

**TOWN OF ERIE
TOWN COUNCIL
AGENDA ITEM
July 9, 2024**

SUBJECT: **PUBLIC HEARING: Westerly Preliminary Plat No. 3**
A Resolution of the Town Council of the Town of Erie to approve the Westerly Preliminary Plat No. 3.

CODE REVIEW: Erie Municipal Code, Title 10

PURPOSE: Consideration of a Preliminary Plat to subdivide 150 acres into 264 lots and 34 tracts for future residential development.

DEPARTMENT: Planning and Development

PRESENTER: Aly Burkhalter, Senior Planner

STAFF RECOMMENDATION:

Preliminary Plat

Staff finds the Westerly Preliminary Plat No. 3 complies with the Approval Criteria and recommends the Town Council adopt the resolution to approve the Preliminary Plat.

PLANNING COMMISSION HEARING:

The Planning Commission held a public hearing for this application on June 5, 2024. No public comments were heard at the meeting. Planning Commission voted 5-0 to recommend approval of the Preliminary Plat to Town Council.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant: Erie Land Company LLC
1225 17th Street, Suite 2420
Denver, CO - 80202

Existing Conditions:

Zoning: Medium Density Residential (MR) with Westerly PUD overlay
Low Density Residential (LR) with Westerly PUD overlay
Public Lands and Institutions (PLI)
Agriculture/Open Space (AG/OS)

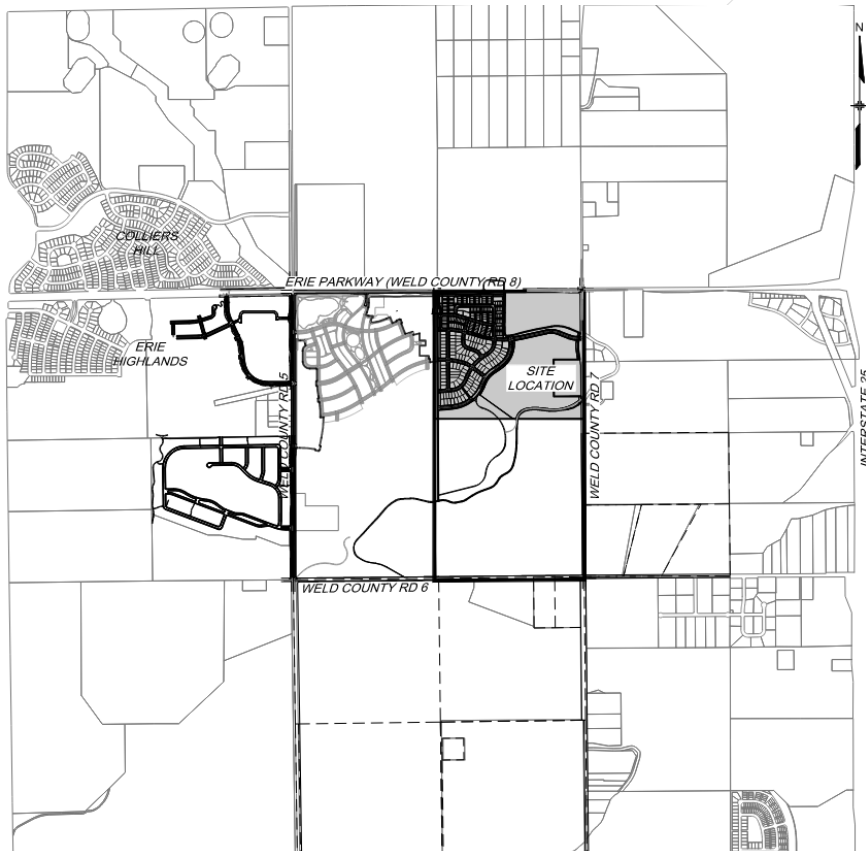
Project Size: 150 Acres

Existing Use: Undeveloped

Future Land Use: Residential, Public School, Open Space

Location Map:

Below is a map which depicts the site and surrounding area:



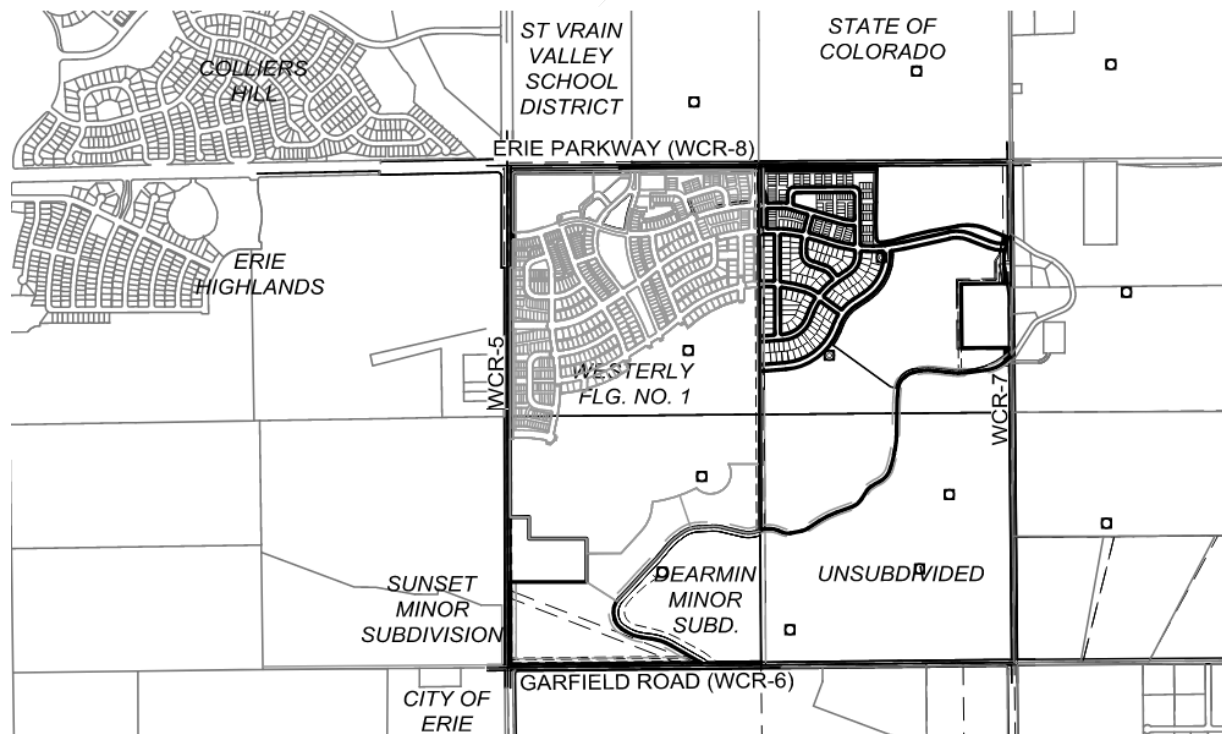
Adjacent Land-Use/Zoning:

	ZONING	EXISTING LAND USE
NORTH	High Density Residential	Vacant
SOUTH	Agriculture (Weld County)	Oil and Gas
EAST	Erie Exchange PD	Outdoor Storage
WEST	Low Density Residential with Westerly PUD Overlay	Westerly Single Family Residential

Site History and Specific Development Information:

The Town of Erie annexed and platted this property in 2020. At that time, the Town also zoned the property MR Medium-Density Residential and LR Low-Density Residential with PUD overlay; PLI Public Land and Institutions, and AG/OS Agricultural/Open Space.

The subject property is currently vacant. The preliminary plat proposes 264 lots and 34 tracts. Lot sizes range from 2,250 to 11,130 square feet (sf), to allow for a mixture of housing types including townhomes, duplex, and single-family detached dwellings. The tracts will accommodate private green courts, pocket park, open space, landscaping, and future school development. The plat includes right-of-way dedications that will connect to the existing street network of Westerly at Peach Avenue and Hickory Ave and the larger area at Erie Parkway and Weld County Road 7. The right-of-way dedications include new local streets and a new collector street.



