TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

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Meeting Minutes

Wednesday, July 2, 2025

6:30 PM

In Person Meeting
To View Meeting Virtually on Zoom: https://bit.ly/2July25PCMtg

To Sign Up for Public Comment: www.erieco.gov/PublicComment

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Burns called the July 2, 2025 Planning Commission Meeting to order at 6:38pm.

II. ROLL CALL

Roll Call:
Commissioner Dreckman - present
Commissioner Sawusch - present
Commissioner Booth - present
Commissioner Braudes - present
Commissioner Baham - present
Vice Chair Hemphill - present
Chair Burns - present

A quorum was present.

III. APPROVAL OF THE AGENDA

Commissioner Booth moved to approve the agenda of the July 2, 2025 Planning Commission Meeting. The motion, seconded by Commissioner Dreckman, carried with the following roll call vote:
Commissioner Dreckman - yes
Commissioner Sawusch - yes
Commissioner Booth - yes
Commissioner Braudes - yes
Commissioner Baham - yes
Vice Chair Hemphill - yes
Chair Burns - yes

The motion carried unanimously.

IV. APPROVAL OF MINUTES

25-411 Approval of the June 18, 2025 Planning Commission Meeting Minutes

Attachments: June 18, 2025 Planning Commission Meeting Minutes

Commissioner Braudes moved to approve the meeting minutes of the June 18, 2025 Planning Commission Meeting. The motion, seconded by Commissioner Booth, carried with the following roll call vote:
Commissioner Dreckman - yes
Commissioner Sawusch - yes
Commissioner Booth - yes
Commissioner Braudes - yes
Commissioner Baham - yes
Vice Chair Hemphill - yes
Chair Burns - yes

The motion carried unanimously.

V. PUBLIC COMMENTS

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No public comments were taken.

VI. GENERAL BUSINESS

25-393 PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Approving the Erie Highlands Filing 17 Commercial Site Plan

Attachments: Resolution P25-11
Staff Report
Staff Presentation
Applicant Presentation
Proposed Site Plan
Application and Narrative
Additional Application Materials
DRT Comments
Neighborhood Meeting Notice and Summary
Public Notice

Chair Burns announced Agenda Item 25-393: A Public Hearing for a Resolution of the Planning Commission of the Town of Erie Approving the Erie Highlands Filing 17 Commercial Site Plan.

Chair Burns opened the public hearing at 6:42pm and turned it over to staff for presentation.

Harry Brennan, Senior Planner, provided a presentation to the Commission on the Erie Highlands Filing 17 Site Plan.

The applicant, Erica Shorter of Evergreen Development, provided a presentation and additional background information on the project to the Commission.

Chair Burns opened up the Public Comments portion of the Public Hearing at 7:04pm. Public comment was taken from the following resident:

Cord-Patrick Kammholz of 1078 Magnolia Street, Erie, CO 80516. Mr. Kammholz noted that he disagrees with the compatibility with the proposed neighborhood. The proposed development would appear to have a higher impact than described. There is concern with the amount of vehicular movement brought forth by a McDonald's and QuikTrip which are the only two names uses of the pad sites. The property is surrounded by residential uses and a high school. Mr. Kammholz is specifically concerned with the amount of traffic that will be diverted to Glacier Drive and encourages the Planning Commission to encourage staff to consider taking a second look at the traffic layout of the site.

Chair Burns brought it back to the Commission for any questions and comments of the applicant and/or staff.

Some questions and comments included the following:
- Clarification as to why this application is being brought to the Planning Commission again since it's not a standard specific process though it's in the UDC

