



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Minutes - Final

Planning Commission

Wednesday, May 5, 2021

6:30 PM

Council Chambers

via Virtual Meeting

<http://bit.ly/5May2021PCMtg>

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga called the May 5, 2021 Planning Commission to order at 6:34pm.

II. ROLL CALL

Roll Call:

Commissioner Luthi - present
Commissioner Ames - absent/excused
Commissioner Hoback - present
Commissioner Witt - present
Commissioner Sawusch - present
Vice Chair Fraser - absent/excused
Chair Zuniga - present

III. APPROVAL OF THE AGENDA

Commissioner Hoback moved to approve the agenda of the May 5, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

Commissioner Luthi - yes
Commissioner Hoback - yes
Commissioner Witt - yes
Commissioner Sawusch - yes
Chair Zuniga - yes

IV. APPROVAL OF MINUTES

[21-179](#)

Approval of the April 7, 2021 Planning Commission Meeting Minutes

Attachments: [April 7, 2021 Planning Commission Meeting Minutes](#)

Commissioner Sawusch moved to approve the meeting minutes of the April 7, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Hoback, carried with the following roll call vote:

Commissioner Luthi - yes
Commissioner Hoback - yes
Commissioner Witt - yes
Commissioner Sawusch - yes
Chair Zuniga - yes

V. PUBLIC COMMENTS

There were no public comments.

VI. GENERAL BUSINESS

[21-167](#)

PUBLIC HEARING: Consideration of a Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve an Amendment to the 2015 Town of Erie Comprehensive Plan

Attachments: [PC Resolution P21-06](#)
[Exhibit A - Comprehensive Plan Amendment](#)
[Staff Report](#)
[Application and Narrative](#)
[Other Applicant Materials](#)
[Referral Comments](#)
[Notices](#)
[City of Lafayette - Town of Erie IGA](#)
[Public Comments](#)
[Additional Public Comments](#)

Chair Zuniga opened the Public Hearing for Agenda Item 21-167/Resolution P21-06 at 6:40pm.

Shannon Moeller, Senior Planner, presented the Agenda Item to the Commission.

Following Ms. Moeller's presentation, Lisa Albers with Meritage Homes introduced herself to the Commission and noted that she would be available if the Commission had any questions.

Chair Zuniga opened up the Public Hearing for Public Comments.

Public comment was taken from the following people who oppose this project:

Mike Barrow, 1103 Alexandria Street, Lafayette CO 80026
Julio Sepulveda, 1107 Alexandria Street, Lafayette CO 80026
Charlie Rang, 1105 Alexandria Street, Lafayette CO 80026
Erika Osborn, 3150 Stevens Circle South, Erie CO 80516
Mike Stone, 1766 Southard Street, Erie CO 80516
Julie Barrow, 1103 Alexandria Street, Lafayette CO 80026
Lynn Rang, 1105 Alexandria Street, Lafayette CO 80026
Jem Corcoran, 3276 Billington Drive, Erie CO 80516
Bob Karsted, 3256 Billington Drive, Erie CO 80516

Comments, concerns, and questions included the following:

- pressures of so many people in one area
- active area at the Kneebone open space
- amenities

- traffic
- sustainable growth
- quality of life
- plan goes against the will of the neighbors and residents
- with the development of Nine Mile it looks unsustainable
- zoning concerns
- concerns regarding natural resources, water, climate change
- doesn't match area
- road infrastructure
- if affordable and certain type of housing - include that information
- land grab
- was a proponent of Nine Mile going in
- this project is in the middle of a farm
- this matches adjacent Kneebone space
- area of wildlife
- several story buildings in this corner is horrific
- busing - the routes don't run to Broomfield, Lafayette
- not a viable option on this corner
- we're not talking about affordable housing
- this project adds volume without any benefit to the community
- the developer is the only one with the incentive to add this project in
- the apartments in Nine Mile will add enough traffic
- the 3 story high units isn't appropriate
- there's a lot of unanswered questions
- does not want to see this development happen
- views are swayed by those that are wanting to make money from this development
- unnecessary for this project to happen here
- project could fit better in another area
- dangerous intersection
- the area is at max capacity
- 280 units but that doesn't mean people - there's that many more people in this area
- we do need affordable housing but we don't need to be on top of each other
- Arapahoe Road - will it be able to handle this traffic?
- urging not to designate this as medium density residential
- auto pollution and noise
- the 3 parcels being sold, shouldn't be the only ones to benefit
- further congestion
- increase in population
- dense housing - southwest Erie is full
- deteriorating quality of life
- consider alternative use of this land

Public comment was taken from the following person who is in support of this project:

Thomas Razo, 911 Harrison Drive, Lafayette CO 80026 is in favor of this project. There is a significant shortage of affordable housing in the area. Meritage Homes home prices are less than other builders and believes this to be an opportunity for younger families and first time homeowners to purchase a home. Encourages the Planning Commission to support this project.

Chair Zuniga closed the Public Comments portion of the hearing and opened it up for Commissioner comments.

