

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

SUBJECT: PUBLIC HEARING: A Resolution of the Board of Trustees of the Town of Erie Approving the Westerly Filing No. 1, Amendment No. 1 Final Plat and First Amendment to the Westerly Filing No. 1 Development Agreement and Accepting Dedications as shown on the Final Plat

PURPOSE: The applicant proposes to replat portions of the Westerly Filing 1 Final Plat; the proposed changes include:

- Adjusting the boundaries between two tracts (existing tracts L and W, renamed to A and B) to be consistent with the proposed Rezoning and PUD Overlay, that is also on tonight's agenda, to ensure that no tract is located in more than one zone district;
- Revise the townhome lot count in the existing Block 7 (renumbered to Block 5) from 7 lots to 6 lots;
- Revise the lot count and lot type in the existing Block 11 (renumbered to Block 4) from 24 alley-loaded single-family detached lots to 18 front-loaded single-family detached lots; and
- Convert three tracts (existing tracts D, E, and J) in the NMU (Neighborhood Mixed-Use zone district) into lots for future development.
- The First Amendment to the Development Agreement coordinates the lot and tract names in the agreement and phasing plan with the replat.

CODE REVIEW: Municipal Code, Title 10

DEPARTMENT: Planning & Development Department

PRESENTER: Shannon Moeller, AICP, Senior Planner

STAFF RECOMMENDATION:

Staff finds the Final Plat in compliance with the Approval Criteria and recommends the Board of Trustees approve Resolution 21-147.

PLANNING COMMISSION RECOMMENDATION:

On October 6, 2021 the Planning Commission unanimously voted (5-0) to recommend that the Board of Trustees approve the Final Plat.

SUMMARY AND BACKGROUND OF SUBJECT MATTER

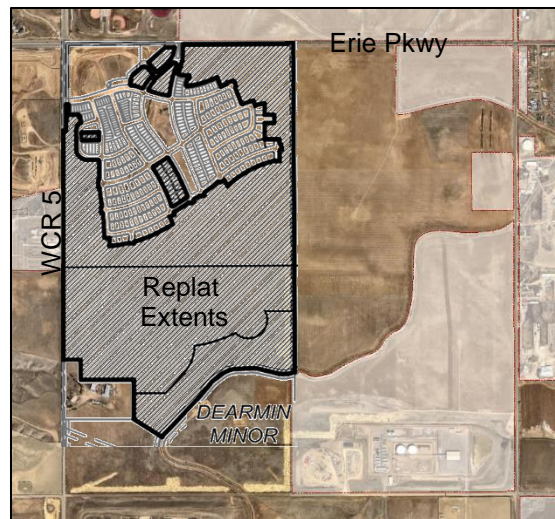
Applicant: Erie Land Company, LLC

Existing Conditions:

Zoning: NMU – Neighborhood Mixed Use, LR – Low Density Residential / Westerly PUD Overlay
AG/OS – Agricultural / Open Space

Project Size: 163.18 acres are part of the replat area

Existing Use: Agricultural land



Location:

All of the Westerly property is located South of Erie Parkway and east of Weld County Road 5. The overall extents of the Westerly replat are outlined on the above exhibit.

Background:

The Dearmin Property was annexed into the Town of Erie as the Horst Property in 1990. At that time the owner anticipated the property to be used as a landfill site. The pre-annexation and annexation agreements that outlined the landfill requirements for the property that were terminated in 2017 when the Town rezoned the property from Rural Preservation 3 to LR-Low Density Residential, NMU-Neighborhood Mixed Use and AG/OS-Agriculture/Open Space.

A Sketch Plan was originally reviewed for this property in 2017 and then an updated Sketch Plan was reviewed in February 2019.

A rezoning, PUD Overlay and Preliminary Plat were approved in 2020 for the Westerly property.

The Westerly Filing 1 Final Plat was approved in January 2021.

Adjacent Land-Use/Zoning:

	Zoning	Land Use
North	PLI – Public Land and Institutions Weld County - Agricultural	School Agriculture
South	PD - Planned Development	Landfill
East	Weld County – Agricultural LR – Low Density Residential MR – Medium Density Residential PLI – Public Lands and Institutions	Agriculture Swink Property – Future Residential, School, and Open Space (part of overall Westerly development)
West	CC – Community Commercial Weld County – Agricultural LDR – Low Density Residential	Erie Highlands – Future Commercial Sunset – Future Residential Former Blake’s Salvage yard

	Town Open Space
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Replat Process:

Section 10.7.7.D.8.b of the UDC allows for some minor amendments to Final Plats provided that they are substantially similar to the approved Preliminary Plat. Section 10.7.2.K of the UDC allows amendments to be reviewed administratively so long as they do not result in a change of more than 1% of the approved number of dwelling units. The approved Westerly Preliminary Plat provided 530 residential lots, and the proposed Final Plat would reduce that number by seven, or 1.3% of the total approved. The UDC requires that this Final Plat, which differs from the approved Preliminary Plat, be reviewed and approved in the same manner as the Preliminary Plat; i.e. hearings before the Planning Commission and Board of Trustees.

Existing Westerly Filing 1 Final Plat:

The platted Filing 1 Final Plat is a portion of the Westerly Preliminary Plat, totaling 311 lots and 27 tracts across 268.11 acres. The lots included a mix of single-family front load, single-family alley load, duplex alley load, and townhome alley load. The tracts included alleys, landscape, drainage, and utility areas, open space, pocket parks, and areas for future open space dedication and future development.

Proposed Replat (Filing 1, Amendment 1):

The applicant proposes to replat portions of the Westerly Filing 1 Final Plat; the proposed changes include:

- Adjusting the boundaries between two tracts (existing tracts L and W, renamed to A and B) to be consistent with the proposed Rezoning and PUD Overlay, that is also on tonight's agenda, to ensure that no tract is located in more than one zone district;
- Revise the townhome lot count in the existing Block 7 (renumbered to Block 5) from 7 lots to 6 lots;
- Revise the lot count and lot type in the existing Block 11 (renumbered to Block 4) from 24 alley-loaded single-family detached lots to 18 front-loaded single-family detached lots; and
- Convert three tracts (existing tracts D, E, and J) in the NMU (Neighborhood Mixed-Use zone district) into lots for future development.
- The First Amendment to the Development Agreement coordinates the lot and tract names in the agreement and phasing plan with the replat.

Compliance with Town of Erie Comprehensive Plan:

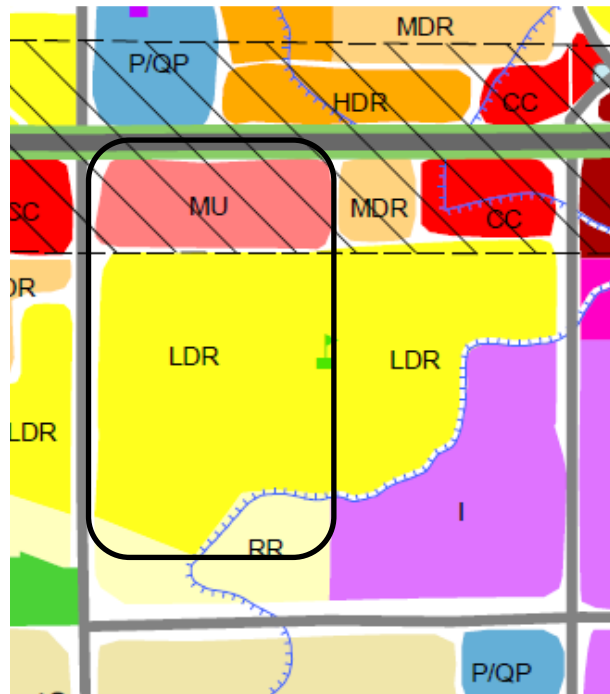
The proposed Final Plat is in general compliance with the Land Use designations on the Town of Erie Comprehensive Plan, Land Use Plan Map, as illustrated below. The Final Plat encompasses areas generally designated MU – Mixed Use and LDR – Low Density Residential on the Comprehensive Plan Land Use Plan Map. With the proposed reduction of 7 lots, when the Preliminary Plat area is developed with an anticipated 523 units across 216 acres zoned LR, the resulting density will be 2.42 dwelling units per acre. With subsequent Preliminary and Final Plats in this area, the full build-out of the 216 LR-zoned acres will likely include a total of 922 units, resulting in a final density of approximately 4.3 dwelling units per acre, a density supported by the Low Density Residential density range of 2 -6 dwelling units per acre.

Compliance with Town of Erie Zoning:

The Westerly Filing 1, Amendment 1 Final Plat is consistent with the concurrently proposed Rezoning and PUD Overlay.

Housing Diversity:

The Westerly Filing 1, Amendment 1 Final Plat maintains the three housing types with at least 1 variation as previously planned for the development. Westerly is proposed as a mixed-use community and provides for front-loaded and alley-loaded single-family detached homes, alley-loaded duplexes, and alley-loaded townhomes, fulfilling housing diversity requirements.



Staff Review and Analysis:

Compliance with Town Standards:

The proposed Westerly Filing 1, Amendment 1 Final Plat was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.7.C.10. Approval Criteria. Staff finds the Final Plat in compliance with the Approval Criteria as listed below.

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

Staff: The subdivision is consistent with the Town's Comprehensive Plan. The proposed number of dwelling units supports the Land Use Plan Map designation of LDR, Low Density Residential, with a density of 2-6 dwelling units/acre.

- 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 consistent with the concurrently-proposed Rezoning and PUD Rezoning and ensures that no tract is located in more than one zoning district. The proposed number and types of dwelling units are consistent with the underlying LR zoning district.

- 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 subdivision does not propose any significant change to the overall layout of the subdivision and continues to meet the 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 subdivision does not propose any significant change to uses, development, or design standards and continues to meet the Town's standards.

- 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 subdivision does not propose any significant change to the previously-approved plans as they relate to wetlands, water quality, erosion control, and wastewater regulations and continues to meet applicable requirements.

- 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: The subdivision does not propose any significant change to the previously-approved plans as they relate to the natural environment and continues to meet applicable requirements.

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

Staff: The subdivision does not propose any significant change to the previously-approved plans as they relate to street connections, sidewalks, and trails and continues to meet applicable requirements.

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

Staff: The subdivision does not propose any significant change to the previously-approved plans that would result in significant adverse impacts on adjacent properties.

- 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: The subdivision does not propose any significant change to the previously-approved plans that would result in inadequate facilities and services. The proposal to reduce the number of dwelling units by a small amount would slightly decrease the demand for facilities and services.

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

Staff: Phasing of the development is covered in the existing development agreement. The First Amendment to the Development Agreement coordinates the lot and tract names in the agreement and phasing plan with the replat.

Neighborhood Meeting

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

Neighborhood Meeting Date: May 20, 2021

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 Daily Times Call: October 6, 2021

Property Posted: October 7, 2021

Letters to adjacent property owners within 500': October 8, 2021

Public Comments:

Written public comments received for the application are included as an attachment.