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- In terms of the Administrative Review, we're looking at it as the multiple buildings that are over 25,000 square feet and move it to the Planning Commission.
- Total trips/trip generation at commercial side - 2348 estimated trips to generate from full build out, is this correct?
- There could be a large number of trips generated depending on the tenant
- Based on expressed concerns, what has been the outcome, what was changed in initial plan to current plan to alleviate some of those traffic concerns?
- What is the current use of the site as it currently sits?
- Does the site act as a detention pond currently?
- Regarding storm drainage and run off - confirming there's sufficient detention/retention at that site for not only current residential including the new commercial area
- Initial traffic study was conducted in 2013; when was the property annexed, when was the initial PD?
- This has been designated as commercial for many years, correct?
- This has always remained commercial designated?
- Comprehensive Plan has designated this site as commercial, correct?
- What is the distance to the oil and gas facility from the auto service to the south? Is it greater than 500 feet or does the annexation agreement say 350 feet?
- An agreement at one point set the distance at that time?
- There was an agreement at one time that set the distances for oil and gas.
- Are there any proposed tenants for any of the sites?
- Is the area across from Westerly staying open or blocking resident views? (Westerly's detention)
- Do we anticipate any of these sites going up to 3 stories?
- Is there pedestrian access going across Weld County Road 5 from Westerly and is there access from the high school site? - With the right it, right out on Weld County Road 5, there could be potential traffic issues.
- What kind of fencing do they have on these residential properties on Glacier Drive that have direct view of the site?
- Looks like there's landscaping to block the residential from the commercial site.
- Will the Planning Commission see anything going forward from here in the way of site plan applications on this site?
- Are the building materials similar to the ones in the Erie Highlands neighborhood?
- How does the land use (neighborhood commercial) fit with the comprehensive plan?
- Floor to Area Ratio is significantly lower than our land use plan which is concerning.
- There is potential for high school and middle school aged students to visit the site and possibly walk through the drainage area for quicker access. Was this taken into consideration when determining pedestrian access?
- To clarify, we haven't codified the Floor to Area Ratio?
- The code states that the site should generally comply with the comprehensive plan - there is some leeway.
- The definition of neighborhood commercial in the Comprehensive Plan under primary use, it accommodates a pedestrian oriented environment. The other primary use is to limit development and redevelopment to non-vehicular oriented land use. (drive-thru's, gas stations, oil change facilities, etc.)
- There is encouragement for staff to take a look at the site uses during the administrative site plan review for potential tenants with drive through access
- Is there any idea for a bridge over the drainage ditch to allow easier access to the site?

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- Public parking concept plan: are the parking spots selected due to our minimums on the pad sites? Why were they chosen through this concept?
- The Sunset development does not have a sidewalk connection. Is there a plan to connect to this commercial area?
- Streets were re-aligned to make it safer, thank you
- Is there going to be fencing around the commercial space to keep people from coming through Erie Parkway and the buildings?
- Floor to Area Ratio: There is a trade off to what makes sense there (regarding density)
- Will parking be in each individual site plan
- Appreciates the traffic being included
- It is hard at this point since its conceptual and appreciates
- Along the created northern lots/pads, is there any consideration for moving them closer to main thoroughfare
- May help with pedestrian access and movement through the site more freely
- Concern regarding U-turns with right in, right out on the far east. People disregard this a lot.
- Are we within the requirements for allowing this for transportation standards? (right in, right out)
- Emergency vehicle access
- How much movement do you anticipate in the lot line placement with the final build out?
- Would be interesting to see less curb-cuts and shared entrances for easier access
- Unannexed property on County Road 5: town is interested in annexing it?
- Crosswalk on Glacier Drive and Highlands Drive, will that have a stop sign or blinking lights? This seems unsafe with pedestrian access if there isn't proper stop signs or lights.
- Strong encouragement for stop signs in this area
- Right in, right out will push more traffic into that intersection
- Definitely some increased traffic because you can't turn left out to Erie Parkway
- The setback from the existing oil and gas pad appears to be about 200 ft. to the corner of this site (especially with the daycare)
- The high school had to extend the soft barricades due to exiting issues
- Is there a way ideally that this would be an intersection?
- Between cars leaving, the school traffic, large vehicles from the landfill, this is a real concern.
- With more housing coming into Westerly the foot traffic will increase
- What was the "child safety" and cut-thru traffic note/concern that was noted in the Neighborhood Meeting?
- Is more concerned with the traffic on Weld County Road 5 with the heavy vehicle traffic (landfill trucks)
- When referring to the Floor to Area Ratio (FAR) that was in the Comprehensive Plan in Neighborhood Commercial, can you clarify the parking requirements? One or two of the pad sites may be under the minimum parking requirements.
- Are we taking into consideration the parking when referring to the FAR?
- Looking at the PUD, the Oil and Gas setback is 150 ft. for reference
- The daycare lot is about 350 ft (under 500 ft.) under this concept plan
- The Unified Development Code Section 10.1.3 b.9: "ensure that developments are substantially compatible with the town's comprehensive plan" was the code that was referenced in the earlier part of the discussion.
- Reiterating to staff, when going through the administrative site plan, try to ensure the site fits with what we are trying accomplish in the town

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Chair Burns closed the public hearing for this agenda item at 8:09 pm and asked if there were any final comments of the Commission.