Questions/comments from the Commissioners included the following:

- Bring into the Comprehensive Plan as part of Erie's component of the IGA - medium density - clarification
- Would the annexation be addressed by the Board of Trustees at a later date?
- Torn with regards to the project in this area
- Confirmed the zoning density of the surrounding properties
- Should the new design alleviate the traffic congestion?
- Conceptual plans regarding density per acre on this property
- Concerned with what could happen once the IGA is gone
- We do need medium density in Erie but no one wants it in their neighborhood
- Concerned with where we can put this project because there's not a lot of zoning for it
- Less concerned with traffic
- Concerned about resources (fire, police, water)
- Thank you to those that offered public comment
- Comprehensive plan update - we would like everyone's comments
- Density of 20/acre - Nine Mile
- Certain buildings types with medium residential - what determines types of DU's
- Higher density element within subdivision closer to more active roadways and larger arterials
- What density's are planned?
- If disconnect from Lafayette influence area, based on terms of IGA it's added to our planning boundary, why is it that we're having an applicant apply when we could've done it as the town on their behalf?
- Land owners waited on what they wanted
- Adjacent to the west is HDR - to northwest is MDR - based on this, south is MDR zoning
- Curb design - should this alleviate transportation impacts, traffic
- Type of product - any conceptual ideas - 6-12 acres
- Based on other comments, this would fit within our current comprehensive plan
- Change is a challenge
- This was an important corridor that would sustain some growth
- Sustainable growth requires us using our resources and
- Once the sprawl happens, it's hard to address
- Traffic - with the improvements being made, they were thinking ahead at build out when they made improvements?
- Are they only working on the part that's adjacent to their development?
- If developments don't happen, then roadway improve doesn't happen?
- When is signal warranted?
- Transportation improvements
- Share with us how these differ - Comprehensive plan and zoning, selecting land use designation
- Stepping down density of housing - we need that buffer
- If approved, regarding zoning/annexation, we talk to Lafayette re: Arapahoe Rd
- Boulder County discussion regarding Highway 7
- Future plans to widen Arapahoe Rd
- Look strategically at what could happen regarding roads

Commissioner Luthi moved to approve Agenda Item #21-167/Resolution P21-06. The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

Commissioner Luthi - yes
Commissioner Hoback - yes
Commissioner Witt - yes
Commissioner Sawusch - yes
Chair Zuniga - yes

[21-181](#)

Resolution P21-07: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve an Ordinance Amending Title 10 of the Erie Municipal Code

Attachments: [Resolution P21-07](#)
[Resolution Exhibit A - Ordinance](#)
[Staff Memo](#)

Chair Zuniga opened Agenda Item 21-181/Resolution P21-07.

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development provided an update/overview and intent of the Unified Development Code text changes.

Chair Zuniga asked if there weren't any Public Comments regarding this agenda item. There were none.

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

Some questions/comments of the Commission included the following:

- Concerned with adding specific businesses or types to exclude them
- Doesn't like to single out a business type
- if a use has to be so specific to be allowed - it sends the wrong message to those that would want to come to Erie to run a business
- Has there been any complaints/comments received by the town re: pawnbrokers that are currently or previously been in town limits?
- Three parts - notification for Zoning classifications, pawn brokers, and unless in table of permitted uses, it's not permitted in town - if we add it but its not permitted, we have to do so based on what the State provides us within our authority
- We don't have any reason not to permit it, specifically for pawn brokers
- State statutes state we cannot prohibit from adding them
- Cannot be more restrictive than what the state says
- How can we say we're just not going to permit them?
- We have a very limited typography for types of businesses we allow
- We're doing something that will negatively affect us and driving commercial into the Town of Erie with these restrictions

Commissioner Sawusch added that he is thinking he would like to make a motion to strip out this specific part of pawn brokers and modification to unlisted types and classifications in the permitted use table; have that as a separate item to the changing of the zoning notifications that impacts the previous decision we made for the airport influence, and have them as two separate items, that we vote upon. If we are sticking these three together, he is inclined to say no because it will negatively affect, not just pawn brokers, but also other types/classifications of businesses that could potentially come to the Town.

Chair Zuniga clarified with Commissioner Sawusch regarding this "thought" for a

motion. Commissioner Sawusch will await other comments before making a formal motion.

