

## **RESOLUTION NO. P20-13**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF ERIE RECOMMENDING THAT THE BOARD OF TRUSTEES APPROVE WITH CONDITIONS THE WESTERLY - PUD OVERLAY DISTRICT.**

**WHEREAS**, Erie Land Company, LLC, 1225 17<sup>th</sup> Street, Suite 2420, Denver, Colorado 80202 (the "Applicant") has submitted a Planned Unit Development ("PUD") overlay ("Westerly – PUD Overlay District") for real property legally described as Located in the West ½ of Section 21, Township 1 North, Range 68 West of the 6<sup>th</sup> Principle Meridian, Town of Erie, County of Weld, State of Colorado (the "Property");

**WHEREAS**, the Planning Commission considered the Westerly – PUD Overlay District at a public hearing held on July 1, 2020 for which meeting public notice was legally given;

**WHEREAS**, the Applicant's application and supporting documents are in substantial compliance with the Town of Erie Comprehensive Plan and Erie Municipal Code, Title 10 (the "UDC"); and

**WHEREAS**, Westerly – PUD Overlay District as proposed will preserve the health, safety, welfare and interest of the citizens of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF ERIE, COLORADO**, as follows:

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

Section 1. Findings of Fact. The Planning Commission determines that the Westerly – PUD Overlay District application meets the approval criteria in Erie Municipal Code Section 7.6.D.9.:

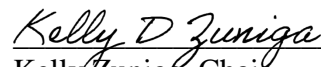
- a. The PUD Rezoning is consistent with the Purpose of the PUD Overlay District in Section 2.7.D.1;
- b. The PUD Rezoning will promote the public health, safety, and general welfare;
- c. The PUD Rezoning is consistent with the Town's Comprehensive Master Plan and the purposes of this UDC;
- d. The PUD Rezoning is generally consistent with the PUD standards in Section 2.7.D.2;
- e. Adequate facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- f. The PUD Rezoning 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;
- g. The PUD Rezoning is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the Town;
- h. The PUD Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
- i. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;
- j. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the schedule of the development or Development Agreement submitted by the applicant; and
- k. The PUD Plan provides public benefit(s).

Section 2.     Decision.   Based on the foregoing Findings of Fact, the Planning Commission recommends approval to the Board of Trustees for the Westerly – PUD Overlay District, subject to the following conditions:

- 1.     The Westerly Zoning Map that adjusted the zoning boundary between the NMU-Neighborhood Mixed Use zone district and the LR-Low Density Residential zone district shall be recorded for approval of the PUD Overlay District to be effective.
- 2.     Technical corrections to the Westerly – PUD Overlay District shall be made to the Town's satisfaction.

**ADOPTED this 1st day of July, 2020.**

  
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Kelly Zuniga, Chair

ATTEST:

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Melinda Helmer, Secretary