

**TOWN OF ERIE**  
**Board of Trustees**  
**June 22, 2021**

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**SUBJECT:**                   **Public Hearing: Resolution No. 21-088**  
A Resolution of the Board of Trustees of the Town of Erie Approving  
Parkdale Preliminary Plat No. 2 with Conditions

**PURPOSE:**               Review of the proposed 33.95-acre Preliminary Plat, which includes  
204 single-family detached and duplex lots and 45 tracts for various  
landscaping, trail, utility and driveway purposes.

**CODE REVIEW:**       Erie Municipal Code, Title 10

**DEPARTMENT:**       Planning and Development

**PRESENTER:**           Audem Gonzales, Senior Planner

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**STAFF RECOMMENDATION:**

1. **Parkdale Preliminary Plat No. 2 – Resolution No. 21-088**  
Staff finds the Preliminary Plat application for Parkdale Preliminary Plat No. 2 in compliance with the Preliminary Plat approval criteria and recommends the Board of Trustees adopt Resolution No. 21-088 approving the resolution with the following conditions:
  - a. A migratory bird nest survey shall be conducted prior to vegetation removal on the property between April 1<sup>st</sup> and August 31<sup>st</sup>. This provision shall be placed in the Final Plat Development Agreement.
  - b. Off-site easements shown in the Construction Plans along 119<sup>th</sup> Street shall be established prior to Final Plat submittal.
  - c. Lot 1, Block 10 access shall be determined before Final Plat recordation and shall be addressed in the associated Development Agreement if applicable.
  - d. Lot 1, Block 10 shall go through the Special Review Use process to permit agricultural uses on the property. The SRU shall be approved prior to Final Plat recordation.
  - e. Documentation shall be provided with Final Plat submittal of the removal of all flow lines associated with oil and gas well head Arapahoe #3-36.
  - f. Parks and Recreation comments 2.2, 3 and 6.2 of referral comment memo dated April 27, 2021 shall be addressed with the Final Plat submittal.
  - g. CTL Thompson, Inc. recommendations listed in the Supplemental Preliminary Geotechnical Investigation report dated 3/18/2019 shall be followed per Colorado Geologic Survey recommendation.

**PLANNING COMMISSION:**

The Town of Erie Planning Commission held a public hearing on June 2, 2021. They voted to recommend approval of the application with conditions to the Town Board of Trustees.

The Planning Commission expressed concerns with the main access point into the subdivision. The project includes a three-quarter intersection that restricts residents from turning left (southbound on 119<sup>th</sup>), out of the subdivision. Instead, residents will need to travel through local streets in Parkdale Filing No. 1 to exit onto 119<sup>th</sup> or Coal Creek Boulevard. Also, several adjacent residents participated in the public hearing. They expressed concerns with the land use, density, traffic, future annexations, etc.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

**Owner:** OEO, LLC  
7353 South Alton Way  
Centennial, CO 80112

Arlene Penner  
12177 Baseline Road  
Lafayette, CO 80026

**Applicant:** OEO 2, LLC  
7353 South Alton Way  
Centennial, CO 80112

**Existing Conditions:**

Future Land Use: LDR-Low Density Residential and CC-Community Commercial  
Zoning: LR-Low Density Residential and PUD-Planned Unit Development  
Project Size: ~34 acres  
Existing Use: Single-family detached homes, accessory structures and vacant land

**Location:**

The property is generally located north of HWY 7 and east of 119<sup>th</sup> Street.

**Adjacent Land-Use/Zoning:**

	ZONING	EXISTING LAND USE
NORTH	A – Agricultural (Boulder County) LR – Low Density Residential (TOE)	Existing and proposed Single-Family Development and Agricultural related uses
SOUTH	A – Agricultural (Boulder County)	Single-Family Development, St. Columba Church and Vacant Land
EAST	A – Agricultural (Boulder County)	Single-Family Development and Agricultural related uses
WEST	RR – Rural Residential (Boulder County)	Single Family Development and Agricultural related uses

**Site Specific Development Information:**

The Preliminary Plat No. 2 area was annexed into the Town in 2018 as part of Erie Gateway South Annexation No. 7. The property was Initially Zoned to LR-Low Density Residential at that time. A Sketch Plan was presented to the Planning Commission and Board of Trustees in 2018 for this project. The Parkdale PUD-Planned Unit Development overlay map was amended in 2020 to extend to portions of the subject property.

