

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
November 9, 2021**

SUBJECT: PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Approving the Erie Highlands PUD Zoning Map Amendment No. 3.

PURPOSE: The applicant proposes a Planned Unit Development Amendment to amend Planning Area 10 of the Erie Highlands PUD to create residential design and dimensional standards for townhomes.

CODE REVIEW: Municipal Code, Title 10

DEPARTMENT: Planning & Development Department

PRESENTER: Shannon Moeller, AICP, Senior Planner

STAFF RECOMMENDATION:

Staff finds the Erie Highlands Planned Unit Development Overlay Map Amendment No. 3 in compliance with the Planned Unit Development Approval Criteria recommends the Board of Trustees approve Ordinance 37-2021.

PLANNING COMMISSION RECOMMENDATION:

On October 20, 2021 the Planning Commission unanimously voted (5-0) to recommend that the Board of Trustees approve the PUD Overlay.

SUMMARY AND BACKGROUND OF SUBJECT MATTER

Applicant: Clayton Properties Group II, Inc.

Existing Conditions:

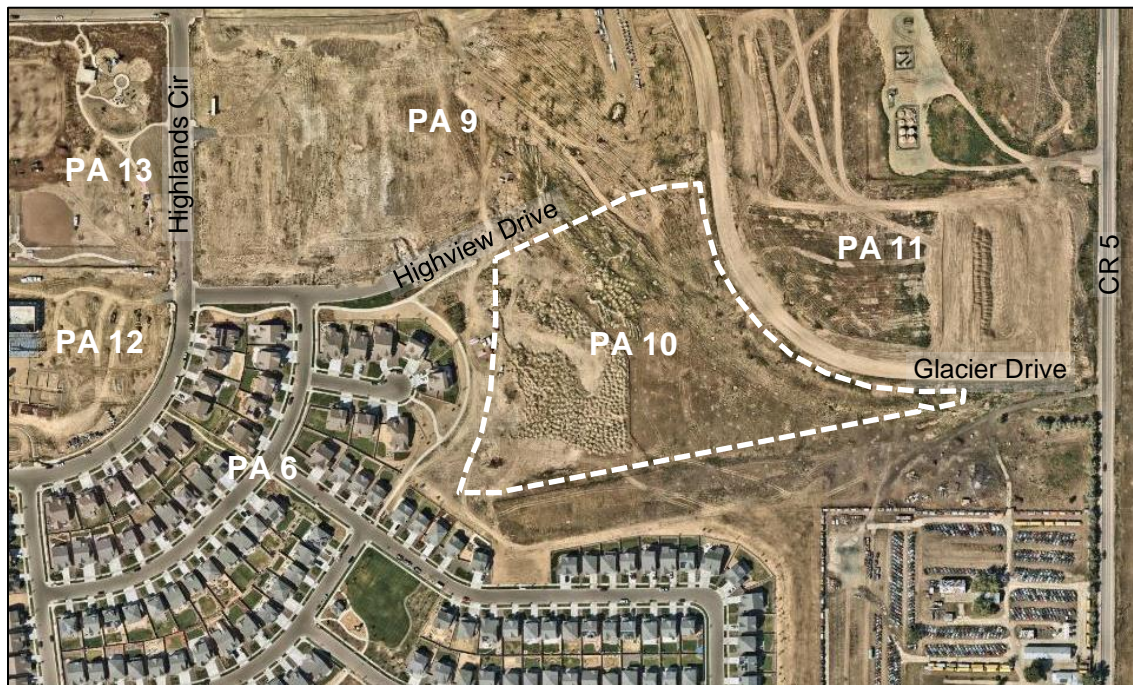
Zoning: MR – Medium Density Residential / Erie Highlands PUD Overlay

Project Size: Erie Highlands is 305.13 acres
Planning Area 10 is 10.89 acres

Existing Use: Vacant property

Location:

All of Erie Highlands is located South of Erie Parkway, east of Bonanza Drive, and west of Weld County Road 5. Planning Area 10 is located south of Highview Drive, east of the existing residences in Planning Area 6 and west of County Road 5. The general boundary of Planning Area 10 is outlined below:

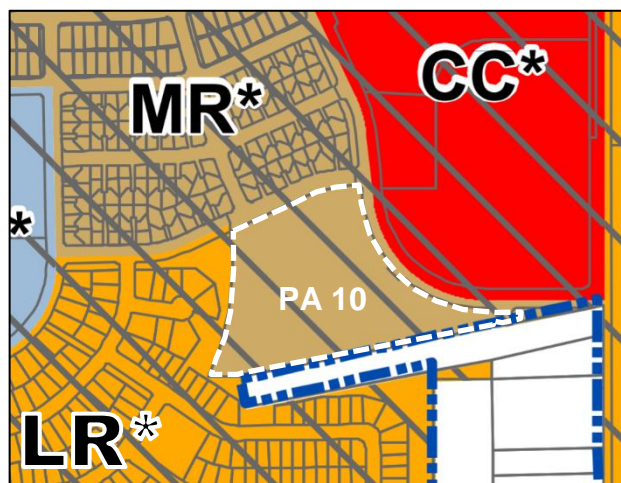


Adjacent Land-Use/Zoning to Planning Area 10:

	Zoning	Land Use
North	MR – Medium Density Residential	Future Residential – Erie Highlands PA 9
South	AG – Weld County	Former Blake’s Auto Salvage
East	CC – Community Commercial	Future Commercial – Erie Highlands PA 11
West	LR – Low Density Residential	Residential – Erie Highlands PA 6

Compliance with Town of Erie Zoning Map:

Since the original Erie Highlands PUD Overlay approval in 2013, Planning Area 10 has been planned as a medium-density residential area to accommodate medium-density housing types such as townhomes or multi-family dwelling units. The proposed PUD amendment for Planning Area 10 and the development of townhomes in the planning area is consistent with the underlying zoning of MR. The



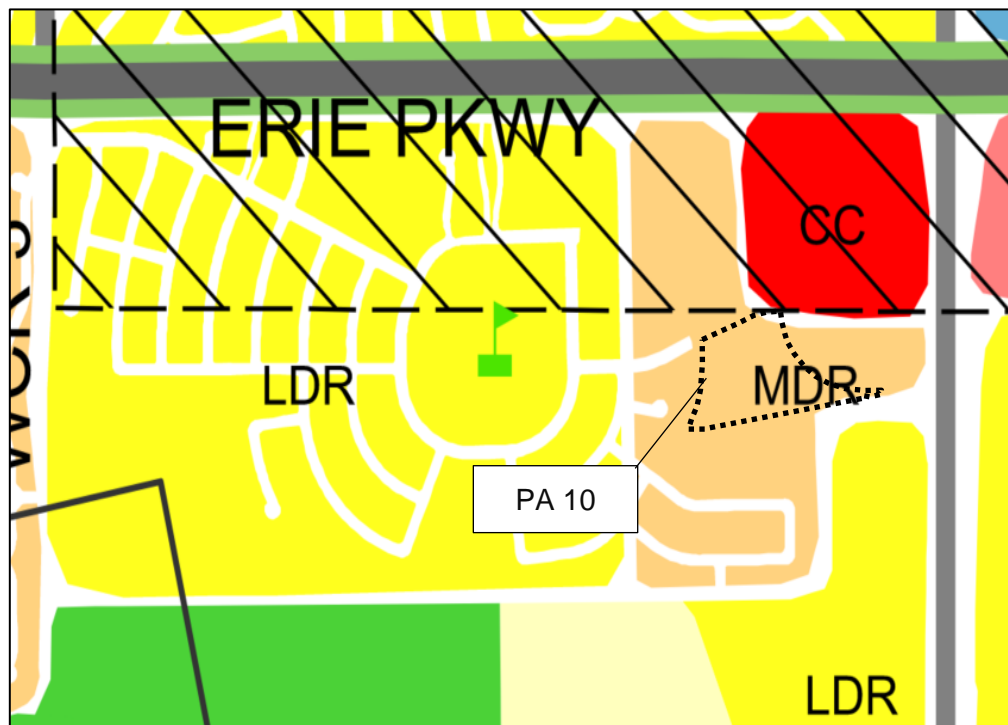
proposed PUD amendment does not alter the maximum number of dwelling units permitted in the Planning Area or in Erie Highlands overall.

Compliance with Town of Erie Comprehensive Plan:

The Land Use designation on the Comprehensive Plan Land Use Plan Map in Planning Area 10 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. Planning Area 10 is intended to provide medium-density residential housing, which is consistent with the land use designation.



PUD Amendment:

The applicant has applied to modify the Erie Highlands 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 underlying zoning identifies permitted land uses, the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

General purposes of a PUD pursuant to Section 10.2.7.D of the UDC 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.

Property History/Existing Erie Highlands PUD Overlay:

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 10 has been planned for townhomes/multi-family since the original PUD approval.

The first amendment to the PUD was approved in 2016 to adjust boundaries of existing planning areas, modify the boundary of the public open space dedication to match the lot layout of the Preliminary Plat, modify the Development Standards for the HOA pool site in Planning Area 7, and update the Land Use Summary table.

The second amendment to the PUD was approved in 2020 to establish standards in Planning Area 9 to allow for a “carriage house” residential product type fronting onto motorcourts to be introduced into the community.

Proposed Erie Highlands PUD Amendment No. 3:

This third PUD Amendment would modify the standards in Planning 10 only. Planning Area 10 has Medium Density Residential (MR) as an underlying zone district and the existing PUD includes the following:

Land Use Summary Table

LAND USE SUMMARY					
TRACT	ZONE DISTRICT	AREA (ACRES)	PRIMARY USE	DWELLING UNITS	PUBLIC OPEN SPACE PROVIDED
LOW DENSITY RESIDENTIAL					
PA 1	LR	5.49	SFD	7	
PA 2	LR	28.57	SFD	125	2.896
PA 3	LR	20.33	SFD	37	
PA 4	LR	15.95	SFD	86	
PA 5	LR	36.01	SFD	84	16.633
PA 6	LR	40.07	SFD	146	
PA 7	LR	1.46	AMENITY	0	
SUBTOTAL		147.88			
RIGHT OF WAY		16.79			
SUBTOTAL		164.67		485	19.53
MEDIUM DENSITY RESIDENTIAL					
PA 8	MR	20.96	SFD	120	
PA 9	MR	14.79	SFD	170	
PA 10	MR	10.89	TH/ APT	203	
SUBTOTAL		46.64			
RIGHT OF WAY		10.56			
SUBTOTAL		57.20		493	

The existing PUD does not yet include specific design or dimensional development standards for Planning Area 10.

This proposal amends Erie Highlands Planning Area 10 to create residential design and dimensional standards for townhomes, as shown on sheet 5 of the PUD.

Design Standards for Planning Area 10:

The proposal would establish residential design standards for townhomes in Planning Area 10 by modifying specific sections of the UDC within Section 10.6.7.F. Portions of the UDC not modified would continue to apply.

The design standard modifications are intended to reflect the specific product type and site design proposed for the area, which is alley-loaded townhomes fronting primarily onto green courts. In particular:

- Architectural detailing will be focused on visible areas of the building, rather than alley or side elevations not visible from streets or common open spaces.
- Architectural standards will allow for flexibility for the differentiation of individual units within a building, or for the articulation of each overall building facade.
- Garage access will be restricted to alleys.
- Alley landscaping standards have been created with the specific product design and site context in mind.

The proposed modified standards are listed on sheet 5 of the PUD Overlay plan set, and are shown below:

DESIGN STANDARDS PA-10

The standards presented here are intended to modify the following sections of the Unified Development Code.