Questions/comments of the Commission resumed as follows:

- Other communities have this type of business
- Why can't it be a Special Review Use? Or allowed in commercial zoning districts?
- Why don't we like pawn brokers? Is there something wrong with pawn brokers?
- Why do we want them prohibited?
- Seems a little strange that we would prohibit land uses
- It seems overly restrictive to add to the table
- If we're adding it to Table 3-1, we should make it a Special Review Use in a commercial zone
- "Unless explicitly stated, its prohibited" - it makes it more difficult to pursue
- Can we say "no" to a business based on the current language and process?
- We're saying "no" before we say "yes" and then have to go through a process to say "yes"
- Need more background and information as to why we need to do this
- We need to make it easier for businesses to come to our Town - not harder
- There is still a path to appeal - its just clarification added to the Unified Development Code
- Do we prohibit someone's appeal rights?
- We have get the point/language clarified in the Unified Development Code and the path for appeal is still available to the applicant
- Not convinced that it clarifies anything other than pawn shops
- Do we prohibit pot shops?
- Then what's wrong with the pawn shops?
- Doesn't feel like its something that we should be deciding - maybe it should be the community
- There are uses that tend to come up as we're looking at the health, safety, and welfare of the public
- Trouble with the idea that if it's not written, it's prohibited
- Feels wrong - can we simplify the language?
- Businesses have to get a permit and/or business license
- Recommend pull out the part about notifications - if we could have 2 resolutions?
- How many businesses come thru that aren't listed somewhere in the Table 3-1?

Commissioner Sawusch would like to move to split out 10.7.5. item and have that as one singular resolution, and have the other two items as a separate resolution. Or should we table the discussion or do we want to say Special Review Use?

Additional conversation was held regarding future uses, tabling the discussion, and taking additional time to discuss these items. Could town staff figure out something else that would be more suitable?

Commissioner Hoback noted that the Planning Commission could make recommendations to the Board of Trustees with conditions or amendments to this resolution.

Commissioner Sawusch asked if the Commission was making approval of the text amendments as one singular item of all three items together.

Ms. Bachelder clarified that the Commission can approve, deny, or approve with conditions.

Chair Zuniga suggested that the Commission approve with the condition that we're not prohibiting land uses just because they don't fit within the table.

Additional discussion occurred regarding clarification, Special Review Uses, and understanding of the Sections in the proposed resolution.

Commissioner Witt moved to approve Agenda Item 21-181/Resolution P21-07. There was no second to this motion. Motion dies.

Commissioner Sawusch moved to approve Agenda Item 21-181/Resolution P21-07 with the following conditions: Strike Section 1 of the Resolution in its entirety; Section 2 - recommend language stating Table 3-1 in Section 10-3-1 of the Erie Municipal Code is hereby amended to include pawn broker businesses to be listed as a Special Review Use in the CC (Community Commercial), RC (Regional Commercial), B (Business), and LI (Light Industrial) zone districts in the Town; and accepting Section 3 and Section 4 as stated.

The motion, seconded by Commissioner Luthi, carried 3 to 2 with the following roll call vote:

Commissioner Luthi - yes
Commissioner Hoback - no
Commissioner Witt - no
Commissioner Sawusch - yes
Chair Zuniga - yes

Deborah Bachelder noted the process to the Board of Trustees from here. She will write a staff memo, will have a section in it noting the recommendations of the Planning Commission, and will include the Resolution. In the case where it's a mixed vote, staff will explain the two ends (3 in favor, 2 against), which will be expressed in the memo along with the Resolution with conditions/recommendations.

Commissioner Hoback notes that this recommendation as approved goes against what staff was recommending/intending, doesn't feel comfortable calling out a specific business as was done, and doesn't believe moving this forward against staff's recommendation was a successful move.

Commissioner Witt parallels what Commissioner Hoback stated. There is a specific intent for this process, the way it was written, that we may or may not know the details of. It was written this way by counsel with that intent in mind. That's why he moved to approve the resolution as written and doesn't see a benefit with the rewrite.

Chair Zuniga commented about something (resolution) would be given to the Commission to approve with some intent, that they aren't willing to share what that intent is, and that without knowing the background, they (Commission) are supposed to approve it. It seems strange.

Commissioner Sawusch noted that the Commission was trying to get his done in one resolution but if we have completely different aspects of the UDC that are affecting totally different areas, is there a way in the future to split items out so that they're not being voted all in one?

Chair Zuniga asked staff to share with the Board of Trustees the Commission's concerns with the way they were asked to vote it.

Commissioner Sawusch asked if the Commission does have UDC Amendments, there could be Study Sessions to gage what we're thinking on this as done with other UDC Amendments?

VII. STAFF REPORTS

Deborah Bachelder provided an update on the Comprehensive Plan process. The Request for Proposals has closed and had five proposals from various consulting groups around the country. There is a Technical Advisory Committee consisting of 10 staff members who scored and reviewed those proposals. The top three consultants were chosen and scheduled for presentations and question/answers on May 18th. The Commission will be part of this along with the Board of Trustees and some members of the Technical Advisory Committee.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Chair Zuniga noted that there had not yet been a meeting scheduled with the Board of Trustees to discuss the role of the Planning Commission. Should we set a date now?

Deborah Bachelder noted that staff could recommend a date to meet with the Board of Trustees. The Planning Commission would need to come up with an agenda of topics to discuss and time needed. This would need to be figured out during an open meeting.

The Planning Commission will meet on May 19th to discuss agenda items/topics with the Board of Trustees since there are no other items on the agenda for this evening.

IX. ADJOURNMENT

Chair Zuniga adjourned the May 5, 2021 Planning Commission Meeting at 9:14pm.