There is an existing residence on the east side of the property proposed to be platted on its own single-family lot. This lot is not part of the Parkdale PUD and is subject to LR zoning standards. The remaining 207 single-family detached and duplex units are subject to both the

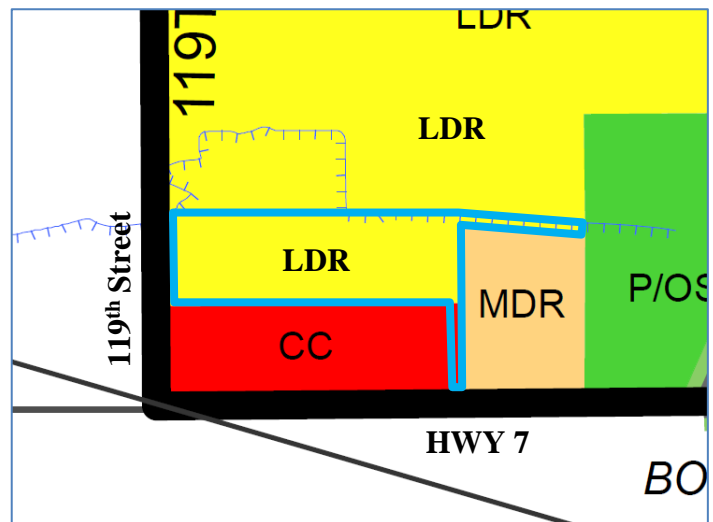
PUD and LR zoning standards. All proposed dwelling units are rear loaded with frontages along streets or garden courts.

#### **Preliminary Plat Development Data:**

- Preliminary Plat Size: ~34 acres
- Residential Development:
  - Single-Family Detached: 107 lots
  - Duplex 96 lots
  - Existing SFD 1 lot
  - **Total 204 lots**
- Amenities:
  - Pocket Parks: 0.4 acres (1 pocket park)
- Other Elements:
  - Public ROW: 9.5 acres
  - Tracts 45 tracts
  - P&A Oil and Gas Well 1 well (Arapahoe #3-36)

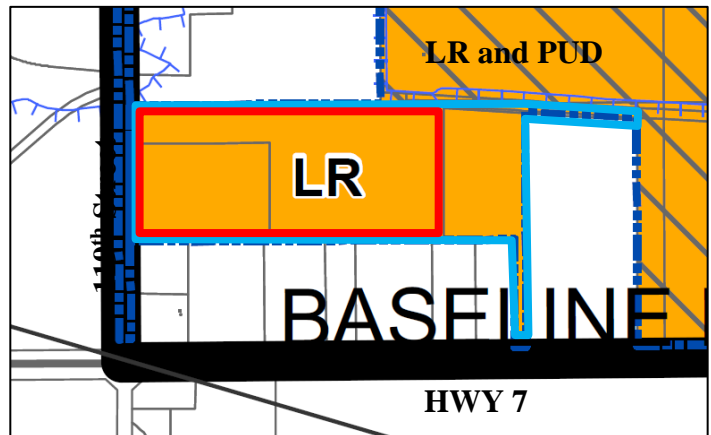
#### **Compliance with Town of Erie Comprehensive Plan:**

The property consists of two parcels which are both designated on the Comprehensive Plan, Land Use Map as LDR – Low Density Residential. A small portion of the eastern parcel is designated as CC-Community Commercial. Low Density Residential limits the density to 2-6 dwelling units per acre. The preliminary plat proposes a density of 6 dwelling units per acre. This application is in general compliance with the Comprehensive Plan Land Use Map.



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

The Parkdale Preliminary Plat No. 2 area (shown in blue) is zoned LR-Low Density Residential with a portion also zoned PUD-Planning Unit Development (shown in red). The subject area proposes 204 dwelling units on a 34-acre property which yields a density of 6 dwelling units per acre. The LR zone district allows a maximum of 5 du/acre. The Town of Erie Unified Development Code allows densities to be over the maximum allowed if the overall subdivision is not over the maximum allowed density. In this case, the overall Parkdale community (2 final plats and this preliminary plat) has a maximum density of 3.2 du/acre. The



application is in general compliance with the regulations found in the Unified Development Code. The PUD sets specific standards for minimum lot size, setbacks and architecture. The application is also in general compliance with the Planned Unit Development.