1. Architectural Character - Section 10.6.7.F.1.d.ii. (A)
 - A. Design Standards
 - i. Elevations of a multi-family building visible from streets or common open space shall display a similar level of quality and architectural detailing. The majority of a building's architectural features and treatments shall be used on these visible elevations.
2. Architectural Variety - Section 10.6.7.F.1.e.ii. (B)(2)

Architectural features shall comply with either A or B below:

 - A. Individual dwelling units may be differentiated within a building through 2 or more of the following methods:
 - Use of distinct color variation between individual units
 - Use of distinct variations in materials between individual units
 - Use of distinct variations in architectural style or features, such as a porch or similar feature between individual units
 - Use of distinct variations in roof form
 - A variation in the plane of the front facade to provide a minimum 3 foot variation between individual dwelling units
 - B. If individual units are not differentiated within a building then the facades of the entire building shall be articulated thru the incorporation of 2 or more of the following:
 - Balconies
 - Bay or box windows
 - Insets or other relief in the wall plane
 - Porches
 - Dormers
 - Variations in materials
 - Variations in roof forms
3. Garages - Section 10.6.7.F.2.b
 - A. All garages shall face the alley.
4. Landscaping - Section 10.6.7.F.3
 - A. Alleys
 - i. To break up the appearance of long expanses of garages, the use of planting area on either side of the alley where the alley intersects with a public street shall be employed.
 - ii. To screen headlights, the use of opaque planting materials at the ends of alleys shall be employed as necessary.

Dimensional Standards for Planning Area 10:

The proposal would establish dimensional standards for townhomes in Planning Area 10 in place of the UDC, Section 10.4.1. Portions of the UDC not modified would continue to apply. Generally, the proposed standards would:

- Decrease the minimum permitted lot size from 2,500 square-feet per dwelling unit to 1,200 square-feet per dwelling unit;
- Reduce front, street side, interior side, and rear setbacks to accommodate alley-loaded townhomes designed to front predominately onto green courts and establish a minimum street front setback for lots if fronting onto a street;
- Permit specific, limited encroachments into some setbacks such as covered porches, window wells, eaves, overhangs, and roofs.

The proposed modified dimensional standards are listed on sheet 5 of the PUD Overlay plan set, and are shown below:

DEVELOPMENT STANDARDS - PA10								
ZONE DISTRICT	MIN LOT WIDTH	MIN LOT NET AREA (SF)	(A) FRONT SETBACK 3,5	(B) STREET SIDE SETBACK 3,4,5	(C) INTERIOR SIDE SETBACK 2,3,4,5	(D) REAR	(E) STREET FRONT	MAX. HEIGHT
MR	N/A	1,200	5'	15'	5'	0'	5'	35'
1) Accessory Structures are not permitted.								
2) 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.								
3) Covered porches may project up to one (1) foot into front setback provided there are at least three (3) feet from the property line								
4) Window wells may project not more than two (2) feet into side setback provided window wells are at least three (3) feet from side lot line.								
5) Above grade eaves, roof overhangs and roofs over porches may project up to two (2) feet into front and side setbacks provided they are at least three (3) feet from the property line								

For reference, the dimensional and encroachment standards in the UDC, Chapter 4: Dimensional Standards, are shown below:

ZONE DISTRICT	MIN LOT WIDTH	MIN LOT NET AREA (SF)	FRONT SETBACK	STREET SIDE SETBACK	INTERIOR SIDE SETBACK	REAR	STREET FRONT	MAX. HEIGHT
MR	MF: None	MF: 2,500 per DU	Prin: 20 Acc: 30	20	5'	Prin: 20 Acc: 5'	n/a	Prin: 35 Acc: 25
<p>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 not attached.</p> <p>UDC Section 10.4.2.A.1.b.v. <i>Roofs Over Porches and Other Exterior Approaches</i> <u>Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may project up to 6 feet into a front setback,</u> provided that the roof projections shall comprise no more than 50 percent of the total length of the building's facade. The covered porch or entrance area projecting into the front setback shall remain exterior to the building and enclosed by no more than a railing. The projection shall be <u>at least 5 feet front the property line.</u></p> <p>UDC Section 10.4.2.A.1.b.iv. <i>Incidental Architectural Features</i> Cornices, <u>eaves,</u> canopies, <u>window wells,</u> chimneys, bay windows, ornamental features, and other similar architectural features may project not more than <u>2 feet into any required setback</u> provide these projections are <u>at least 5 feet from the lot line.</u></p>								

Note that the proposed amendment to the minimum lot size in the MR zoning district is intended to accommodate the proposed green court-fronting product and site design, and does not permit an increase in density in this Planning Area, nor in Erie Highlands overall. Permitted density for Planning Area 10 remains as established by the original Erie Highlands PUD (203 units), within a maximum of 493 units permitted within the combined Medium Density Residential Planning Areas (PA 8, PA 9, and PA 10). Planning Area 10 is expected to be developed with approximately 117 units, well within the maximum permitted density.

