

**Town of Erie
Ordinance No. 29-2021**

**An Ordinance of the Board of Trustees of the Town of Erie Zoning
Certain Recently Annexed Property, also Known as Erie Gateway
South Annexation No. 8, as Planned Development**

Now Therefore be it Resolved by the Board of Trustees of the Town of Erie, Colorado, that:

Section 1. Findings of Fact.

a. The Town desires to zone certain property recently annexed to the Town and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), as Planned Development (PD).

b. Public notice has been given as follows and as required by Section 10.7.2(F) of the Unified Development Code (the "UDC"):

i. One publication in a newspaper of general circulation within the Town at least 15 days before the public hearing of such rezoning;

ii. Written notice of such hearing on the proposed rezoning was sent by first class mail at least 15 days prior to the hearing to owners of property within 500 feet of the Property; and

iii. Notice of such hearing was posted on the Property.

c. A need exists for zoning the Property to Planned Development (PD) and doing so will meet the following criteria in Section 10.7.4(B) of the UDC:

i. The zoning will promote the public health, safety, and general welfare;

ii. The zoning is consistent with the Town's Comprehensive Plan and the purposes of the UDC;

iii. The zoning is consistent with the stated purpose of the PD zoning district;

iv. 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 Property while maintaining adequate levels of service to existing development;

v. The zoning 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;

- vi. The zoning is not likely to result in significant adverse impacts upon other property in the vicinity of the Property;
- vii. Future uses on the Property will be compatible in scale with uses on the other properties in the vicinity of the Property; and
- viii. The zoning is generally consistent with the Town's economic development goals and objectives in bringing positive growth and sustainable revenues to the Town.

Section 2. Based on the foregoing findings, the Property is hereby zoned Planned Development (PD), and the Town's Zoning Map is hereby amended accordingly.

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.

Introduced, Read, Passed and Ordered Published this 28th day of September, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk

Exhibit A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36 BEING S 89°36'44" W AND MONUMENTED AS FOLLOWS:

-SOUTHWEST CORNER OF SECTION 36, BEING A FOUND 2.25" ALUMINUM CAP IN RANGE BOX, PLS 28656 PER MON REC DATED 12-2-93.

-SOUTH 1/4 CORNER OF SECTION 36, BEING A FOUND 3.25" ALUMINUM CAP, AS A 75' WC. RLS 4846 PER MON REC DATED 9-10-08.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 36;

THENCE N 00°20'01" W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36 A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 7 (BASELINE ROAD) SAID POINT ALSO BEING THE SOUTHWEST CORNER OF ERIE GATEWAY SOUTH ANNEXATION NO. 1, ORD. NO. 330016, RECEPTION NO. 03573283 AND THE POINT OF BEGINNING;

THENCE S 89°36'44" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 576.06 FEET TO THE SOUTHEAST CORNER OF ERIE GATEWAY SOUTH ANNEXATION NO. 7, ORD. NO. 05-2018, RECEPTION NO. 3649284;

THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 7 THE FOLLOWING TWO (2) COURSES;

1. N 00°01'08" W A DISTANCE OF 1209.44 FEET;

2. S 87°03'19" E A DISTANCE OF 573.88 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 1, ORD. NO. 33-2016, RECEPTION NO. 03573283;

THENCE S 00°20'01" E ALONG SAID WESTERLY BOUNDARY A DISTANCE OF 1 176.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 685,260 SQUARE FEET OR 15.7314 ACRES MORE OR LESS.