however, the Town should confirm that the entire Erie Highlands Planning Area 10 property was so included in the NCWCD and its Municipal Subdistrict by those Orders.

It appears that the property is not currently in the Left Hand Water District. However, if it is determined by the Town or Left Hand that the property is in the Left Hand Water

November 11, 2019

Page 2

District, the property should be excluded from that District prior to the approval of the final plat.

The Town should not provide sanitary sewer service to the property until such time as it provides water service to the property. This is necessary for the Town to properly account for the sanitary sewer return flows to the Town's wastewater and reuse systems.

It should also be determined whether there are any appurtenant decreed surface water rights that should be conveyed to the Town. If so, the Applicant should comply with Town Municipal Code Section 8-1-9 regarding dedication of water rights.

Finally, all non-tributary ground water rights should be dedicated to the Town. Please contact us with any questions or comments.

Sincerely,

VRANESH AND RAISCH, LLP

A handwritten signature in black ink, reading "Andrea Kehrl", is positioned above a horizontal line.

Andrea A. Kehrl, Esq.

cc: Todd Fessenden



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

November 8, 2019

Town of Erie Community Development Services
645 Holbrook / PO Box 750
Erie, CO 80516

Attn: Hannah Hippely

Re: Erie Highlands Planning Area 10 Rezone, Case # RZ-001111-2019

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the **Erie Highlands Planning Area 10 Rezone**. Public Service Company has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



The Town of Erie
645 Holbrook St.
P.O. Box 750
Erie, CO 80516
(303) 926-2774

Planning and Development

Planning

Memo

To: Layla Rosales
From: Hannah Hippely, Senior Planner
Date: June 1, 2020
Re: RZ-001111-2019 Erie Highlands Rezoning
PUDA- 01151-2020 Erie Highlands PUD Amendment No. 3
cc: Deborah Bachelder; Mike Weiher

Community Development has reviewed your submittal for RZ-001111-2019 Erie Highlands Rezoning and PUDA- 01151-2020 Erie Highlands PUD Amendment No. 3 applications for conformance with Municipal Code, Title 10. The applications were reviewed at the May 28, 2020 Development Review Team (DRT) meeting.

REZONING

1. Staff can support the rezoning since all of the following criteria are met:

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

The rezoning allows the implementation of 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;

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 Ac to 56.59 Ac., and increase of 0.28 Ac. The LR zone shrunk slightly from 163.16 Ac to 162.88 Ac., a reduction of 0.28 Ac.

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;

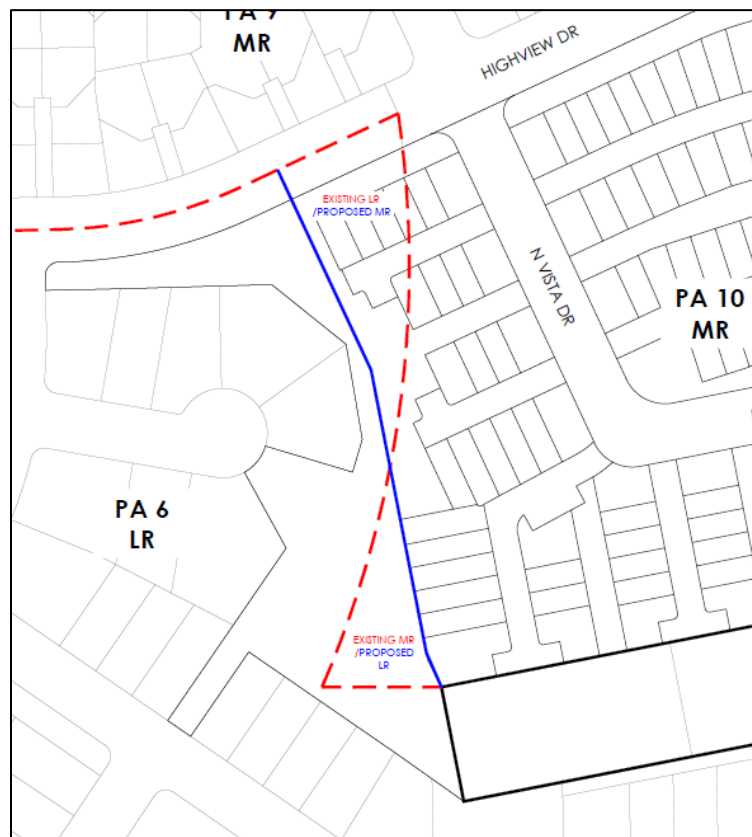
As the developer of Erie Highlands has constructed the project, the necessary facilities and services to support the development have been provided. This will continue through the final development phases and the adjustment in the zone district boundaries will not negatively impact this. The rezoning 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;

The area under consideration has long been planned for multifamily development and the rezoning to make a small adjustment in the boundary itself has little impact. The area being rezoned add 0.28 acre to the MR district and reduces the LR District by 0.28 acre.

