

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, August 7, 2024

6:30 PM

In Person Meeting

Virtual Link for Viewing & Public Comment

**Council Chambers
Only: <https://bit.ly/7Aug24PCMtg>**

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Burns called the August 7, 2024 Planning Commission Meeting to order at 6:31pm.

II. ROLL CALL

Roll Call:

- Commissioner Braudes - present
- Commissioner Dreckman – absent excused
- Commissioner Baham – absent excused
- Commissioner Hemphill - present
- Commissioner Booth - present
- Vice Chair Laws - present
- Chair Burns - present

A quorum was present.

III. APPROVAL OF THE AGENDA

Commissioner Booth moved to approve the agenda of the August 7, 2024 Planning Commission Meeting. The motion, seconded by Commissioner Braudes, carried with the following roll call vote:

- Commissioner Braudes - yes
- Commissioner Hemphill - yes
- Commissioner Booth - yes
- Vice Chair Laws - yes
- Chair Burns - yes

Motion passes unanimously.

IV. APPROVAL OF MINUTES

[24-367](#) Approval of the July 17, 2024 Planning Commission Meeting Minutes

Attachments: [July 17, 2024 Planning Commission Meeting Minutes](#)

Commissioner Hemphill moved to approve the Meeting Minutes of the July 17, 2024 Planning Commission Meeting. The motion, seconded by Vice Chair Laws, carried with the following roll call vote:

- Commissioner Braudes - yes
- Commissioner Hemphill - yes
- Commissioner Booth - yes
- Vice Chair Laws - yes
- Chair Burns – yes

Motion passes unanimously.

V. PUBLIC COMMENTS

No public comment

VI. GENERAL BUSINESS

[24-362](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending That the Town Council Adopt an Ordinance Amending Title 10 of the Erie Municipal Code Regarding the Retail Sale of Marijuana

Attachments: [Resolution P24-12](#)

[Draft Ordinance](#)

[Notice](#)

[Staff Presentation](#)

Chair Burns announced Agenda Item 24-362: A Resolution of the Planning Commission of the Town of Erie Recommending that the Town Council Approve the Ordinance Amending Title 10 of the Erie Municipal Code Regarding the Retail Sale of Marijuana.

Chair Burns opened the Public Hearing at 6:34 pm and turned it over to staff.

Stephanie Pitts-Noggle, Economic Development Manager, and Amy Teetzel, Director of Administrative Services and Operations, gave a presentation to the Commission on the Ordinance Amending Title 10 of the Erie Municipal Code Regarding the retail sale of Marijuana.

Chair Burns opened the Public Comment portion of the Public Hearing at 6:47 pm.

No public comment was given.

Chair Burns closed the Public Comment portion of the Public Hearing at 6:48 pm.

Chair Burns brought it back to the Commission for questions/comments of the staff.

Some questions/comments included the following:

- Proposed separation distance being standard
- Impact of excise tax on Ordinance
- Ad Hoc committee in 2017 to consider Marijuana Businesses
- Previous Marijuana Business Survey and Survey type. Survey sampling and respondents.
- Town zoning requirements compared to other municipalities
- Lighting of facilities
- Commercial and Business Uses with Special Review Use for Marijuana Businesses
- Effects of proposed zoning changes on new Comprehensive Plan
- Marijuana Ordinance compared to Liquor License requirements
- Limiting Town to two retail locations
- Sentiment of other Town/City leaders on Erie's proposed marijuana ordinance.
- Frequency that Planning Commission would consider marijuana businesses
- Erie would only have retail sales of marijuana
- Separation of marijuana businesses from other facilities/areas where children congregate, like parks, playgrounds, and public open spaces.
- Definition of school both in the Ordinance and the UDC
- Public Hearings for marijuana business applications

- Respondents to 2023 poll
- Regardless of Planning Commission outcome, the Ordinance would still go before Town Council
- Conditional language of approval that would expand uses for required separation
- Definition of Parks
- Marijuana business signage on cars

Chair Burns closed the Public Hearing at 7:09 pm.

Vice Chair Laws moved to approve Resolution P24-12: Ordinance Amending Title 10 of the Erie Municipal Code Regarding the retail sale of Marijuana with amendment to 10-3-2, Use Specific Standards, adding 'A Marijuana Business shall not be located less than 500 feet from any Park or Open Space measured from the property line using a route of direct pedestrian access.' The motion, seconded by Commissioner Booth, carried with the following roll call vote:

Commissioner Braudes - yes
Commissioner Hemphill - no
Commissioner Booth - yes
Vice Chair Laws - yes
Chair Burns – no

Commissioner Hemphill agreed with the original proposal but was against the modification. Chair Burns agreed.

The motion passes with a vote of 3-2

[24-352](#)

Discussion on Drive-through Regulations

Attachments: [Presentation](#)

Chair Burns announced Agenda Item #24-352: A Discussion on Drive-through Regulations

Kelly Driscoll, Planning Manager, and Sarah Nurmela, Director of Planning & Development, gave a presentation on the agenda item.

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

Some questions/comments included the following:

- Parking minimums
- No minimums for vehicle stacking; stacking determined by owner/developer
- Additional pavement involved with drive-throughs
- Community Commercial and possibly other areas requiring a Special Review Use
- Reduction in parking minimum requirements and the relationship/correlation to drive-throughs with stacking.
- Parking maximums
- Implications of separation requirement by minimum distance
- Bike lanes at drive-throughs in certain areas or zoning districts
- Limits on lanes and pick-up windows
- Parking and drive-through lanes made from pervious materials
- Escape lanes for certain areas
- Purpose to evaluate individual proposals or fine-tuning design guidelines
- Apply innovation to drive-through considerations
- Not implementing minimums

- Design review through Site Plan application for specific businesses
- Overlays and zone suitable for drive-throughs preserving the character of the area

The Commission thanked staff for the presentation and discussion.

[24-353](#)

Best Legal Practices Discussion

Chair Burns announced Agenda Item #24-353: Best Legal Practices Discussion
Kunal Parikh, Town Attorney, gave a presentation on the agenda item.

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

Some questions/comments included the following:

- Moral and legal basis for consideration
- UDC and public welfare criteria for consideration. Public welfare is subjective.
- Staff recommendations in relation to interpretations and decisions by Planning Commission
- Decisions based on other Commissioner's concerns if the concerns are founded in the criteria given by staff.
- Continuance, sidebars, and executive sessions
- Abstaining and recusal from voting
- Disruptive public and/or applicant

The Commission thanked staff for the presentation and discussion.

[24-360](#)

DISCUSSION: Planning Commission Biannual Report to the Town Council

Attachments: [September 2023 Biannual Report](#)
[February 2024 Biannual Report](#)

Chair Burns announced Agenda Item #24-360: A Discussion on The Planning Commission Biannual Report to Town Council

Chair Burns gave a presentation on the agenda item.

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

Some questions/comments included the following:

- Commissioners available to support Chair Burns
- September 10, 2024 meeting. Report due August 27, 2024
- Who the Planning Commission is, what they've done, and what the Planning Commission's goals are.
- Self-improvement by trainings and conferences
- APA membership
- Scope of duties
- Commissioners are gelling together
- Draft Report available for review at the August 21, 2024 Planning Commission meeting

VII. STAFF REPORTS

Kelly Driscoll, Planning Manager reported on the following:

- APA membership
- Public review of Comprehensive Plan draft chapters and Future Land Use Map
- Multi-factor authentication

- Tentative agenda items for August 21, 2024 Planning Commission meeting
- Public involvement Comprehensive Plan update

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

The Commission had nothing to report.

IX. ADJOURNMENT

Commissioner Braudes moved to adjourn the August 7, 2024 Planning Commission Meeting. The motion, seconded by Commissioner Booth, carried with all voting in favor thereof.

Chair Burns adjourned the August 7, 2024 Planning Commission Meeting at 8:39 pm.