

**TOWN OF ERIE  
ORDINANCE NO. \_\_\_\_-2020**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
ERIE APPROVING WITH CONDITIONS THE NINE MILE PLANNED  
DEVELOPMENT**

**WHEREAS**, Evergreen-287 & Arapahoe, LLC ("Applicant") is under contract to purchase the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

**WHEREAS**, on September 27, 2019, Applicant submitted an application for a Planned Development ("PD") for the Property (the "Application");

**WHEREAS**, on March 4, 2020, the Planning Commission conducted a properly-noticed public hearing on the Application and recommended that the Board of Trustees approve the PUD with conditions;

**WHEREAS**, on March 10, 2020, the Board of Trustees conducted a properly-noticed public hearing on the Application; and

**WHEREAS**, the Board of Trustees, upon reviewing the recommendation of the Planning Commission, hearing the statements of staff and the public, and giving due consideration to the matter, finds and determines as provided below.

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
ERIE, COLORADO, THAT:**

Section 1.      Findings of Fact. The Board of Trustees hereby finds as follows:

- a.      The PD complies with Title 10 of the Erie Municipal Code (the "UDC") and other applicable law, and is consistent with the Town's Comprehensive Plan, Parks, Recreation, Open Space, and Trails Master Plan, and other pertinent Town plan and policy documents.
- b.      The PD is based on creative and innovative design and amenities incorporated in the PD that could not otherwise be achieved through other standard zoning districts or through another modification processes;
- c.      Adequate and sufficient public safety, utility facilities and services, recreation facilities, parks, open space, and schools are available to serve the property, while maintaining sufficient levels of service to existing development.
- d.      The PD provides adequate vehicular circulation and parking facilities in terms of traffic volumes, convenience, safety, access, screening and noise.
- e.      The PD includes a pedestrian and bicycle circulation system that provides connections to adjacent properties, existing and future trails, parks, open space, recreational facilities, schools, and other places of public gathering.

- f. The PD will not result in significant adverse impacts on significant scenic and historic features, or such impacts will be substantially mitigated.
- g. The proposed uses on the Property will be compatible in scale with uses on other properties in the vicinity of the Property;
- h. The residential areas of the PD allocate a variety of housing types and densities appropriate to the size of the residential development area.
- i. Visual relief is provided through building placement, shortened or interrupted street vistas, visual access to open space, parks, and other design methods.
- j. The modifications permitted in the PD have been made in exchange for greater public benefits that would not have otherwise be achieved through development under another zone district.

Section 2.     Decision. Based on the foregoing findings of fact, the PD is hereby approved with the following conditions:

- a. Applicant shall make technical corrections to the PD and Application documents as directed by Town staff.

Section 3.     Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4.     Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5.     Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

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Jennifer Carroll, Mayor

**ATTEST:**

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Heidi Leatherwood, Town Clerk