

TOWN OF ERIE
ORDINANCE NO. 5-2020

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE APPROVING WITH CONDITIONS THE ERIE HIGHLANDS PLANNED UNIT DEVELOPMENT ZONING MAP, AMENDMENT NO. 2

WHEREAS, Clayton Properties Group II, Inc, J Dearmin LLC, J Gaz, LLC, The Jack Shell and Sonya Shell Family Trusts, and WY&K Holdings, LLC (collectively "Applicant") own the real property more particularly described as a Portion of Section 20, Township 1 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado (the "Property");

WHEREAS, on November 30, 2017, Applicant submitted an application for a Planned Unit Development Amendment (the "PUD Amendment") for the Property;

WHEREAS, on December 18, 2019, the Planning Commission conducted a properly-noticed public hearing on the PUD Amendment and recommended that the Board of Trustees approve the PUD Amendment with conditions; and

WHEREAS, on January 14, 2020, the Board of Trustees conducted a properly-noticed public hearing on the PUD Amendment.

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 Amendment 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 Amendment 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 Amendment will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
- e. The PUD Amendment 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 Amendment is hereby approved with the following condition:

a. Applicant shall make minor technical corrections to the Application documents as directed by Town staff.

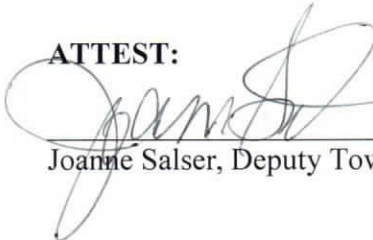
Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby 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 14th day of January 2020.

ATTEST:


Joanne Salser, Deputy Town Clerk




~~Jennifer Carroll, Mayor~~
Geoff Deakin
Mayor Pro Tem