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

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

The rezoning does not impact the fact that at this location zoning changes from LR to MR which is a point where the development type changes from Single Family to what is proposed to be Duplexes. This adjacency is acceptable and is compatible development. 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 in bring positive growth and sustainable revenues to the Town.

This minor adjustment in the zoning will allow a more efficient development pattern to result 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.

PUD Amendment No. 3

1. In general, the PUDA should be simplified to only address those areas of the UDC which are being modified (dimensional standards and design standards) for this development. For example, it seems that the proposed design of the townhomes can meet the existing requirements for townhomes in the UDC, why are different requirements being drafted? The same is true for fencing and landscaping. Please provide an individual rational for each modification of the standards in the UDC.
2. Given the topography change to the west and the location of alleys and parking areas please add to the PUDA the screening of these area with opaque materials that will prevent headlights from being a nuisance to adjacent neighbors.
3. Please change all use of the word 'will' to "shall".
4. The proposed setbacks are not reflective of the layout of the site and the distance between structures and the ROW. Please add this element to the PUD so it captures and highlights this attribute of this neighborhood design.

Next Steps:

The next step for the applications is revision and resubmittal of the PUD amendment before the scheduling of public hearings for the applications can be determined. The rezoning may be moved forward to hearing either as a package with the PUD Amendment and Preliminary Plat or separately.

A Neighborhood Meeting is also required to be held before a Planning Commission hearing on the applications. All property owners within 500 feet of the subject properties must be notified of the neighborhood meeting. Staff suggests holding a new public meeting on the applications in light of the new households that have moved into the development since the last meeting.

RESUBMITTAL

Please submit the following to the Planning & Development:

Paper Copies:

- 1 copy of the new and updated materials bound and labeled for Planning to update the binder and application materials already submitted. Provide 11x17 plans for the notebook.
- 1 copies of the complete submittal in tabbed binders labeled for the Public. Provide 11x17 plans in the notebook.

Digital Copies:

- A PDF format of the complete resubmittal materials on 1 USB flash drive with file names consistent with the Town's Users Guide. Please include autocad or shape files of the zoning maps for Town staff to update the GIS database.
 1. Town of Erie (File)



5303 Spine Road, Suite 202 Boulder, Colorado 80301
Telephone: 303.443.6151 www.vrlaw.com

June 2, 2020

Community Development Dept.
645 Holbrook
Erie, CO 80516

Re: Erie Highlands Planning Area 10

Dear Community Development

You asked for comments regarding Erie Highlands Planning Area 10. Below are our comments, but they have probably all been previously addressed in other Planning Areas of Erie Highlands.

The Town should assure that the property has been included into both the Northern Colorado Water Conservancy District ("NCWCD") and its Municipal Subdistrict prior to the Town providing water service to the property.

It is unlikely, but if the property is currently in the Left Hand Water District, it should be excluded from that District prior to the approval of the final plat for any subdivision of the property. Said exclusion can provide confirmation that Left Hand will continue to provide water service until such time as the Town provides water service to the property.

The Town should not provide sanitary sewer service to the property until such time as it provides water service. This is necessary for the Town to properly account for the sanitary sewer return flows to the Town's wastewater and reuse systems.

It should also be determined whether there are any appurtenant decreed surface water rights that should be conveyed to the Town. If so, the Applicant should comply with Town Municipal Code Section 8-1-9 regarding dedication of water rights.

Finally, all non-tributary ground water rights should be dedicated to the Town.

Erie, CO 80516

Page 2

I apologize that these comments are a bit late and please contact me with any questions or comments.

Sincerely,

VRANESH AND RAISCH, LLP

A handwritten signature in blue ink, appearing to read "Paul J. Zilis". The signature is stylized with a large, looping "P" and a trailing flourish.

Paul J. Zilis, Esq.

PJZ:

Cc: Todd Fessenden