

**TOWN OF ERIE
ORDINANCE NO. ____-2020**

**AN ORDINANCE OF THE BOARD OF TRUSTEES 1/OF THE TOWN OF
ERIE APPROVING THE ERIE VILLAGE PLANNED DEVELOPMENT
AMENDMENT NO. 6**

WHEREAS, Porchfront Homes @ Erie Village LLC ("Applicant") owns the real property more particularly described as located in the East ½ of Section 12, Township 1 North, Range 69 West of the 6th P.M., County of Boulder, State of Colorado (the "Property");

WHEREAS, on October 15, 2019, Applicant submitted an application for a Planned Development Amendment No. 6 ("PDA 6") for the Property (the "Application");

WHEREAS, on September 16, 2020, the Planning Commission conducted a properly noticed public hearing on the Application and recommended that the Board of Trustees approve PDA 6;

WHEREAS, on October 13, 2020, the Board of Trustees conducted a properly noticed public hearing on the Application;

WHEREAS, the Town is the beneficiary of the Erie Village Filing 5 Restrictive Covenant dated April 22, 2008 and recorded at Reception No. 2935228 in the Boulder County Clerk and Recorder's office (the "Restrictive Covenant");

WHEREAS, the Restrictive Covenant mandates that at least one person occupying a dwelling unit shall be 62 years of age or older and no occupant shall be under 19 years of age;

WHEREAS, as the sole beneficiary of the Restrictive Covenant, the Town is authorized to rescind the Restrictive Covenant;

WHEREAS, as part of the Application, Applicant has requested that the Town rescind the Restrictive Covenant to allow for other development of the Property; 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 Planned Development ("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 been achieved through development under another zone district.

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

Section 3. Restricted Covenant Rescinded. The Restrictive Covenant is hereby rescinded in its entirety, shall be of no further force and effect, and shall no longer apply to the Property.

Section 4. 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 part, or parts, be declared unconstitutional or invalid.

Section 5. 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 6. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Jennifer Carroll, Mayor

ATTEST:

Heidi Leatherwood, Town Clerk