

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, May 17, 2023

6:30 PM

In Person Meeting

Virtual Link for Viewing & Public Comment Only:

Council Chambers
<https://bit.ly/17May23PCMtg>

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga opened the May 17, 2023 Planning Commission Meeting at 6:30pm.

II. ROLL CALL

Roll Call:

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

A quorum was present.

III. APPROVAL OF THE AGENDA

Commissioner Booth moved to approve the agenda of 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 Baham - yes
Commissioner Burns - yes
Chair Zuniga - yes

Motion passes unanimously.

IV. APPROVAL OF MINUTES

[23-204](#) Approval of the April 5, 2023 Planning Commission Meeting Minutes

Attachments: [April 5, 2023 Planning Commission Meeting Minutes](#)

Commissioner Swikoski moved to approve the April 5, 2023 Planning Commission Meeting Minutes. The motion, seconded by Commissioner Baham, carried with the following roll call vote:

Commissioner Booth - yes
Commissioner Swikoski - yes
Commissioner Baham - yes
Commissioner Burns - yes
Chair Zuniga - yes

Motion passes unanimously.

[23-265](#) Approval of the April 19, 2023 Planning Commission Meeting Minutes

Attachments: [April 19, 2023 Planning Commission Meeting Minutes](#)

Chair Zuniga asked that the following changes be made to the meeting minutes of the April 19, 2023 Planning Commission Meeting.

Chair Zuniga noted that she had some changes to the April 19, 2023 Planning Commission Meeting Minutes.

-On page 4 about 1/3 of the way down, where it states "The way you describe with staff taking lead..."

Wanted to clarify "to staff advisor described"

-The second change is a little further down, where it states "That's where the challenge is."

Chair Zuniga would like it to say "It makes it hard to see where the Commission is the actual leader to follow."

-The third change where it states "statute doesn't" - it should state "statute does"

Melinda Helmer, Secretary to the Commission noted that adjustments will be made as noted.

Commissioner Booth moved to approve the April 19, 2023 Planning Commission Meeting Minutes as amended. The motion, seconded by Commissioner Swikoski, carried with the following roll call vote:

Commissioner Booth - yes

Commissioner Swikoski - yes

Commissioner Baham - yes

Commissioner Burns - yes

Chair Zuniga - yes

Motion passes unanimously.

V. PUBLIC COMMENTS

No public comments were taken.

VI. GENERAL BUSINESS

23-253

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Parkdale Masters Property Planned Development (PD) Rezoning

Attachments: [Planned Development Rezoning Resolution P23-04](#)

[Staff Report](#)

[Proposed Planned Development - Development Plan](#)

[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 Agenda Item 23-253: A Public Hearing for a Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Parkdale Masters Property Planned Development (PD)

Rezoning.

Chair Zuniga noted that this agenda item was previously heard and due to some technical changes was continued to tonight's Planning Commission Meeting.

Chair Zuniga opened the public hearing at 6:36pm.

Harry Brennan, Senior Planner, reminded the Commission that this agenda item had come before them at the April 5, 2023 Planning Commission Meeting and was continued to today's meeting. Mr. Brennan provided a brief overview of the land use application noting the technical changes made.

The applicant, John Prestwich of PCS Group provided a presentation to the Commission regarding the land use application proposal.

Chair Zuniga asked if there was online virtually or in attendance wanting to give public comment on this agenda item. There was no one in attendance in person or online virtually.

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

Some questions/comments included the following:

- No questions.
- Thank you for the presentation.
- Is this proposal zoned medium density residential?
- Original question at the last meeting was regarding the reduction of the lot size by 400 sq.ft. - can you provide clarification?
- Medium density residential - Its right at the bottom in terms of dwelling units per acre.
- It makes sense as to why the applicant wants to incorporate the two smaller parcels.
- Would you be able to meet the medium density requirements with these lots sizes?
- Will this effect the lots to the south?
- Would there be any benefit to push it down to this lot size?
- Will we see a substantial amount of increase in units?
- With circulation and engineering requirements, it's taking it to the small lot size as attainable.

Chair Zuniga closed the public hearing at 6:50pm.