Preliminary Plat Development Data:

- Preliminary Plat Size: 149.93 acres total
- Number of Lots - Proposed: 264 lots (26.24 acres)
 - Minimum Lot Size Permitted by Zoning: 4,500sf Single Family Front Loaded
3,000sf Single Family Alley Loaded
1,700sf Duplex Alley Loaded
1,200sf Townhome Alley Loaded
- Number of Tracts: 34 tracts (102.51 acres)
- Public Right-of-Way (ROW): 21.19 acres

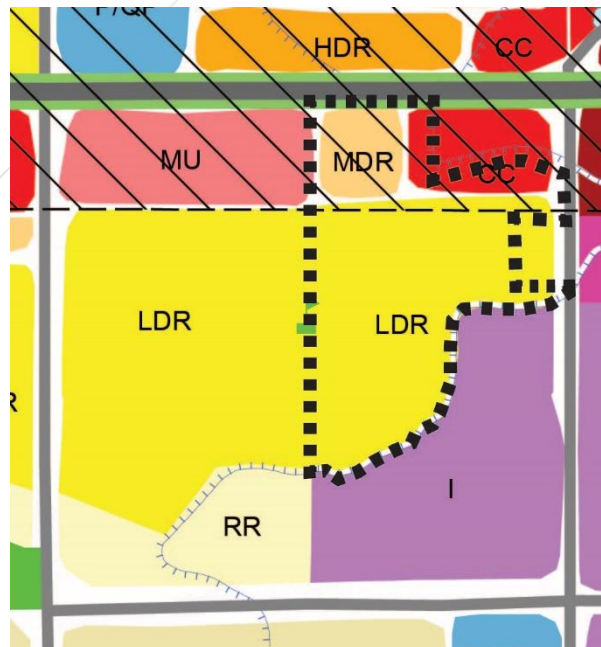
Future Required Applications:

The next steps for development of the subject site will include one or more Final Plat applications that will be reviewed by staff with final acceptance by the Town Council. The Final Plat(s) will likely include a Development Agreement (DA), for consideration by Town Council.

Compliance with Town of Erie Comprehensive Plan:

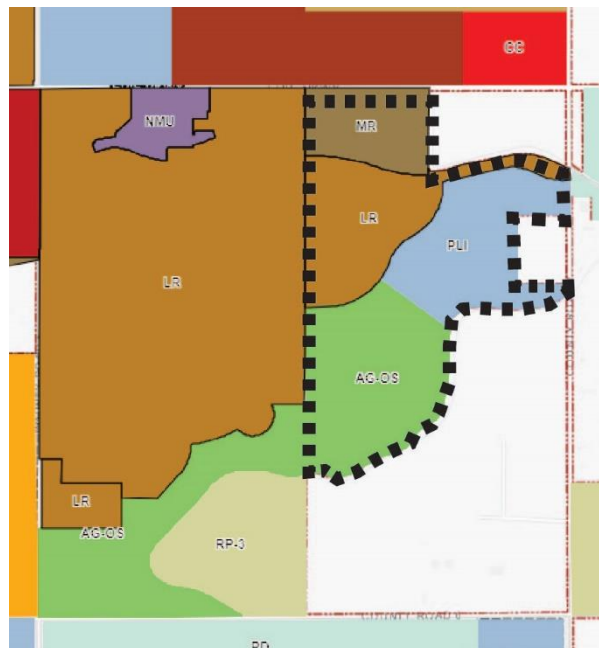
The Preliminary Plat application is in general compliance with the Land Use designations on the 2015 Updated Comprehensive Plan Land Use Map. The Land Use Map designates the entirety of this project area as Medium Density Residential (MDR) and Low Density Residential (LDR). The proposed location of townhome and duplex lots is consistent with the MDR designation. The proposed location of single family detached lots is consistent with the LDR designation. The proposed future school development and dedicated open space is within the LDR designation.

Staff finds that this application complies with the Comprehensive Plan. The subject site is outlined in a dashed line below.



Compliance with Town of Erie Zoning Map

The subject property is zoned Medium-Density Residential (MR) and Low-Density Residential (LR) with the Westerly PUD Overlay, Public Land and Institutions (PLI), and Agricultural/Open Space (AG/OS). The property is outlined in a dashed line on the zoning map below. Staff find that this application is consistent with the zoning. The proposed lots comply with the minimum lot size, lot width, and other development standards in the Westerly PUD overlay and UDC. Staff evaluated the lot layout in relation to the dimensional standards (setbacks, etc.), and find that the lots are configured in a way that will allow compliance with the standards.



Access/Roadways:

An Amendment (dated April 28, 2023) to the Master Traffic Impact Study (MTIS) for Westerly and Traffic Conformance Letter (dated February 14, 2024) was submitted with the Preliminary Plat application materials. The Traffic Impact Study found that traffic generated by this future development, referred to as Filing/Phase 5 in the MTIS, can be accommodated by the network with recommended road and intersection improvements. The Traffic Impact Study accounts for all residential lots as well as the addition of a public school with 750 students and 80 staff members. The Traffic Conformance Letter eliminates the 18 Live Work units and 4 residential units from the original MTIS which does not alter the MTIS traffic impact findings or recommendations. The roadway and intersection improvements identified in the Traffic Impact Study and through the development review process will be specified in the Development Agreement included with the forthcoming Final Plat(s). These include:

- Erie Parkway: 4 lanes with an 18-foot raised median. A left turn lane is provided at Waterford Street to accommodate the westbound to southbound movements.

- WCR 7: 2 lanes with a northbound to westbound left turn lane at the Chestnut Avenue intersection.
- Erie Parkway/WCR 7 intersection: Signalized with one left turn lane in each approach.
- Site Access:
 - Waterford Street is signalized with a left turn lane and a right turn lane in the northbound approach.
 - Chestnut Avenue at WCR 7 is stop-sign-controlled with a right turn lane in the eastbound approach.
- Internal Street Network
 - The new internal street network proposed with the Westerly Preliminary Plat No. 3 will adequately accommodate future traffic from the development.
- Regional Intersections
 - The Traffic Impact Analysis evaluated levels of service of nearby major intersections and the contribution to traffic volume by the proposed Westerly development. New intersection improvements may be necessary in the future. The Town will evaluate levels of service with future land use applications in Westerly and other nearby developments to determine necessary improvements.
 - CR 7 & Erie Parkway
- For pedestrians, both Erie Parkway and WCR 7 will have a 10-foot detached path/bikeway on each side of the street.
- A spine trail connection will be provided from the development to the north with an underpass beneath Erie Parkway.

The streets and improvements proposed follow the Town's Standards and Specifications. Internally, the lots are served by a network of interconnected streets, alleys, and sidewalks. Additionally, the Town's Transportation Division is currently working with the applicant to extend transit services to Westerly Filing 1.

Parks, Open Space, and Trails:

The Preliminary Plat includes new trail connections, public open space dedications and pocket parks dedications. The Neighborhood Park dedication will be satisfied with future filings. The Community Parks requirement is collected via Impact Fees.

Natural Areas Inventory:

An update to the Native and Specimen Tree and Vegetation Survey and Threatened and Endangered Species and Wildlife Report was submitted with the Preliminary Plat application materials. The Town of Erie Natural Areas Inventory does not identify any natural areas of special concern within the project area.

Drainage and Erosion:

A Drainage Study was submitted and reviewed with the Preliminary Plat, with no concerns noted by engineering. Final drainage plans will be reviewed with the Final Plat.

Fire Protection:

The Mountain View Fire Protection District provides fire and emergency medical services. The closest fire station is MVFPD Station 6, at 3561 Stagecoach Rd. The district had no concerns with the proposal.

Police Services:

The Erie Police Department provides service to the property.

Schools:

This project falls within the SVVSD boundary. Tract AA is to be dedicated for a new school.

Utilities:

The Town of Erie provides both water and wastewater services to the property. Non-potable irrigation is proposed for landscaping along Erie Parkway. The utility service provider for the property is Xcel Energy for gas, United Power for electric, 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 but are adequately shown on the Preliminary Plat.

Trash Service:

Individual developments will contract for local pickup service.

Oil and Gas Facilities:

A Master Plan Exhibit for oil and gas compliance to the UDC was submitted with the preliminary plat, with no concerns by the Director of Environmental Services. Plugged and abandoned oil and gas facilities are located within this plat and active wells are located in the parcel to the south.