Final comments from the Commission included the following:
- This being a concept site plan, thinks it does meet the code requirements.
- Reminder of approval criteria and concerns noted, still need to be consistent with this criteria.
- Other consideration is some of the pad site loading areas/back of house and how they are configured. This would be good to have the shared space screened. If we can help facilitate more pedestrian friendly areas that would be helpful.
- Going to the approval criteria section of the code, it is "generally consistent". Some items may not be exact with the town's comprehensive plan. If there's a way to push the daycare further back from oil well that would be appreciated. Doesn't see anything that warrants any issues here. The main concern is the "right out" on Weld County Road 5 because of the landfill truck traffic and accidents in that area. There could be considerable traffic in that area and adding to it. This is just something to keep in mind.

Commissioner Braudes moved to approve Planning Commission Resolution P25-11, a Resolution of the Planning Commission of the Town of Erie Approving the Erie Highlands Filing 17 Commercial Site Plan. The motion, seconded by Commissioner Baham, with the following roll call vote.

Commissioner Booth - yes
Commissioner Baham - yes
Commissioner Dreckman - yes
Commissioner Sawusch - yes
Commissioner Braudes - yes
Vice Chair Hemphill - yes
Chair Burns - yes

Motion passes unanimously.

25-397 A Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Adopt an Ordinance Amending Chapters 6 and 7 of Title 10 of the Erie Municipal Code Removing Alternative Standards for Affordable Housing Projects

Attachments: ORIGINAL Resolution No. P25-07

DRAFT REVISED Resolution No P25-07

ORIGINAL TO DRAFT COMPARISION No P25-07

Draft Ordinance

Staff Report 25-397

Ordinance No 017-2023

Chair Burns announced the continuation of Resolution P25-07, a Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Adopt an Ordinance Amending Chapters 6 and 7 of Title 10 of the Erie Municipal Code Removing Alternative Standards for Affordable Housing Projects.

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Chair Burns noted this was a discussion initiated at the May 7, 2025 Planning Commission Meeting. This agenda item was voted to be continued to today's meeting to finalize the recommendation to Town Council. Chair Burns reminded everyone that this is not a public hearing item and opened it up to Commissioners for comments, questions, and discussion. There was one proposed amended resolution/recommendation and Chair Burns asked Commissioner Braudes and Commissioner Sawusch to provide an explanation to the Commission and go forward from there.

The Commission had a very lengthy discussion regarding the direction from Council to remove all aspects of the Affordable Housing code, except for the definition of Affordable Housing project. Commissioners discussed possible changes to the ordinance to address some of the stated issues without repealing – limiting the number of units, capping the density bonus, minimum lot sizes, and approval of an expedited process by Planning Commission and Town Council.

Some questions and discussion points included the following:
- Original recommendation had the expedited process with a limit of 1,000 units and new proposal brought it down to 400. What is the reasoning?
- What was the number approved in Westerly, was it 2,000?
- Commissioner Sawusch and Mayor Moore brought up any number - is 400 to high to get people on board?
- Would 100 units even be feasible to fast track? There's an argument to go lower to get us by.
- There is a compromise between Planning Commission's view and Town Council's view.
- Item c notes the words "should" be approved and the Commission would recommend it be changed to state "shall"
- Clarification was requested on the expedited process with both Planning Commission and Council shall approve. Does the (90 day) clock restart once it's been brought to Council?
- Does the guidance include the two hearings within the 90 day time frame?
- Is the 90 day time frame for two boards/council to review?
- Are we putting something forward that is just going to be changed again?
- Ordinance that should be applied for applications now with the intent of revising it by some point next year
- Direction given to staff is to rescind
- We are putting three versions: What we have today; What we potentially might be proposing; and what it might actually end up being
- The version voted on will likely end up being different than what is existing. It's just a question on what the Planning Commission ends up recommending
- Request for clarification: There is no funding that is going to be allocated for those who have a fast track process currently in place or in place by November 2026. There is no difference in terms of the funding meaning if the Commission were to remove this, we're not at risk of losing funding as long as we have something in place by November 2026.
- For having a fast track process in place by November 2026, there are $50,000 in grants
- After that date, there is still eligibility but at a lower amount (under $50,000)
- The grant funds are for specific affordable housing planning even for a consultant to help rewrite the UDC to include these said items
- The 400 units needs to go down
- The use of the expedited process should be approved by both the Planning Commission and Town Council