### **Housing Mix:**

UDC Section 10.6.7.D.1 details housing diversity requirements for proposed subdivisions within the Town. The overall Parkdale community (Filing 1, Filing 2 and Preliminary Plat No. 2) totals ~268 acres which requires 4 housing types or 3 housing types and 1 variation. The Parkdale community, including this Preliminary Plat application, provides 2 housing types (single-family detached and duplex) and 3 variations (alley loaded duplex, alley loaded single-family detached, single-family detached lot size under 5,000 Sq. ft.). Future filings will be required to introduce additional housing types such as townhomes or apartments.

### **Access/Streets:**

A Traffic Report was submitted with the Parkdale Preliminary Plat No. 2 application materials. All streets are proposed to be public roads and all alleys are proposed to be privately owned and maintained. Every dwelling unit is proposed as rear loaded with frontage onto a street or garden court.

Primary access into the site is proposed from 119<sup>th</sup> Street via a three-quarter un-signalized intersection. A secondary point of access connects into Parkdale Filing No. 1 via Long Lane. There are four other proposed access points that terminate at the property boundary until future development warrants a connection.

There is an existing access drive from HWY 7 that provides access to the existing home located on proposed Lot 1, Block 10. It is yet to be determined if this drive may remain or if it shall be terminated, requiring the existing home to access off Penner Drive once that street is built. Staff has placed a condition of approval on this application for that item.

### **Parks and Open Space:**

The required dedications for Parks and Open Space are based on Town of Erie Municipal Code standards. The table below details how these requirements are met with this preliminary plat application:

	<b>Required Acreage</b>	<b>Proposed Acreage</b>
Pocket Park	0.29 acres	0.4 acres
Neighborhood Park	1.76 acres	0 acres
Community Park	2.9 acres	0 acres
Open Space	10 acres	0 acres

Neighborhood Park fee-in-lieu will be provided for the 1.76 required acres. That item is typically listed in the Development Agreement associated with the Final Plat. A Neighborhood Park was not required to be dedicated with Filing No. 1 or 2. It is not anticipated that a Neighborhood Park will be dedicated within the Parkdale community due to the close proximity to the Neighborhood Park in the Compass Subdivision to the north. Also, Community Park fee-in-lieu is provided at time of building permit issuance for each dwelling unit.

Parkdale Filing No. 1 provided 51 acres of dedicated Open Space. This amount takes into account Final Plat Filing No. 1, Final Plat Filing No. 2 and Preliminary Plat No. 2 requirements. No additional Open Space is required for this application.

### **Trails/Pedestrian Connections**

This project proposes a series of sidewalks, internal trails and a spine trail that connect different portions of the neighborhood to one another and also to future adjacent development. The sidewalks are placed in proposed Town right-of-way while internal trails are placed in private tracts. A Spine Trail is proposed to cross east-west at the northern edge of the preliminary plat, connecting the proposed 119<sup>th</sup> sidewalk with the residential development, and to the Parkdale Filing No. 1 Spine Trail to the east. This Spine Trail is proposed to connect to the existing Coal Creek Trail.

### **Drainage:**

A Phase II Drainage Study was submitted and reviewed. Stormwater runoff will be collected in a storm sewer system and conveyed into a channel to the north of the site. This channel connects into the Parkdale Filing No. 1 channel where it is then conveyed east into detention and water quality facilities. The collected runoff is eventually released into Coal Creek.

### **Utilities:**

The Town of Erie will provide both water and wastewater services to the property. The preliminary plat proposes a series of water and sewer mains, all within right-of-way or public easements.

Utility service providers for the property are Xcel Energy for electric and 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.

There is an existing City of Lafayette sewer line running along the northern portion of the property. The applicant has provided a recorded easement for this line.

**Schools:**

The property is located within the Boulder Valley School district. An elementary school site was required with Parkdale Filing No. 1 and has been dedicated to BVSD. Additional school site requirement was not identified for this application.

**Fire Protection:**

The Mountain View Fire Protection District will provide fire and emergency medical services.

**Police Service:**

The Erie Police Department will provide service to the property.

**Oil/Gas Facilities:**

There is 1 plugged and abandoned oil and gas facility on the subject property. That applicant has provided documentation that Arapahoe #3-36 has been plugged and abandoned. The project takes into the account the 25-foot setback required by the Unified Development Code. The setback is not proposed to be platted within any residential lots. The abandoned well head setbacks are located within proposed right-of-way and an adjacent tract.