The applicant submitted the Preliminary Plat originally in 2021 and is compliant with the oil and gas setback requirements in place at the time of submittal. The 2021 setback regulations require a 25-foot setback from plugged and abandoned wells; 350-foot setback from active wells to residential lots, non-residential buildings, community parks, neighborhood parks and pocket parks; and a 150-foot setback from street rights-of-way and trails.

The applicant is making several voluntary concessions to comply with current oil and gas setbacks such as accommodating 50- by 100-foot setbacks to plugged and abandoned wells and delaying development within 2,000 feet of the proposed Draco Pad until after construction and preproduction (i.e. drilling, hydraulic fracturing, and flowback) activities are completed.

Soils and Geology:

A Mine Subsidence Investigation was completed for the entire Westerly site in 2018

prior to the annexation of the site and submitted with this application. An Undermining Constraints Exhibit was also provided in the application. The historic Eagle Mine did undermine a portion of the property included within Westerly Preliminary Plat No. 3. However, the mining occurred primarily at depths greater than 400 feet below the surface. Given the depth of the undermining, the area is suitable for development at the scale of residential uses proposed by the application. Larger-scale buildings, such as the proposed school, could also be appropriate but would require further investigation on a case-by-case basis.

Environmental Hazards:

A Phase I Environmental Site Assessment Report was submitted with the application materials. The assessment revealed Controlled Recognized Environmental Condition related to a plugged and abandoned well within the property which has been adequately remediated.

Biological Assessment and Cultural Resources:

A Cultural Resources Inventory was completed for the entire Westerly site in 2018, prior to the annexation of the site, and submitted with this application. There were no historic properties, as legally defined, within the property.

STAFF REVIEW AND ANALYSIS

Staff finds the application is consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.D.2, as outlined below.

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

Staff: The subdivision is generally consistent with the Comprehensive Plan. The proposed lots meet the intent of the Land Use Map.

- 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 in compliance with the MR/PUD overlay, LR/PUD overlay, PLI, and AG/OS zone districts. The proposed lots meet all dimensional standards included in the Westerly PUD overlay and will allow for orderly development.

- 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 Preliminary Plat meets the applicable Town standards. Sidewalks will provide linkages to the overall community. The overall layout maximizes the amount of open space with trail connections throughout.

- 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 design of the Preliminary Plat considers applicable use, development, and design standards of Chapters 3, 5, and 6 of the Code and the Westerly PUD overlay. The layout and design of the subdivision is appropriate and consistent with the general provisions of the UDC. Streets and connections are appropriate and will benefit future residents. Utility easements are provided on the Preliminary Plat. Appropriate provisions are in place for storm water, water, and wastewater lines.

- 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: Significant adverse impacts are not anticipated. The site is not impacted by a designated floodplain. Provisions are in place to protect water quality, erosion control, and wastewater. Appropriate studies were reviewed during the review of the Preliminary Plat and no concerns are outstanding. Construction documents as part of the Final Plat process will require Best Management Practices (BMP's) for water quality, stormwater management and erosion control in accordance with the Town of Erie - Standards and Specifications for Design and Construction of Public Improvements.

- 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: Significant adverse impacts are not anticipated. Appropriate studies were reviewed during the review of the Preliminary Plat and no concerns are outstanding.

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

Staff: Pedestrian and vehicular access is adequately provided throughout the subdivision. Sidewalk connections are provided at key locations. Spine Trails are shown through the dedicated open space and through the neighborhood to a proposed underpass at Erie Parkway.

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

Staff: Significant adverse impacts are not anticipated. As part of the Preliminary Plat review, drainage and erosion, traffic impact, environmental, and cultural studies were reviewed. No concerns are outstanding.

- 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 services and facilities currently exist or will be enhanced by the Preliminary Plat that will provide service to the development, adjacent neighborhoods, and the community at large.

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

Staff: A phasing plan is not contemplated for the Preliminary Plat. A Development Agreement between the applicant and the Town will be reviewed by The Town Council as part of Final Plat approvals which may include a phasing plan.

NEIGHBORHOOD MEETING

As required by the Municipal Code, a Neighborhood Meeting was held on April 30, 2024. The summary of the meeting and list of attendees is attached.

PUBLIC NOTICE

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly: 06/19/2024

Property Posted: 06/21/2024

Letters to adjacent property owners within 500': 06/21/2024