Housing Diversity:

The Town of Erie's housing diversity requirement is based on the acres of residentially zoned property in a development. The regulations intend to ensure that as the Town grows, a variety of housing choices are available. Specifically, for the approximately 222 acres of residentially zoned property in Erie Highlands, Section 10.6.7 of the Erie UDC requires at least 2 housing types with at least 2 variations.

Currently, Erie Highlands has one housing type (single-family homes, with variations in lot sizes) approved through the subdivision process. The overall plan for Erie Highlands is to meet the housing diversity requirement in the medium-density planning areas by providing at least one attached housing type(s).

The housing type (townhomes) proposed for Planning Area 10 will fulfill the housing diversity standards for the overall Erie Highlands development by providing the second required housing type.

Staff Review and Analysis:

Compliance with Town Standards:

The Erie Highlands PUD Overlay Amendment No. 3 was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.6.D.9. Approval Criteria. Staff finds the PUD in compliance with the Approval Criteria as listed below.

- a. The PUD Rezoning is consistent with the Purpose of the PUD Overlay District in Section 2.7.D.1;

Staff: The UDC standards of the MR zoning district are not conducive to construction of an alley-loaded, green court-fronting product design such as the one proposed. Modifications to these standards are required to achieve the development pattern and design proposed. The townhome product is necessary to meet the Town's housing diversity standard. The PUD standards will provide a high quality design and allow a compatible mix of residential housing types within Erie Highlands.

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

Staff: The PUD rezoning facilitates the development of the final residential area planned for development in Erie Highlands as it was intended when the PUD was originally approved. The PUD rezoning provides for a diversity of housing types within Erie Highlands.

- c. The PUD Rezoning is 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 purpose of the PUD rezoning is to create standards in Planning Area 10 for an alley-loaded, green court-fronting townhome product type which fulfills the land use and product types intended by the Comprehensive Plan and original Erie Highlands PUD approval.

- d. The PUD Rezoning is generally consistent with the PUD standards in Subsection 2.7.D.2;

Staff: The requested variations from the UDC do not include anything precluded from variation by this section.

- 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;

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 remaining development phases.

- 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;

Staff: Planning Area 10 has long been planned for development. No adverse impacts resulting from this PUD rezoning have been identified.

- 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;

Staff: Planning Area 10 has long been planned for development. No adverse impacts resulting from this PUD rezoning have been identified.

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

Staff: Planning Area 10 has long been planned for development. Townhomes are a permitted use pursuant to the original Erie Highlands PUD Overlay, which planned for townhomes or multi-family development in Planning Area 10 since the original approval of Erie Highlands in 2013. The establishment of design and dimensional standards through this PUD rezoning will not result in significant adverse impacts upon properties in the vicinity.

- i. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;

Staff: The proposed PUD rezoning establishes design and dimensional standards for a land use, townhomes, that has long been planned as a transition between the single-family homes in Planning Area 6 and the commercial in Planning Area 11. The proposal does not include any modifications regarding the scale of the townhomes (e.g. height nor length of buildings). The proposed townhome use is an appropriate and compatible land use to other properties in the vicinity.

- 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

Staff: Phasing of this development, if applicable, will be covered in an individual development agreement associated with the final plat.

- k. The PUD Plan provides public benefit(s).

Staff: The PUD allows the development of alley-loaded townhomes, providing the housing variety suggested by the Comprehensive Plan and required by the UDC. The result provides public benefit by increasing housing choice within Town and providing a high quality design.

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:	October 20, 2021
Property Posted:	October 20, 2021
Letters to adjacent property owners within 500':	October 22, 2021

Public Comments:

No written public comments have been received for the application.