**Soils and Geology:**

A Geotechnical Investigation was performed for the site and concluded that expansive clay is present on-site. It was stated that sub-excavation can be used to mitigate the expansive soil and allow use of footing foundations. CTL Thompson, Inc. provided various alternative recommendations the builder should take into account when development commences. Colorado Geological Survey reviewed the CTL Thompson, Inc. report and stated the geotechnical recommendations dated 3/18/2019 are valid and should be strictly adhered to.

A Mine Subsidence report was prepared for the southwest portion of the site. Several mines are located off-site to the west and south. The report concluded there is no record of mining occurring beneath the subject property. Colorado Geological Survey also reviewed this report and concluded the subject area to be in a low subsidence hazard area and believes the site is not exposed to a mine subsidence hazard that requires mitigation.

**Natural Areas Inventory:**

The Town of Erie Natural Areas Inventory does not include the Parkdale Preliminary Plat No. 2 area.

**Threatened and Endangered Species and Significant Habitat:**

A site specific Threatened and Endangered Species/Wetland Report, completed by ERC-Ecological Resource Consultants, Inc. was submitted to the Town for review. No federally listed threatened and endangered species and/or habitat protected under the ESA were identified on the site. ERC determined some migratory birds likely utilize the site and recommend a migratory bird nest survey be conducted prior to vegetation removal that may occur between April 1<sup>st</sup> and August 31<sup>st</sup> during the construction phase of the project.

### **Environmental Hazards:**

A Phase 1 Environmental Site Assessment Report was performed by CTL Thompson, Inc. The report stated the active oil and gas well facility at the time of the report represented a REC-Recognized Environmental Condition. CTL did not observe visual evidence of significant staining or leakage associated with these features. Since the preparation of this environment assessment report, the oil and gas facility has been plugged and abandoned per State regulations.

### **Existing Residence:**

The existing Penner residence is proposed to be platted as Lot 1, Block 10 within this preliminary plat. Currently, the residence is connected to City of Lafayette sewer and well water. This property will tie into Town water and sewer with this development. Also, the existing residence contains several non-conforming accessory structures and uses, Staff is requiring that a Special Review Use be approved before Final Plat recordation to allow these agricultural related uses.

### **APPROVAL CRITERIA - STAFF ANALYSIS:**

The proposed Preliminary Plat for the Parkdale Preliminary Plat No. 2 was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.7.C.10. Approval Criteria. Staff finds the Preliminary Plat in compliance with the Preliminary Plat Approval Criteria as listed below.

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

*Staff: The proposed subdivision is generally consistent with the 2015 Comprehensive Plan Land Use Plan Map land use designation of LDR – Low Density Residential and CC – Community Commercial. The residential portion of the site is located on the LDR designation while a small existing access drive is located on the CC portion.*

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

*Staff: The proposed subdivision is in compliance with the LR – Low Density Residential zoning district and the existing Parkdale PUD Overlay Map. The proposed lots meet the minimum lot size in the PUD. The existing residence within the Preliminary Plat also meets the LR zone district minimum lot size.*

- 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.*

- 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 proposed subdivision meets the Town's UDC standards that have not otherwise been modified in the Parkdale PUD Overlay Map.*

- 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: *The proposed subdivision will meet applicable Federal and State standards.*

- 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: *No significant adverse impacts are anticipated with the proposed subdivision.*

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

Staff: *The proposed subdivision will be integrated into the existing road and pedestrian network.*

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

Staff: *No significant adverse impacts are anticipated with the proposed subdivision.*

- 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 facilities are available to serve the proposed subdivision, shall be constructed with the development, or shall be mitigated through the payment of fees.*

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

Staff: *Adequate infrastructure is proposed and will be available to serve the proposed subdivision.*

### **NEIGHBORHOOD MEETING:**

As required by the Municipal Code a Neighborhood Meeting was held on November 13, 2019 at 6:30 p.m. at the Erie Community Center. The required notice for the Neighborhood Meeting was provided. There were no attendees at the meeting.

### **PUBLIC NOTICE:**

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly:	June 2, 2021
Property Posted as required:	June 4, 2021
Letters to Adjacent Property Owners:	June 4, 2021