

## **RESOLUTION NO. P20-03**

### **A RESOLUTION REGARDING NINE MILE CORNER PD-DP AMENDMENT NO. 1, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE AMENDMENT.**

**WHEREAS**, Evergreen 287 & Arapahoe, LLC (the “Developer”) has submitted a Planned Development (“PD”) Amendment (“Nine Mile Corner PD-DP Amendment No. 1”) for those certain lands within the Town known as Nine Mile Corner, under the authority provided by the Erie Municipal Code:

**WHEREAS**, the Planning Commission considered the Nine Mile Corner PD-DP Amendment No. 1 at a public hearing held on March 4, 2020, for which meeting public notice was legally given, being the amendment of the PD for the following real property:

See Exhibit A

### **NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:**

#### **Section 1. Findings of Fact.**

1. The applicant’s application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.
2. Following a duly noticed and conducted public hearing, the Planning Commission determined that the application meets the approval criteria in Municipal Code Title 10, Section 10.7.23 C.9. Approval Criteria:
  - a The PD district zoning is generally consistent with the purpose of the PD zone district as set forth in UDC Sections 2.5 and 7.6.
  - b The modification to the UDC regulations is based on creative and innovative design and amenities incorporated in the PD zone district that could not otherwise be achieved through other standard zoning districts or through another modification processes such as Alternative Equivalent Compliance in UDC Subsection 6.1.C or the PUD Overlay District in UDC Subsection 2.7.D.
  - c The PD zoning district will promote the public health, safety, and general welfare.
  - d The PD zoning district is generally consistent with the Town of Erie Comprehensive Master Plan; Transportation Master Plan; Parks, Recreation, Open Space, and Trails Master Plan, and other pertinent Town plan and policy documents.
  - e 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.

- f The PD zone district provides adequate vehicular circulation and parking facilities in terms of traffic volumes, convenience, safety, access, screening and noise.
  - g 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.
  - h The PD zone district is not likely to result in significant adverse impacts to the natural environment, and significant scenic and historic features.
  - i The PD zone district will not result in significant adverse impacts on properties in the vicinity of the PD zone district, or such impacts will be substantially mitigated.
  - j Proposed uses will be compatible in scale with uses on properties in the vicinity of the PD zone district.
  - k The residential areas of a PD zone district allocate a variety of housing types and densities appropriate to the size of the residential development area.
  - l Visual relief is provided through building placement, shortened or interrupted street vistas, visual access to open space, parks, and other design methods.
  - m The modifications permitted in the PD zone district have been made in exchange for greater public benefits that would not have otherwise be achieved through development under another zone district.
3. Staff finds the Nine Mile Corner PD-DP Amendment No. 1 in compliance with the Approval Criteria and recommends the Planning Commission adopt this Resolution recommending approval to the Board of Trustees with the following condition of approval:
- a. Staff may direct the applicant to make technical corrections to the documents.

**Section 2. Conclusions and Order Recommending Approval to the Board of Trustees for Nine Mile Corner PD Amendment No. 1.**

- 1. The applicant's application and supporting documents are in substantial compliance with Municipal Code, Title 10.
- 2. Based on the above, Findings of Fact, the Planning Commission hereby forwards the Nine Mile Corner PD Amendment No. 1 application to the Board of Trustees with the Planning Commission's recommendation for approval with the conditions listed above.

**INTRODUCED, READ, SIGNED AND APPROVED** this 4<sup>th</sup> day of March 2020.

TOWN OF ERIE, PLANNING COMMISSION

By: \_\_\_\_\_  
Eric Bottenhorn, Chair

ATTEST:

By: \_\_\_\_\_  
Melinda Helmer, Secretary

## EHXIBIT A

A PORTION OF THE NORTHEAST QUARTER OF SECTION 34 AND THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 34 AND MONUMENTED ON THE WEST BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 38064" IN A RANGE BOX FOR THE CENTER-NORTH 1/16 CORNER OF SECTION 34, AND MONUMENTED ON THE EAST BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 16406" FOR THE NORTH 1/16TH CORNER COMMON TO SECTIONS 34 AND 35, AND IS ASSUMED TO BEAR S89°54'51"W.

COMMENCING AT SAID CENTER-NORTH 1/16 CORNER OF SAID SECTION 34;

THENCE WITH SAID SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, N89°54'51"E A DISTANCE OF 57.27 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH 107TH STREET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE WITH SAID EAST RIGHT OF WAY LINE OF NORTH 107TH STREET, N00°23'00"W A DISTANCE OF 1,388.64 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ARAPAHOE ROAD AND A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID RIGHT OF WAY LINE OF ARAPAHOE ROAD AND SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 23°39'37", HAVING A RADIUS OF 80.50 FEET, AN ARC LENGTH OF 33.24 FEET, AND WHOSE CHORD BEARS N66°05'34"E, A CHORD DISTANCE OF 33.01 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE, N77°55'23"E A DISTANCE OF 31.39 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE N64°30'37"E A DISTANCE OF 166.81 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE N87°36'30"E A DISTANCE OF 521.75 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE S50°58'13"E A DISTANCE OF 81.70 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE, S75°07'26"E A DISTANCE OF 67.64 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE, S68°54'48"E A DISTANCE OF 154.47 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE, S65°50'20"E A DISTANCE OF 12.93 FEET TO A POINT OF CURVATURE TO THE LEFT;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE AND SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°39'46", HAVING A RADIUS OF 960.68 FEET, AN ARC LENGTH OF 279.39 FEET, AND WHOSE CHORD BEARS S72°25'40"E, A CHORD DISTANCE OF 278.40 FEET;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE, S89°58'35"E A DISTANCE OF 355.68 FEET;

THENCE DEPARTING WITH SAID PROPOSED SOUTH RIGHT OF WAY LINE, S00°01'26"E A DISTANCE OF 439.93 FEET;

THENCE N89°58'23"W A DISTANCE OF 252.20 FEET;

THENCE S00°00'29"E A DISTANCE OF 846.36 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34;

THENCE S89°54'51"W, ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 1377.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 47.63 ACRES (2,074,772 SQUARE FEET), MORE OR LESS.