

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, September 1, 2021

6:30 PM

via Virtual Meeting

**<https://bit.ly/1Sep2021PCMtg>
Council Chambers**

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga called the September 1, 2021 Planning Commission Meeting to order at 6:31pm.

II. ROLL CALL

Roll Call:
Commissioner Sawusch - Present
Commissioner Witt - Present
Commissioner Luthi - Present
Commissioner Hoback - Present
Commissioner Ames - Present
Vice Chair Fraser - Absent/Excused
Chair Zuniga - Present

III. APPROVAL OF THE AGENDA

Commissioner Witt moved to approve the agenda of the September 1, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Luthi, carried with the following roll call vote:

Commissioner Sawusch - Yes
Commissioner Witt - Yes
Commissioner Luthi - Yes
Commissioner Hoback - Yes
Commissioner Ames - Yes
Chair Zuniga - Yes

IV. APPROVAL OF MINUTES

[21-363](#) Approval of the August 18, 2021 Planning Commission Meeting Minutes

Attachments: [August 18, 2021 Planning Commission Meeting Minutes](#)

Commissioner Hoback moved to approve the meeting minutes of the August 18, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

Commissioner Sawusch - Yes
Commissioner Witt - Yes
Commissioner Luthi - Yes
Commissioner Hoback - Yes
Commissioner Ames - Yes
Chair Zuniga - Yes

V. PUBLIC COMMENTS

No public comments were taken.

VI. GENERAL BUSINESS

[21-354](#) A study session of the Planning Commission of the Town of Erie to review and discuss Phase II Amendments to Title 10 Unified Development Code (UDC) of the Erie Municipal Code and the new Development Design

Standards booklet.

Attachments: [Staff Report](#)
[Chapter 2 Redline](#)
[Chapter 3 Redline](#)
[Chapter 4 Redline](#)
[Chapter 5 Redline](#)
[Chapter 6 Redline](#)
[Chapter 7 Redline](#)
[Chapter 9 Redline](#)
[Chapter 11 Redline](#)
[Development Design Standards](#)

Fred Starr, Director of Planning & Development noted that Deborah Bachelder would be providing a presentation to the Commission but he wanted to acknowledge staff's hard work on this project.

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development provided a presentation and overview to the Commission regarding the UDC Amendments and Design Standards.

Chair Zuniga brought it back to the Commission for questions/comments.

Some questions/comments included the following:

- Clarification on 35 acres/AG Holding
- What other cities had the Town looked at regarding development?
- Is there a fail safe if developer does 10 lots at different application times? Repetitive use of 10 lot rule?
- Would like to echo's Fred's sentiment on staff's tremendous amount of work. Great job!
- Likes the Development Standards Booklet and Mapping of the Regulation Standards
- Thank you to staff for the hard work
- Section on Annexations - can you explain the background and logic on this as to why it was stricken?
- What is the current process for annexation?
- Why can't we codify state statutes so the Town has a process for annexation?
- Can we add something to the UDC to reference the User Guide/State Statute?
- Should we add language noting the statute being "ever-changing" regarding annexations?
- Regarding larger developments - Can we make it so it states density per unit of land instead of an average over the entire development?
- When a subdivision is presented, will they identify the type of product up front?
- Will the housing diversity guidelines still be required?
- PD's will take the place of PUD's in this new change- What are the differences now between a PUD and PD?
- How does a PD rezone effect a mix of different classifications/density/areas - is there still an overlay aspect?
- What are the anticipated outcomes from us doing this specifically to the developers on expired applications?
- Regarding PD's - Will this benefit developers, streamline, or make it more

- difficult for developers?
- If the Town goes from Statutory to Home Rule, does it change the annexation process?
 - Chapter 2, Section 1 - will all new annexations be applied to AG Holding automatically?
 - Can we require zoning at the time of annexation?
 - Removing penalties from Chapter 2 (Page 23)- do we have any penalties if an individual violates provisions? -Regarding penalties in general and flood zoning overlay district - Was this section moved?
 - Why are we removing single family attached as a permitted use, when the current comp plan says it supposed to be one of the characteristics?
 - Would currently zoned districts be grandfathered in, specifically in an LR zone? Would they need to rezone?
 - Clarification on Restaurants - Accessory uses
 - Regarding gas stations that sell propane tanks outside - are they allowed to have them? (Chapter 3)
 - Chapter 4 - Page 82, regarding window well encroachments - the encroachments are still a safety concern
 - Can we note that an egress window cannot encroach into the setbacks?
 - Please note that the encroachment language is noted in the Building Code.
 - Chapter 7 - Review Entities - removing appeal hearings for Final Plat, PUD, Minor Plat Amdt, - who would be the appellate body for these situations?
 - Why don't we have a decision hearing for Final Plats by the BOT or PC?
 - Any appeals would be the Board of Adjustment unless noted, is this correct?
 - If a Final Plat is denied, is an applicant's only recourse the Courts?
 - If the Planning Director denies a request, the only recourse would be the Courts because we don't have an appeals process, is this correct?
 - Looks excellent, and simplifying process

Discussion concluded.

[21-368](#)

Planning Commission Study Session - Continuation from 5/19/2021, 6/2/2021, 6/16/2021, 7/7/2021, 8/4/2021, & 8/18/2021

Attachments: [Planning Commission Roles Local Municipalities](#)
[Planning Commission Job Description Final](#)
[Planning Commission 2021 Work Plan](#)
[Historic Preservation Master Plan](#)
[Erie Boards - Work Plans](#)

Chair Zuniga noted this agenda item was a continuation from previous meetings and opened it up for discussion.

Discussion commenced on what the roles and responsibilities are of the Planning Commission.

Does anyone have anything specific to talk about or add from previous discussions?

- The revisions to the UDC are defining the Planning Commission's part regarding the Quasi-Judicial pieces
- Once we get into the Comprehensive Plan, discussion regarding the overall vision of the town and how we see the town would be further defined (statutory or home rule)

- At some point, we would be redefining the Planning Commission but right now doesn't feel like the time to do it
- Can we drop this item for now and pick it up at a later date?

Commissioner Ames moves to drop this agenda item today and henceforth until a later date. The motion, seconded by Commissioner Witt, carried with the following roll call vote:

- Commissioner Sawusch - Yes
- Commissioner Witt - Yes
- Commissioner Luthi - Yes
- Commissioner Hoback - Yes
- Commissioner Ames - Yes
- Chair Zuniga - Yes

VII. STAFF REPORTS

[21-353](#) Planning & Development Monthly Report

Attachments: [Planning & Development Monthly Report - July Data](#)

No staff reports.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

No Commissioner reports.

IX. ADJOURNMENT

Chair Zuniga adjourned the September 1, 2021 Planning Commission Meeting at 8:16pm.