Commissioner Burns moved to approve Agenda Item 23-253/Resolution P23-04. The motion, seconded by Commissioner Booth, carried with the following roll call vote:

Commissioner Booth - yes
Commissioner Swikoski - yes
Commissioner Baham - yes
Commissioner Tolson - yes
Commissioner Burns - yes
Chair Zuniga - yes

Motion passes unanimously.

[23-270](#)

Affordable Housing & Equity in Zoning Presentation

Attachments: [The Complex Challenge of Affordable Housing](#)

Chair Zuniga announced Agenda Item 23-270: A Presentation on Affordable Housing & Equity in Zoning.

MJ Adams, Affordable Housing Manager introduced herself and her background to the Commission.

Ms. Adams provided an introduction to this agenda item and turned it over to Don Elliott.

Don Elliott introduced himself and gave his background on his work and where he comes from.

Mr. Elliott gave a presentation regarding the National Perspective on Affordable Housing to the Commission.

After the presentation by Mr. Elliott, MJ Adams began her presentation of Agenda Item 23-270: Affordable Housing & Equity in Zoning.

Ms. Adams noted specifically the three goals of this program.

1. Affordability at all income levels
2. 12% of all housing units being affordable
3. Bringing more housing types to Erie

Ms. Adams provided the presentation on the housing strategy, what Erie is currently doing surrounding Affordable Housing, and what the next steps in the process are.

Chair Zuniga brought it back to the Commission for any questions or comments from staff or Mr. Elliott.

Some questions/comments include the following:

- Thank you for all of the information
- Can you talk to the use of different tax incentives and options available?
- Is this something you think we can impact as a Town?
- Can we motivate code to encourage that type of housing?
- What type of inventory do we have available regarding LIHTC (Low Income Housing Tax Credits)?
- Probably more lucrative for developers to match with the community, correct?
- Are there any housing authorities that have jurisdiction within the Town of Erie?
- Not a fan of housing authorities, they're top heavy, would advocate against that.
- Regarding development costs per unit, portion we have to build for infrastructure: How much can the town take on to help with incentives to benefit for affordable housing?
- If you give the incentive, the money has to come from somewhere. It can't come from general fund if the funds aren't there.
- Talking about private market, our housing stock hasn't seen the regeneration of the larger homes turned into four individual apartments and seen that cycle come about
- How do we get people to understand that evolution and be comfortable with it?
- What about partnering with developers with spot zoning?
- Very informative presentation
- Regarding zoning, it's the most immediate change we can make

- There's not a lot of high or medium density areas - is this something we're looking at changing?
- Colliers Hill - there are apartments going in and duplexes being built but they are not necessarily low income properties.
- Are there other things besides the zoning that we can look at?
- The length of time adds costs to the developers, that's one area we can look at to decrease costs
- Doesn't know about the development process but has heard complaints about the process
- How much influence do land owners have in this whole mix?
- Land owners work with some of the developers purchasing their property
- One way to do that is to pay their asking price today
- Back to the slide on the goals, knowing the total land available, were the numbers put against that with the 3% and 12% by 2035?
- How does density affect water?
- Your focus is affordable housing - it seems like in Erie, that we're talking about it like it's biggest priority in the world
- We face overcrowding in schools and lack of commercial income
- There aren't jobs here
- It's easy to look at Erie and our housing costs, they are relative and Erie is less expensive than the community to the west
- Picked Erie at the time because it was affordable
- Living in a specific location is not a right
- Property values are the problem
- If costs keep going up because property values keep going up, those values are high and keeping affordable housing out
- Maybe a solution is to not change
- If we don't do it, the houses will become more affordable because this won't be a desirable place to live
- On our zoning map - you see lots of low density residential
- As developers are going through the process, they dedicate land as open space
- There are places that are not developable because of undermining or for oil & gas setbacks - it still counts toward that density
- When you have big development and then you take away a third of the land, what's left becomes higher density
- If that's what happens when you call it low density residential, what happens when we call it high density residential and take away a third of that land?
- Everything the government does is a subsidy
- Everything is money coming from the people
- All of it is subsidy every time we build a road or infrastructure
- It shouldn't be our goal to have our government be our landlords
- Not everybody is a great neighbor
- People came to Erie to have a house where they can raise their kids in
- Skipping public hearing because people won't want it, is what we're doing
- You see this with Boulder, the median household has to be over \$250,000 in order to have a 1200 sq.ft. house. Not many people can afford that.
- We don't want to box ourselves in a corner
- The comp plan will talk to that 30 year outlook on where we evolve and how we get there
- We need to wait for it, it's not a bubble
- Our development doesn't end at the town line
- We need to look at a bigger scale of things
- The house bill - is it still in revision or did it pass (SB-23-213)?
- Things like skipping hearings is a dangerous path to go down

- LIHTC projects to only allow for a certain income level/demographic to move into those properties
- LIHTC properties don't get sold in a lot of cases
- Creates a systemic issues - How do you control generational poverty? How do you motivate people to grow out of that cycle?
- There's some dangerous outcomes that could come from some of those strategies that lock in lower income options
- Should be an opportunity for input on a LIHTC property or high density residential
- Dangerous path to go down and little bit of an overreach
- Talking about the low income spectrum, we may not be able to support that
- May not be forcing the discussion but maybe if it comes to fruition something we're prepared to discuss
- This may help alleviate some of the pressures
- We need to hire locals - we have people
- Couldn't afford to live in Boulder, so moved to Erie
- Has concern about things we do policy wise driving up costs for people that live here now
- Ultimately we are trying to subsidize everyone
- It's not about having bad tenants, sometimes there are bad landlords
- It's better not to have one if we don't have to
- Loves that we have all these different housing diversity
- When look at it as, you can't afford to live here so we're going to have taxpayer dollars so you can live here, then eventually start subsidizing everybody
- We're trying to achieve affordability for whatever reason and as a result, we have to increase Erie's density and we need subsidy
- If we weren't pushing it so hard, some of those things naturally come up
- We need to have 12% affordable housing by 2035, because we made a promise to Boulder because they gave us some money - give it back so that we're not beholden to them
- Stop thinking in that direction and look at what makes sense for the land and makes sense for the people that live here

Following the discussion, the Commission thanked Ms. Adams and Mr. Elliott for their presentations.

[23-271](#) Affordable Housing Strategy Update

Attachments: [Affordable Housing Strategy Update May 17, 2023](#)

VII. STAFF REPORTS

[23-266](#) Planning & Development Monthly Report

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

Sarah Nurmela, Director of Planning & Development referred back to the April 19, 2023 PC Meeting regarding outreach

Mrs. Nurmela gave the Commission an update regarding an informational staff report regarding the Comprehensive Plan, intent of our outreach, and upcoming outreach components.

In addition, Mrs. Nurmela gave updates on our staffing. Erin Fosdick, Principal Planner has left to go back to Longmont and we have since lost Andrew Collins, and Carlos Hernandez. In their exit interviews, one of the things that they did highlight was feeling less supported from Planning Commission and that it was a difficult environment for them. The Comp Plan is a process that takes time to build relationships with the community. There are different avenues and perspectives folded up into the outcome of the process.

One thing that Mrs. Nurmela wanted to highlight that was posted on Facebook and seen by Planners on staff, was that our planning team was not being honest or transparent, or authentically representing the voice of the residents. Those things are heard and are impactful on our staff.

Staff will keep the Comp Plan on same trajectory that it's been on though we have hit some bumps.

Another staff member will be leading the Comp Plan efforts. You will meet her in the next few meetings. Miguel Aguilar is still carrying that torch for the Transportation & Mobility Plan and will continue to be engaged.

We are hoping for good dialogue and support in each other's efforts.

Deborah Bachelder, Deputy Director of Planning & Development noted the agenda items for the upcoming meetings. There are no agenda items for the June 7, 2023 Planning Commission Meeting. In addition, there will be construction/foundation work scheduled in the Board Room that same week and staff is recommending the Commission cancel this meeting.

Chair Zuniga and the Commission agree to cancel the June 7, 2023 Planning Commission Meeting.

The June 21, 2023 Planning Commission Meeting will have agenda items to include the election of a new Chair, and three Public hearings to include Affordable Housing and UDC Amendments.