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- Increase and limits in density/minimums/percentages and zoning class - adding clarification with rezoning triggers
- Automatic review applications with 50% or more by law
- Commissioner Sawusch noted for the record, he has talked to every single Council member and 5 of the 7 Commissioners - there's no debate on there being holes, gaps or issues with this. Staff has also seen this. An amendment has to come - the question is about timing.
- Does the Commission repeal and later amend? Or keep it on the books and repeal and replace at a later date?
- The direction provided to staff from Council is a repeal.
- Does staff recommend a repeal?
- What is the timeline in terms of answers?
- If the recommendation came to staff to revise it, would that be staff's recommendation?
- Clear direction came from the Mayor to staff
- Can the Commission come up with something to address the concerns?
- Outright rescinding it leaves a hole
- No enforcement from the state
- No one is going to do this without incentive
- Density bonus and lot setbacks
- Burden on staff, public outcry and proper direction
- Application process and timing of requests
- Previously approved applications requesting the process without informing the Council or Planning Commission during public hearings/related public comment
- Proposition 123 requirements
- Whether staff can accommodate
- Ownership/rental AMI's between town requirements and Proposition 123 requirements
- Alternative equivalent compliance and standards
- Administrative approvals
- Town had one application utilize the fast track process (Cheesman Property)
- Commissioner Sawusch proposed there's a risk to leave it on the books and a risk to remove it
- Propose alternative recommendation repeal and recommend that the "Town Council task the Planning Commission to work with staff and Town Council including 1 or more study sessions with Town Council in order to develop a UDC amendment that addresses the concerns identified that is an application process which is Proposition 123 compliant which allows Town Council the necessary time to receive and review the community wide survey results and which allows staff the time to work with the DOLA consultant to address outstanding questions."
- There is majority support from the Council
- Concern surrounding maximizing densities
- Incentives
- Set process addressing specific concerns without removing everything
- Did the Commission request a working session with the Council?
- Why does the Council need to repeal? Is there a way to make recommendations to the resolution without repealing?
- Ultimate goal is to get the incentives and people into homes
- Guidelines and deadlines in the interim
- Struggles with removing the alternative standards

Due to the length of discussion, the Commissioners decided to conduct a straw

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poll vote of the ordinance. The majority of the Commissioners were in favor of not repealing the ordinance and taking a collaborative approach with Town Council for a new ordinance.

Chair Burns asked if there was a motion on this agenda item.

Commissioner Braudes moved to approve Resolution P25-07 with conditions. Those conditions being that the expedited process shall be limited to developments that are less than or equal to 100 units, of which 12 or more are designated affordable; and the Town Council task the Planning Commission to work with staff and Town Council including 1 or more joint study sessions with Town Council, in order to develop a UDC amendment that addresses the concerns identified, that is an application process which is Proposition 123 compliant which allows Town Council the necessary time to receive and review the community wide survey results, and which allows staff the time to work with the DOLA consultant to address outstanding questions.
The motion, seconded by Vice Chair Hemphill, carried with the following roll call vote:

Commissioner Booth - yes
Commissioner Baham - yes
Commissioner Dreckman - yes
Commissioner Sawusch - no
Commissioner Braudes - yes
Vice Chair Hemphill - yes
Chair Burns- yes

Motion passes 6 to 1 with Commissioner Sawusch voting no.

25-399 Election of Chair and Vice Chair of the Planning Commission

Chair Burns announced Agenda Item 25-399: Election of Chair and Vice Chair of the Planning Commission.

Chair Burns announced that the Commission would be voting on a new Chair and Vice Chair of the Planning Commission. Positions will serve for the next year and will be effective immediately.

