



Legislation Details (With Text)

File #: 21-493 **Version:** 1 **Name:**
Type: General Business **Status:** Passed
File created: 10/29/2021 **In control:** Town Council
On agenda: 11/9/2021 **Final action:** 11/9/2021
Title: 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

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution 21-147, 2. Proposed Final Plat, 3. Staff Report, 4. Application and Narrative, 5. Other Applicant Materials - Civil Plans_Part 1 of 3, 6. Other Applicant Materials - Civil Plans_Part 2 of 3, 7. Other Applicant Materials - Civil Plans_Part 3 of 3, 8. Other Applicant Materials - Landscape Plans_Part 1 of 2, 9. Other Applicant Materials - Landscape Plans_Part 2 of 2, 10. Other Applicant Materials - Civil Reports, 11. Other Applicant Materials - Other Reports, 12. Other Applicant Materials - Titlework and ALTA, 13. Referral Comments, 14. Neighborhood Meeting Summary, 15. Notifications, 16. Staff Presentation, 17. Applicant Presentation, 18. PC Resolution P21-19, 19. Signed DA Amendment, 20. Public Comment

Date	Ver.	Action By	Action	Result
11/9/2021	1	Town Council	approve	Pass

SUBJECT: General Business

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

DEPARTMENT: Planning & Development Department

PRESENTER: Shannon Moeller, AICP, Senior Planner

TIME ESTIMATE: 15 minutes

STAFF RECOMMENDATION:

Approve Resolution 21-147.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Westerly property is located south of Erie Parkway and east of Weld County Road 5. 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 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. The Board approved a rezoning, PUD Overlay and Preliminary Plat in 2020 for the Westerly property.

The Board approved the Westerly Filing 1 Final Plat in January 2021. It platted a portion of the Westerly Preliminary Plat and totalled 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.

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 Trustee.

The Planning Commission considered this matter at the Commission's October 6, 2021 meeting and passed Resolution No. P21-19 recommending the Board of Trustees approve the Westerly Filing No. 1 Amendment No. 1 Final Plat with the condition that the applicant make all technical corrections to the Application as required by the Town.

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.

Board Priority(s) Addressed:

- ✓ Attractive Community Amenities
- ✓ Engaged and Diverse Community
- ✓ Small Town Feel
- ✓ Safe and Healthy Community
- ✓ Environmentally Sustainable

ATTACHMENTS:

1. Resolution 21-147
2. Proposed Final Plat
3. Staff Report
4. Application and Narrative
5. Other Applicant Materials - Civil Plans Part 1 of 3
6. Other Applicant Materials - Civil Plans Part 2 of 3
7. Other Applicant Materials - Civil Plans Part 3 of 3
8. Other Applicant Materials - Landscape Plans Part 1 of 2
9. Other Applicant Materials - Landscape Plans Part 2 of 2
10. Other Applicant Materials - Civil Reports
11. Other Applicant Materials - Other Reports
12. Other Applicant Materials - Titlework and ALTA
13. Referral Comments
14. Neighborhood Meeting Summary
15. Notifications
16. Staff Presentation
17. Applicant Presentation
18. PC Resolution P21-19
19. Signed Development Agreement Amendment
20. Public Comment