

ORDINANCE NO. __-2017

AN ORDINANCE OF THE TOWN OF ERIE, COLORADO, APPROVING NINE MILE CORNER PLANNED DEVELOPMENT REZONING; MAKING FINDINGS SUPPORTING NINE MILE CORNER PLANNED DEVELOPMENT REZONING; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, Evergreen Devco, Inc., 1873 South Bellaire Street, Suite 1200, Denver, Colorado, hereinafter known as the “Developer,” has submitted a “PD” Planned Development Rezoning application (“Nine Mile Corner Planned Development”) for those certain lands within the Town of Erie, Colorado, under the authority provided by the Municipal Code of the Town of Erie, Colorado; and

WHEREAS, the Planning Commission of the Town of Erie, Colorado, conducted a public hearing on Wednesday, June 21, 2017, pursuant to the published notice for consideration of the Nine Mile Corner Planned Development Rezoning, on the application of Evergreen Devco, Inc., 1873 South Bellaire Street, Suite 1200, Denver, Colorado, and;

WHEREAS, the Board of Trustees of the Town of Erie, Colorado, considered the Nine Mile Corner Planned Development Rezoning at a public hearing held on July 11, 2017 for which meeting public notice was legally given, on the application of the Developer for the following real property; to wit:

A Portion of the North ½ of Section 34, Township 1 North, Range 69 West of the 6TH Principal Meridian, Town of Erie, County of Boulder, State of Colorado, and;

WHEREAS, the Developer’s application and supporting documents are in substantial compliance with the “*Town of Erie, 2015 Comprehensive Plan*” and the “*Town of Erie Municipal Code, Title 10*”; and,

WHEREAS, Nine Mile Corner Planned Development Rezoning as proposed will preserve the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado; and,

WHEREAS, the notice has been given and the public hearings have been held, all as required by the Municipal Code of the Town of Erie.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. That following a legally noticed and duly conducted public hearing, the Board of Trustees of the Town of Erie has determined that the Nine Mile Corner Planned Development Rezoning application meets the approval criteria in Municipal Code Title 10, Section 7.6 D.9., as applied to an existing PD, specifically making the following findings:

- 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.

Finding: *The Nine Mile Corner PD is generally consistent with Section 2.5. Section 7.6 (PUD Overlay) is not applicable.*

- 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.

Finding: *The PD allows for certain modifications to the UDC that Alternative Equivalent Compliance, PUD Overlay Zoning, and other zone districts cannot achieve. The modifications allow for commercial and residential development with unique and creative standards that respond to Nine Mile's specific location adjacent to high volume intersection and streets and existing commercial and residential development.*

- c. The PD zoning district will promote the public health, safety, and general welfare.

Finding: *The PD Amendment promotes 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.

Finding: *The PD Amendment is generally consistent with the Town of Erie master plans.*

- 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.

Finding: *The above referenced services are available or are within close proximity to the property. Additional facilities and levels of service will be mitigated through subsequent subdivision and site plan approval procedures.*

- f. The PD zone district provides adequate vehicular circulation and parking facilities in terms of traffic volumes, convenience, safety, access, screening and noise.

Finding: *Adequate vehicular circulation and parking facilities are required in the PD and will be provided for through subsequent subdivision and site plan approval procedures.*

- 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.

Finding: *Adequate pedestrian and bicycle circulation are required in the PD and will be provided for through subsequent subdivision and site plan approval procedures.*

- h. The PD zone district is not likely to result in significant adverse impacts to the natural environment, and significant scenic and historic features.

Finding: *No significant adverse impacts to the above referenced qualities/conditions are anticipated. The subsequent subdivision and site plan approval process will require the mitigation of impacts to these qualities/conditions if and when they are encountered based on required studies/reports.*

- 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.

Finding: *Significant adverse impacts are not anticipated as they have been mitigated*

by requirements in the PD.

- j. Proposed uses will be compatible in scale with uses on properties in the vicinity of the PD zone district.

Finding: *The proposed development will be compatible in scale.*

- 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.

Finding: *The PD Amendment allows for different housing types and a density appropriate to the area.*

- l. Visual relief is provided through building placement, shortened or interrupted street vistas, visual access to open space, parks, and other design methods.

Finding: *Visual relief is provided for through setbacks and PD requirements and will be implemented with subsequent subdivision and site plan procedures.*

- 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.

Finding: *The modifications in the PD allow for commercial and residential uses at a scale and design appropriate to the adjacent corridors and larger region while providing increased separation, buffers, and design solutions to adjacent existing uses, both of which are greater public benefits that would not be otherwise achieved under another zone district or districts.*

Section 2. That the proposed Nine Mile Corner Planned Development Rezoning, subject to the following condition, will preserve the health, safety, welfare, and interest of the citizens of Erie, Colorado:

- a. Technical corrections to the Nine Mile Corner Planned Development – Development Plan shall be made to the Town’s satisfaction.

Section 3. That the Nine Mile Corner Planned Development Rezoning, as specifically set forth in the Nine Mile Corner Planned Development Rezoning application, for the Property, described herein above, is hereby approved with the condition listed above, in accordance with the provisions of Municipal Code, Title 10 of the Town of Erie, Colorado.

Section 4. The Nine Mile Corner Planned Development Rezoning shall not affect any Developer’s commitments made in Annexation Agreements, Development Agreements, and Site Plan Agreements, except as may be specifically amended herein.

Section 5. Severance Clause. If an 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 of the Town of Erie, Colorado hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 6. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after publication following final passage or upon the full execution of the Nine Mile Corner Planned Development Rezoning and the recording of the same with the Boulder County Clerk and

Recorder, whichever occurs later.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE THIS 25TH DAY OF JULY 2017.

PUBLISHED IN FULL ON THE _____ DAY OF _____, 2017.

TOWN OF ERIE, a Colorado municipal corporation

By: _____

Tina Harris, Mayor

ATTEST:

By: _____

Nancy Parker, Town Clerk