Chair Burns asked if there was a motion to nominate a Chair of the Planning Commission.

Commissioner Booth was going to make a motion to move this agenda item to the next Planning Commission meeting but asked for clarification on the positions being effective immediately. Chair Burns noted that there may not be another meeting this month as there are no items on the agenda and the next meeting wouldn't be until August. Last election was held in June and it's time to vote on the next Chair and Vice Chair as the Commission is overdue.

Commissioner Sawusch asked if there were things that the Commission could be doing instead of canceling meetings. It was noted that there are no agenda items but the Commission could discuss this after the elections.

Commissioner Booth asked about the process for election and if it was generally asked if anyone had interest in serving.

Chair Burns noted that he is willing to step to back from the position of Chair as

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this was his original intention, unless there was no interest in filling the position. He noted that Vice Chair Hemphill has expressed interest. Therefore, Chair Burns is nominating Vice Chair Hemphill as Chair of the Planning Commission. The nomination was seconded by Commissioner Dreckman.

Chair Burns asked if there were any other nominations for Chair. Seeing none, Vice Chair Hemphill accepted the nomination as Chair.

Chair Burns noted that there was a motion and a second, and asked for a roll call vote for Vice Chair Hemphill as Chair of the Planning Commission. The roll call vote is as follows:

Commissioner Booth - no
Commissioner Baham - yes
Commissioner Dreckman - yes
Commissioner Sawusch - yes
Commissioner Braudes - yes
Vice Chair Hemphill - yes
Chair Burns - yes

The roll call vote carries with 6-1 in favor of Vice Chair Hemphill as the new Chair of the Planning Commission.

Chair Burns asked if there was a motion to nominate a Vice Chair.

Commissioner Booth made a motion to nominate Commissioner Sawusch as Vice Chair. The motion was seconded by Commissioner Baham.

Chair Burns asked if there were any other candidates for Vice Chair.

Chair Burns nominated Commissioner Braudes as Vice Chair. The motion was seconded by Commissioner Dreckman.

Chair Burns stated that there is a motion and a second for 2 candidates as Vice Chair: Commissioner Sawusch and Commissioner Braudes. Chair Burns asked for a roll call vote and for each Commissioner to state their vote.
The roll call vote is as follows:

Commissioner Booth - Sawusch
Commissioner Baham - Sawusch
Commissioner Dreckman - Braudes
Commissioner Sawusch - Sawusch
Commissioner Braudes - Braudes
Vice Chair Hemphill - Braudes
Chair Burns - Braudes

The roll call vote carries with a 4 to 3 vote in favor of Commissioner Braudes as the new Vice Chair of the Planning Commission.

VII. STAFF REPORTS

Kelly Driscoll, Planning Manager noted that there are no hearings or agenda items on the July 16, 2025 Planning Commission Meeting Agenda unless the Commission has items they would like to add or would they like to cancel.

Newly elected Vice Chair Braudes asked if the Commission could defer until

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Town Council decides to accept the recommendation. Mrs. Driscoll stated that the item would not be in front of the Council until August 12, 2025.

Newly elected Chair Hemphill suggested tentatively cancelling until he talks with other Commissioners about tentative agenda items and can work with staff from there. There is time since agenda's need to be posted 24 hours in advance of the meeting date.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Newly elected Chair Hemphill asked everyone not to hurt themselves on the 4th of July. He was also invited by the Sustainability Board to be on the Steering Committee to help shape Erie's Sustainability Action Plan. He will be participating as a resident and because he was a former member of the Board and is currently on the Planning Commission. They are currently talking about a pollinator district and bringing awareness on pollinator yards.

Chair Burns gave a welcome back to Commissioner Dreckman, and welcome back to Planning Manager, Kelly Driscoll.

Town Attorney, Kunal Parikh will not be at the next Planning Commission Meeting and Austin P. Flannagan will be in attendance in his absence.

IX. ADJOURNMENT

Commissioner Dreckman moved to adjourn the July 2, 2025 Planning Commission Meeting. The motion, seconded by Commissioner Sawusch, carried with all voting in favor thereof.

Chair Burns adjourned the July 2, 2025 Planning Commission Meeting at 10:04pm.

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