

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

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**SUBJECT:** PUBLIC HEARING: An Ordinance of the Board of Trustees of the Town of Erie Rezoning Portions of the Westerly Property from Low Density Residential to Agricultural/Open Space, and from Agricultural/Open Space to Low Density Residential, as shown on the Westerly Zoning Map Amendment No. 2

**PURPOSE:** The applicant proposes to adjust the boundary between the areas zoned Low Density Residential (LR) and Agricultural/Open Space (AG/OS) within the Westerly property.

**CODE:** Municipal Code, Title 10

**DEPARTMENT:** Planning & Development Department

**PRESENTER:** Shannon Moeller, AICP, Senior Planner

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**STAFF RECOMMENDATION:**

Staff finds the rezoning in compliance with the Rezoning Approval Criteria and recommends the Board of Trustees approve Ordinance 34-2021.

**PLANNING COMMISSION RECOMMENDATION:**

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

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**SUMMARY AND BACKGROUND OF SUBJECT MATTER**

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Applicant: Erie Land Company, LLC

Existing Conditions:

**Zoning:** AG/OS – Agricultural/Open Space,  
LR – Low Density Residential /  
Westerly PUD Overlay

**Project Size:** The Westerly (Dearmin) Zoning Map is 276.27 acres (including land zoned LR, NMU, and AG/OS)

- The LR zone is proposed to increase by 2.1 acres
- The AG/OS zone is proposed to decrease by 2.1 acres



**Existing Use:** Agricultural land / Residential construction

Location:

The Westerly property is located South of Erie Parkway and east of Weld County Road 5. The areas to be rezoned are located toward the southern portion of the property. The overall extents of the Westerly zoning map 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 (“Dearmin Zoning Map”).

A rezoning, PUD Overlay and Preliminary Plat were approved in 2020 for the Westerly property. The rezoning adjusted to boundaries of the NMU zoning area at the north end of the property (“Westerly Zoning Map”).

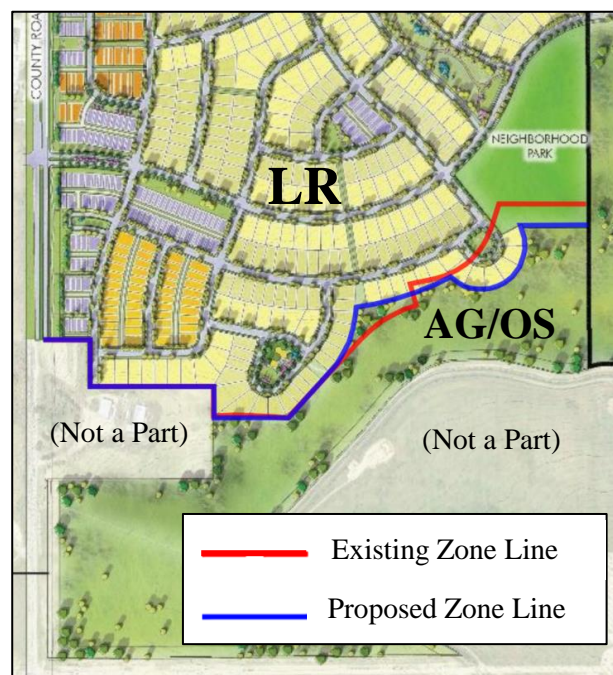
Adjacent Land-Use/Zoning:

	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

Proposed Zoning Map:

The rezoning application proposes a change to the current zone district boundaries to accommodate the most up-to-date site planning for the Westerly master-planned community. As shown in the conceptual plan (adjacent) included in the Annexation Agreement from 2020, the southern extents of the residential development area are shaped slightly differently than the zoning boundary line that was established in 2017.

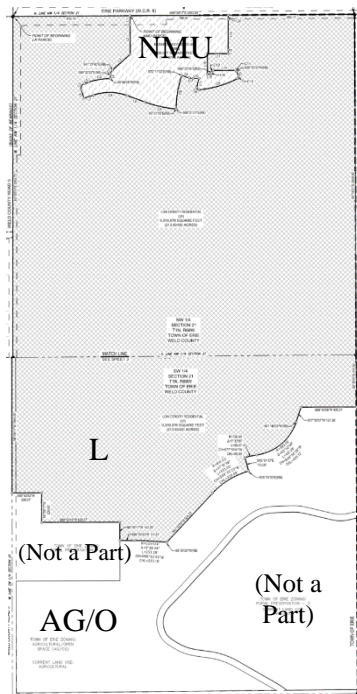
The boundary line adjustment is necessary to ensure that all residential development is located on residentially-zoned land, and that no lot or tract,



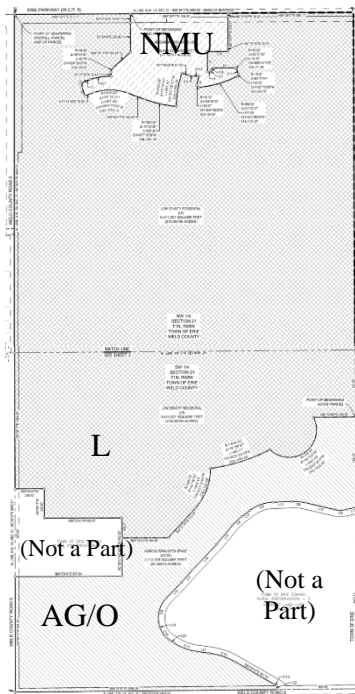
including the future neighborhood park, is split into multiple zone districts. The boundary line adjustment would increase the portion of the property zoned Low Density Residential by 2.1 acres and decrease the AG/OS zone by the same amount.

Below is a summary chart of the proposed zoning change. A PUD Amendment and Final Plat are proposed concurrently with the rezoning.

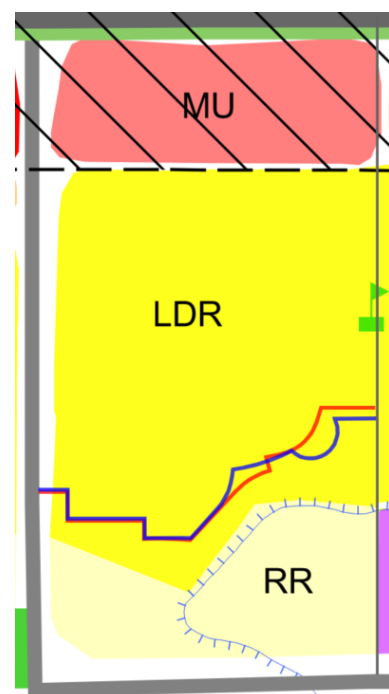
Zone District	Current Area (Acres)	Proposed Area (Acres)	Change (Acres)
Low Density Residential	213.9	216.0	+2.1
Agricultural / Open Space	50.6	48.5	-2.1



Current Zoning Map



Proposed Zoning Map



Comprehensive Plan  
Land Use Plan Map

#### 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:

*LDR – Low Density Residential (Gross Density of 2-6 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 LR zoning district is consistent with the underlying Comprehensive Plan land use designation of LDR.

### Staff Review and Analysis:

The Westerly Zoning Map – Amendment No. 2 was reviewed for conformance with Municipal Code 10.7.5 B.9. Rezoning Approval Criteria. Staff finds the rezoning 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 for the implementation of the concept plan facilitating the development of an area planned for development in Westerly as it was intended when the property was annexed.

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

Staff: The purpose of the rezoning is to modify the zone line between the LR and AG/OS zones in order to conform to the most updated plan for the Westerly development. The LR zone grew by approximately 2.1 acres, and the AG/OS decreased by the same amount. The proposal ensures that no lot or tract will be located in more than one zone district.

The Town's Comprehensive Plan and UDC strive to provide access to all residents to parks and open space. The plan for Westerly accomplishes these goals. The overall amount of open space for the Westerly development will be provided as required through each platting process. If the overall Westerly development eventually includes approximately 1,204 dwelling units at full build-out, approximately 59 acres of open space dedications would be required, and the overall development is anticipated to provide open space dedications of 90 to 100 acres, well in excess of minimum requirements. The proposed boundary line adjustment also maintains the minimum 300' width of the open space area to the south of the proposed homes. Overall, the proposal ensures that both the amount and dimensional requirements for open space dedications are met.

- 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: Necessary facilities and services to support the development will be provided as part of the overall development of Westerly. This will continue through the final development phases. The proposal to adjust the zoning boundary line does not impact the overall availability of services.

- 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 to be zoned LR has been planned for residential development through the Annexation Agreement and the rezoning to make a small adjustment in the boundary itself creates no significant adverse impacts.

- 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 is a minor adjustment to the zoning boundary and is not likely to create significant adverse impacts. The area near the zoning boundary line adjustment is currently undeveloped.

- 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 not expected to impact uses on other properties of the vicinity of the subject property. The area near the zoning boundary line adjustment is currently undeveloped, and once developed will provide single-family homes adjacent to open space.

- 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: The zoning is a minor change that is not expected to result in any significant impact to the Town's revenues or economic development goals. The zoning change is intended to allow for development consistent with the conceptual plan depicted as part of the annexation agreement.

#### 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.