

**Town of Erie
Ordinance No. 35-2021**

**An Ordinance of the Board of Trustees of the Town of Erie
Approving the Westerly Planned Unit Development**

Whereas, Erie Land Company, LLC (the "Applicant") owns the real property more particularly described as a portion of Section 21, Township 1 North, Range 68 West, 6th P.M., Town of Erie, County of Weld, State of Colorado (the "Property");

Whereas, on September 29, 2020, the Applicant filed an application (the "Application") for a planned unit development for the Property, known as the Westerly PUD Overlay District (the "PUD");

Whereas, on October 6, 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 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 Application meets the criteria set forth in Section 10.7.6 of the Erie Municipal Code (the "UDC"), specifically:
 - i. The Application is generally consistent with the purpose of the PUD overlay district in Section 10.2.7.D.1;
 - ii. The PUD will promote the public health, safety, and general welfare;
 - iii. The PUD is generally consistent with the Town's Comprehensive Plan and the purposes of the UDC;
 - iv. The PUD is generally consistent with the standards in Section 2.7.D.2;
 - v. 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 subject property while maintaining adequate levels of service to existing development;

- vi. The PUD 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;
- vii. The PUD is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the Town;
- viii. The PUD is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
- ix. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;
- x. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the Development Agreement submitted by the Applicant; and
- xi. The PUD provides public benefit.

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.

Adopted this 9th day of November, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk