

Town of Erie
Ordinance No. 37-2021

An Ordinance of the Board of Trustees of the Town of Erie
Approving the Erie Highlands PUD Zoning Map Amendment No. 3

Whereas, Clayton Properties Group II, Inc. (the "Applicant") owns the real property more particularly described as a portion of the North Half of Section 20, Township 1 North, Range 68 West of the Sixth Principal Meridian, Town of Erie, County of Weld, State of Colorado (the "Property");

Whereas, on March 23, 2020, the Applicant filed an application (the "Application") for a planned unit development zoning map amendment, known as the Erie Highlands PUD Zoning Map Amendment No. 3 (the "PUD");

Whereas, on October 20, 2021, the Planning Commission held a properly-noticed public hearing on the Application and recommended that the Board of Trustees approve the PUD; and

Whereas, on November 9, 2021, the Board of Trustees conducted a properly-noticed public hearing on the PUD.

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

Section 1. Findings of Fact. 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 follows:

- a. The PUD complies with Title 10 of the Erie Municipal Code (the "UDC") and other applicable law, and is consistent with the Town's Comprehensive Plan.
- b. The proposed uses on the Property will be compatible in scale with uses on other properties in the vicinity of the Property;
- c. The PUD will not result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- d. The PUD will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
- e. The PUD will not result in significant adverse impacts on significant scenic and historic features, or such impacts will be substantially mitigated.

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

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 9th day of November, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk