

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, April 5, 2023

6:30 PM

In Person Meeting

Virtual Link for Viewing & Public Comment

**Council Chambers
Only: <https://bit.ly/05Apr23PCMtg>**

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga called the April 5, 2023 Planning Commission Meeting to order at 6:30pm.

II. ROLL CALL

Roll Call:

Commissioner Booth - present
Commissioner Swikoski - present/virtual
Commissioner Baham - absent/excused
Commissioner Tolson - present
Commissioner Burns - present
Vice Chair Luthi - present
Chair Zuniga - present

A quorum was present.

III. APPROVAL OF THE AGENDA

Vice Chair Luthi moved to approve the agenda of the April 5, 2023 Planning Commission Meeting. The motion, seconded by Commissioner Booth, carried with the following roll call vote:

Commissioner Booth - yes
Commissioner Swikoski - yes
Commissioner Tolson - yes
Commissioner Burns - yes
Vice Chair Luthi - yes
Chair Zuniga - yes

The motion was unanimous.

IV. APPROVAL OF MINUTES

[23-185](#)

Approval of the March 1, 2023 Planning Commission Meeting Minutes

Attachments: [March 1, 2023 Planning Commission Meeting Minutes](#)

Commissioner Tolson moved to approve the Meeting Minutes of the March 1, 2023 Planning Commission Meeting. The motion, seconded by Vice Chair Luthi, carried with the following roll call vote:

Commissioner Booth - yes
Commissioner Swikoski - yes
Commissioner Tolson - yes
Commissioner Burns - yes
Vice Chair Luthi - yes
Chair Zuniga - yes

The motion was unanimous.

V. PUBLIC COMMENTS

No public hearing was taken.

VI. GENERAL BUSINESS[23-182](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Erie Gateway South Annexation No. 8 Planned Development (PD) Zoning, Amendment No. 1

Attachments: [PD Amendment Resolution P23-04](#)

[Staff Report](#)

[Proposed PD Amendment Zoning Map](#)

[Application and Written Narrative](#)

[Additional Application Materials](#)

[Referral Comments](#)

[Applicant Neighborhood Meeting Notice and Summary](#)

[PC Hearing Notice](#)

[Staff Presentation](#)

[Applicant Presentation](#)

Chair Zuniga announced the Public Hearing for Agenda Item 23-182: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Erie Gateway South Annexation No. 8 Planned Development (PD) Zoning, Amendment No. 1.

Chair Zuniga opened the public hearing at 6:38pm.

Harry Brennan, Senior Planner, provided a presentation to the Commission on the agenda item.

The applicant, Brandon McNellis with PCS Group, provided a presentation and additional background to the Commission on this agenda item.

The property owner, Chris Elliott, was available for questions of the Commission.

Chair Zuniga asked if there was anyone in attendance for public comment on this agenda item.

No public comment was taken.

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

Some questions/comments included the following:

- Did anyone attend neighborhood meeting
- Was there any concern with the neighbors?
- Minimum lot size changes - are there other design standard changes?
- Above average size for lot sizes?
- Why is the lot size being reduced by 400 sq.ft.?
- What's the reason this section is dropping in size? Is it to add more lots?
- Looking for clarification to this change
- Will the lots go up to the edge of the previously annexed section?
- 20ft x 20ft is not a huge deduction

- What would happen if we didn't do this?
- How does it affect the plan?
- Is this because the rule changed after the creation of the PD?
- What would happen if we didn't change the zoning?
- Is it still considered a single plat?
- There is a question on the document itself - Do some things need to be revised?

Town Attorney, Austin P. Flanagan noted a couple of legal concerns as there seems to be some confusion as to the purpose of this application. There's been a lot of terms about amending a PD. This is a rezoning of this entire parcel to a Planned Development - PD. This is not amending an existing Planned Development. This language needs to be cleaned up. The word "Annexation" needs to be removed and can be a bit confusing especially once the document is recorded.

The bigger concern comes from what Chair Zuniga is mentioning. Section 10-7-20 of the Unified Development Code requires that we have a Planned Development - Development Plan (PD-DP). Attorney Flanagan is not seeing this in the materials. That's what the amendment to the Zoning Map (document) is intended to do. He would like this to clearly meet the standards of the code. There are specific requirements as to what need to be in that document which is noted in 10-7-20 of the UDC.

Chair Zuniga noted that there are different ways to approach this. One is a very detailed approval with conditions of significant changes to the document. The other option, which Chair Zuniga is in support of, is to continue this hearing to the next meeting to give the applicant the opportunity to make the revisions and bring it back.

Chair Zuniga apologized on behalf of staff as staff is looking at the content of this; they have had a lot of turn over; and without too many excuses, something fell through the cracks. Though we don't want to slow down the project, we need to have our documentation in order.

Chair Zuniga recommends that this agenda item be continued for 2 weeks to allow the applicant to make appropriate changes and have everything in order before the Commission sends this to Board of Trustees.

The property owner, Chris Eliot requested that the agenda item be continued for a month preferably to the May 17, 2023 Planning Commission Meeting.

Chair Zuniga closed the Public Hearing at 7:07pm.

Commissioner Booth moved to continue Agenda Item 23-182 to the May 17, 2023 Planning Commission Meeting. The motion, seconded by Commissioner Burns, carried with the following roll call vote:

Commissioner Booth - yes
Commissioner Swikoski - yes
Commissioner Tolson - yes
Commissioner Burns - yes
Vice Chair Luthi - yes
Chair Zuniga - yes

The motion passes unanimously.

23-201

Update on the Elevate Erie Comprehensive Plan & Transportation Mobility Plan

Attachments: [Final Housing Needs Assessment and Strategy](#)

[Elevate Erie TAC](#)

[Elevate Erie PAC](#)

[Elevate Erie Update Presentation](#)

Chair Zuniga announced Agenda Item 23-201: Update of Elevate Erie (Comprehensive Plan and Transportation Mobility Plan)

Chair Zuniga stated that she had some comments she would like to make before the staff presentation.

Chair Zuniga noted that some items had come to her attention that needed Planning Commission input. The Commission looked at doing a special session to ensure that they met and discuss the issues in a timely manner before the next PAC Meeting. Since the PAC meeting fell after the next Commission meeting, Chair Zuniga met with Town Attorney Austin P. Flanagan as well as Director of Planning & Development, Sarah Nurmela to discuss the issues. These items need be addressed before moving forward with community engagement.

There's been some confusion with regards to leadership, direction, and organizational structure of Comprehensive Plan and the TMP update. It's the statutory responsibility of the Planning Commission with support from staff. The challenge is that staff has competing direction from Town Administration who is responsible for their employment. The Commission can't have an organizational structure that has conflicting leadership. The Commission has to have the authority to give clear instruction and to have it followed. It comes down to the Commission to approve the plans.

The question is if staff feels comfortable accepting direction from the Commission. If not, the Commission needs to rethink their reliance on staff. Staff is in a difficult position.

Chair Zuniga and Mrs. Nurmela will have scheduled check in meetings in order to ensure they're on the same page.

Chair Zuniga's three main items of discussion include:

1. Proposed formalizing the Planning Commission Liaison as the Chair for the PAC
2. Community outreach/inclusion (including the housing needs survey and housing needs assessment)
3. One of the 8 boards that was represented on the PAC has since been dissolved by the Board of Trustees. They now has plans to operate as a private task force no longer under the direction of the town or bound by the town's regulations regarding public hearing or ethics like the other boards/commissions are.

The Planning Commission's role is to ensure that the interests are balanced.

Chair Zuniga noted that she received an email from Mayor Justin Brooks in which

he respectfully asked some questions about the representation, ensuring that diverse groups are represented in the plan update, and other special interest questions to which she has yet to respond.

Chair Zuniga noted that she was advised that there is no legal reason to remove or to keep the task force. Therefore, her recommendation is not to include the former board in the Plan Advisory Committee (PAC). Would like input from the Commission regarding this issue.

Sarah Nurmela, Director of Planning & Development provided introduction of staff, Andrew Collins and Miguel Aguilar who would be providing an update for the Commission.

In addition, Mrs. Nurmela gave a staffing update noting that Erin Fosdick, Principal Planner will be leaving the Town for another position; MJ Adams has been hired as the new Affordable Housing Manager; and the Affordable Housing Analyst and Planning Manager positions are posted.

Mrs. Nurmela noted staff engagement surrounding community outreach, meetings, pop-up events, and an general update regarding the on-going process and the strong leadership of the qualified Planning & Development staff.

Melissa Wiley, Deputy Town Administrator introduced herself to the Commission and gave an overview and background of staffing, town structure, direction, and the importance and priority of DEI to the Town. The Town carries forth the priorities of the Board of Trustees as do the Boards and Commissions. DEI is also a department within the Town. Mrs. Wiley also provided some statistical information regarding life outcome data and demographics.

Andrew Collins, Strategic Senior Planner and Miguel Aguilar, Senior Transportation Planner provided a presentation and update on Elevate Erie - Comprehensive Plan and Transportation Mobility Plan.

Mr. Collins and Mr. Aguilar also included a schedule, outreach, and next steps.

Mrs. Nurmela noted the goals, opportunities, and general direction of this process.

Chair Zuniga allowed for questions/comments of the Commission for staff.

- All the data is making assumptions
- The way the 44 page document is written, sounds like the citizens of Erie are at fault for having more 3-4 bedroom houses than 1-2 bedroom homes
- Sounds like citizens of Erie are at fault for having lower rentals than surrounding cities
- Doesn't see how citizens have to accept having affordable housing
- The visions/values survey shows affordable housing at the bottom of the list
- The Commission has approved multi-family residential being built now
- Doesn't believe Affordable Housing should be part of the Comprehensive Plan but rather the Unified Development Code
- There is a housing diversity requirement in the UDC
- This needs to be about what the citizens of Erie wants to see
- The initial survey didn't include Affordable Housing but this has been pushed and pushed regardless of what the people have said

- How is Erie under-representing DEI in the town?
- Has there been specific things brought up regarding DEI?
- We shouldn't have to make anyone feel uncomfortable - completely understands
- People are made by their experiences
- Is there a big need or want in this town regarding low income housing?
- There are other places to live
- Is it the government's duty/responsibility to make that happen (to provide affordable/low income housing)?
- Are we seeing that need - are developers coming in for this purpose?
- Concern that the Affordable Housing Needs Assessment went out without the Commission reviewing it
- Direction that the BOT has given the town staff vs. what we may hear from residents and blending that together
- We are comparing the town to counties - can we compare to like jurisdictions (in the Affordable Housing Assessment)
- We should compare like jurisdictions
- Opinions on Planning Commission to attending the pop up events - should the Commission attend?
- The Commission as a whole would like to have all the pop events noticed for Commissioners to attend
- DEI Task Force staying on the PAC: What is the difference between the task force vs. advisory board and how does it impact town business?
- What are some examples of other task force outside of DEI that we are not including here?
- Is there a benefit to having the task force on the PAC?
- How are we including DEBA?
- May 17th Meeting - the Affordable Housing will meet with the Commission. Should that be a time to give questions?
- When we want the town to give their voice, it's important and fair to give what Affordable Housing looks like and be transparent on what that looks like
- The attachment with the presentation needs to be updated but it helped clarify
- DEI and experiences, it matters a lot and it's important
- Appreciates the town is focused on DEI
- A lot of the diversity issue in the Comp Plan talks about housing diversity
- Affordable housing: if you don't make \$150,000 you can't afford a house
- It's different levels of housing, that's not projects or Section 8
- That's not what we're talking about
- We need more housing across the board unless we want to be a bedroom community
- That's the question isn't it, "unless we want to be"
- Spouse has a good job but if something were to happen, she couldn't afford to buy 97% of the houses in town
- We need to keep in mind that the people responding to those survey's are in those 97% of houses
- People responding to those survey's are in those \$800,000 houses - that's who's here now
- The direction of the town can't be based on who's here right now
- To achieve Affordable Housing as described, there are a variety of options/programs
- There's a lot of concern and stigma as mentioned in this meeting
- There is a way to do it right
- There are challenges like generational poverty that can become an issue if programs are used/misused

- How are we helping to progress those that are in the Section 8? Are we providing education?
- How much is needed? Data that validates demand and need?
- If inventory is made available, will it be utilized? Are there inventory restraints indicating a need?
- Town website notes having 12% of the region's housing by 2035 be affordable
- How can we partner with already available resources?
- Maybe take a slow approach with smaller controlled groups and measure the success over time before doing a big approach before rolling out an abundance of low income products fast
- Understands the strong vision of the town staff/administration
- Went through the same education system learning about new urbanism
- We've started to associate bedroom communities with negativities and the cause of all ills
- We hold a deep seeded biased against exactly what Erie is right now
- Our residents chose to live here but at the same time looking at it as a big problem
- Suburban sprawl, the Highlands Ranch thing that s bad because of traffic
- The isolation of women, stay at home moms
- Our residents chose to live her for some reason and cannot look at this and see that they're the rich kids who wanted the biggest house
- That is not who we are
- The people commuting to Denver or Boulder are not living closer to their work
- Erie was the more affordable option
- Not here to debate the pros and cons of affordable housing
- Not opposed to affordable housing
- Opposed to having a vision that has an inherent biased associated with it and not honestly presenting it to the public
- What matters is what our residents want
- Understands it because of going through DEI training
- We have this vision that has this biased associated with it and presenting it to the public as a done deal
- It's totally inappropriate that this has to presented in the Comprehensive Plan
- The Commission had no participation in this document
- The Commission needs to reflect what the residents want and be open to listening to them
- Are we afraid of the feedback we'll receive?
- Are going to say we're doing this inclusive process but not hear what the residents have to say?
- The building and maintaining of trust is with the residents taking ownership which was not reflected in the housing needs assessment
- General discussion of the need for being open
- Bringing job growth here along with Affordable Housing
- Making sure the affordable housing is being occupied
- There's some closely knit minority densities throughout Colorado
- Not against affordable housing, against government dictating where certain housing will go
- The government fails at making money
- Wouldn't want anyone to feel attacked as everyone is passionate about making their community better
- Acknowledges and appreciate the work that went into this
- The UDC really addresses the housing diversity so de-emphasizing this from the Comprehensive Plan and keeping it separated would be helpful
- Would like to have Planning Commission direct the PAC with a Chair

- Going over the structure of the PAC would be helpful
- The same agenda from the PAC and the Planning Commission updates seem identical
- Would like to see that coordination before having that PAC meeting
- Commissioner Booth needs to see another PAC meeting to see how it goes
- There may be benefit to having the liaison chair the PAC
- Alberto De Los Rios is part of the PAC, correct?
- Recommendation is not to have the DEI task force part of the PAC
- DEI is represented through the TAC and the Town

Alberto De Los Rios, DEI Manager for the Town, addressed the Commission regarding DEI participation and its importance. Mr. De Los Rios strongly believes that removing people from the PAC because they do not represent a specific body with a specific title goes against the commitment to equity and strongly suggests the Commission bring this to the Board of Trustees if the Commission has an opposition.

Melissa Wiley suggests, as Mr. De Los Rios stated, to bring this decision to the Board of Trustees. Mrs. Wiley noted that Trustee Baer has requested that the DEI task force stay on the PAC so we are hearing direction from the Board of Trustees.

Chair Zuniga noted that this is where there is conflicting leadership on something that is a Comprehensive Plan process and the Commission doesn't go to the Board of Trustees to ask their permission for processes related to a Comprehensive Plan update. It's the Planning Commission's statutory duty and for staff to ask the Commission to go to the Board of Trustees; it's not their decision to make.

Austin P. Flanagan reiterated the structure of the Town's government and staff's direction related to tasks with direction from the Board of Trustees. Also noted was the statutory requirements for the Planning Commission regarding the Comprehensive Plan. Town Attorney Flanagan's recommendation is to not have the Planning Commission direct staff in any way as they do not have that authority and suggests the Commission take a vote regarding the removal of the DEI task force. At which time, he would seek further direction from Town Attorney Kendra Carberry regarding direction and next steps.

Mrs. Wiley appreciates the conversation and notes that she holds an obligation to ensure that staff has a safe work environment with clear direction.

Chair Zuniga noted that she can't be fired. There is no firing of Planning Commissioners for making a decision and understands the position of staff.

Chair Zuniga brought the issue of removal of the DEI task force from the PAC to the Commissioners for vote.

As noted from Town Attorney Flanagan, the Commission acts by majority vote.

The vote regarding the removal of the DEI task force from the Planning Advisory Committee (PAC) is as follows with a "yes" vote being to remove the task force from the PAC and a "no" vote being not to remove the task force from the PAC:
Commissioner Booth - yes

Commissioner Swikoski - yes
Commissioner Tolson - no
Commissioner Burns - no
Vice Chair Luthi - yes
Chair Zuniga - yes

The vote to remove the DEI task force was in favor of removal 4 to 2.

Town Attorney Flanagan will follow up with Town Attorney Kendra Carberry regarding further direction moving forward.

Chair Zuniga noted that the vote is not an intention to remove consideration of Diversity, Equity, and/or Inclusion from anything that the Commission is doing but to keep the PAC represented by the boards and commissions.

Mrs. Nurmela noted that as certified Planners, the adopted policy from the American Planning Association is to consider equity in all of our planning and zoning. This is something that will still be integrated into this process.

Andrew Collins stated the next PAC meeting is being held on April 17, 2023. The next TAC meeting is April 14, 2023.

VII. STAFF REPORTS

[23-177](#)

Planning and Development Monthly Report

Attachments: [Planning & Development BOT Report March 2023 Complete](#)

Sarah Nurmela, Director of Planning & Development stated that there are no agenda items for the April 19, 2023 Planning Commission meeting and staff recommends canceling this meeting.

Chair Zuniga is hesitant to cancel the meeting but Mrs. Nurmela noted with the staff report deadlines, it would be difficult to prepare anything for this meeting. In terms of the Elevate Erie process, there is a lot of documentation, review of existing conditions, and outreach during the next few weeks.

Chair Zuniga asked if the Commission could see what the outreach looks like.

Andrew Collins, Strategic Senior Planner provided the information regarding outreach Chair Zuniga was requesting.

Commissioner Tolson requested that the outreach questions be written down and how the questions were proposed to residents.

Mr. Collins noted that the report and questions are available on the Elevate Erie/Engage Erie website as well as the TAC and PAC summaries.

Mrs. Nurmela also noted that the community wide statistical survey is out with various topics with responses being reviewed by the consultant. Staff will do a follow up email with links, the survey, outreach schedule date, and an updated power point from tonight's presentation.

In discussing canceling the April 19, 2023 Planning Commission meeting, Chair

Zuniga also noted that if the Commission needed to, they could call a special session and if that's the case, the Commission would reach out to see if a quorum would be present. Staff noted that the meeting could be kept open for a week in case an item of discussion comes up.

The May 3, 2023 Planning Commission meeting also has no agenda items but it was decided to leave this meeting open for now.

On May 16-17, 2023, there are some great session with a focus on Transportation Planning and Affordable Housing (Overall context of housing). Staff would like for the May 16th two-hour virtual meeting on Transportation Planning to be a joint session. The meeting on May 17th over Affordable Housing is in person to provide an overall context for housing. The outside consultants would be available.

The Commission agreed that they could be available for the virtual meeting on May 16th.

Commissioner Booth asked for clarification for the meeting on May 17th. Would it include the new Affordable Housing Manager and should they submit questions regarding the Affordable Housing document?

The June 7, 2023 Planning Commission meeting will include a Visioning Session on the Comprehensive Plan as well as the annual election of a Chair and Vice Chair person.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Vice Chair Luthi asked what, if anything, should they do with Erin Fosdick's email regarding involvement with the Comprehensive Plan update. It looked like a form email to share with other residents in the area.

Andrew Collins noted that it was just informational to get the word out should any others want to get involved.

IX. ADJOURNMENT

Chair Zuniga adjourned the April 5, 2023 Planning Commission meeting at 9:44pm.