[23-272](#)

Update on the Elevate Erie Comprehensive Plan & Transportation Mobility Plan

Attachments: [Ongoing Draft Engagement Scrapbook](#)
[Draft Phase 1 Engagement Summary](#)
[PAC #2 Meeting Summary](#)

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Chair Zuniga stated with regards to the issue with staffing that she felt the same thing from the opposite direction.

Planning Commission set a goal to conduct their statutory responsibility and it has been very difficult to work with staff. Staff wants to be leading it to the extent of passing an ordinance to remove the Commission of their authority.

Chair Zuniga read a letter that she had hoped to share at the April 25, 2023 Board of Trustees Meeting.

Sarah Nurmela, Director of Planning & Development added a clarification regarding staff and the consultant's perspective regarding the Comprehensive Plan. The ordinance does not change the process, the intent, or relationship with the Commission or the residents.

Commissioner Burns noted for the record that he was disappointed in the social media posts prior the Board of Trustees Meeting as it was real personal. Allegations of political bias that were undersigned by the Planning Commission. Commissioner Burns personally found this inappropriate and wanted to put this on the record.

Chair Zuniga is unaware of what was on social media as she was in the Grand Canyon.

Commissioner Burns clarified that it was posted by the Vice Chair with Chair Zuniga's signature and title it was then reposted without a signature accusing the Mayor and some of the Trustees of proposing the ordinance for personal and political gain. The post made it appear as it was a Planning Commission position made Commissioner Burns uncomfortable.

Commissioner Baham and Commissioner Swikoski asked if the post could be made available to the Commission.

Commissioner Swikoski noted there is an unwarranted toxic energy surfacing. Commissioner Swikoski finds it surprising that a reason for the recent departure of several staff members was because of their experience with the Commission. Every one is here because they care about the Town. He would like feedback/recommendation from staff on where we can create a healthier environment and where does staff think things went wrong? How can we course correct?

Chair Zuniga noted that the challenge was the Commission should be (up until April 25th) leading the process and that staff was moving ahead and doing things without taking and accepting that leadership from the Commission. The Commission would see the results after the fact and that staff can't/won't take the Commission's guidance. That is the contention. The Commission didn't bring the contention. The Commission is trying to do their job and they are up against people that didn't want them to. With their statutory responsibility taken, they no longer have that as it's a done deal.

Commissioner Baham added a different perspective noting that Planning is trying to bring forward the information as the Consultant brings it to them. The RFP defines that as part of the process. The Commission's role is to administer the process and bring it back to the Board of Trustees. Until all information is collected, we can't effectively do our job 100%. It will take another 18 months to get there. He has faith in the process and it will take some time.

Commissioner Swikoski asked if there is a disconnect in the expectation of the level of involvement or direction that Planning Commission should provide? Maybe there should be additional dialogue.

Commissioner Burns added that this was a topic that was to be discussed at the May 10th Special Meeting that was canceled for a lack of a quorum.

Chair Zuniga noted that this was after the April 25th meeting of the Board so there was no reason to hold the May 10th meeting. The tension was because the Commission was trying to follow the statute but the ordinance that was passed negates that - there is no more tension. The Board of Trustees assumed authority over the Master Planning process and the staff was already leading it themselves without the Commission leading so there is no more authority of the Commission.

Commissioner Swikoski asked if there is a meeting where the Commission and the Board are together?

Chair Zuniga asked if any of the Commissioners had watched or attended the April 25th Board meeting. There is tension there as Chair Zuniga noted the Board doesn't speak or think kindly of her. Their friends in the publication world has also been unkind. She does believe there is political motives. It's not the position of the Planning Commission and that was not supposed to be published online.

Commissioner Swikoski added that regardless of the past, we should try to build a collaborative relationship with the Board, the staff, and the Commission. As a whole, we have to find a way to work together to build a healthy environment with spirited conversations with offending anyone and bring concerns to the Commission to allow for response.

IX. ADJOURNMENT

Chair Zuniga adjourned the meeting of the May 17, 2023 Planning Commission Meeting at 9:18pm.