

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, August 4, 2021

6:30 PM

**via Virtual Meeting
<https://bit.ly/2021Aug4PCMtg>
Council Chambers**

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Vice Chair Fraser called the August 4, 2021 Planning Commission Meeting to order at 6:38pm.

II. ROLL CALL**Roll Call:**

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

III. APPROVAL OF THE AGENDA

Commissioner Witt moved to approve the August 4, 2021 Planning Commission Meeting agenda. The motion, seconded by Commissioner Luthi, carried with the following 5 to 1 roll call vote:

Commissioner Hoback - yes
Commissioner Sawusch - no
Commissioner Witt - yes
Commissioner Luthi - yes
Commissioner Ames - yes
Vice Chair Fraser - yes

IV. APPROVAL OF MINUTES

[21-287](#)

Approval of the July 7, 2021 Planning Commission Meeting Minutes

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

Commissioner Hoback moved to approve the July 7, 2021 Planning Commission Meeting Minutes. The motion, seconded by Commissioner Witt, carried with the following roll call vote:

Commissioner Hoback - yes
Commissioner Sawusch - yes
Commissioner Witt - yes
Commissioner Luthi - yes
Commissioner Ames - yes
Vice Chair Fraser - yes

V. PUBLIC COMMENTS

No public comments were taken.

VI. GENERAL BUSINESS

[21-302](#)

PUBLIC HEARING: Consideration of a Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve an Ordinance Rezoning Portions of the Property at

Colliers Hill from Suburban Residential to Low Density Residential as shown on the Bridgewater Zoning Map - Amendment No. 2

Attachments: [PC Resolution P21-10](#)

[Proposed Rezoning - Bridgewater Zoning Map - Amendment No. 2](#)

[Staff Report](#)

[Application and Narrative](#)

[Other Applicant Materials](#)

[Referral Comments](#)

[Neighborhood Meeting Summary](#)

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Vice Chair Fraser opened the public hearing for Agenda Items 21-302 (Resolution P21-10) and Agenda Item 21-304 (Resolution P21-11) at 6:44pm.

Commissioner Ames noted for the record that he is within the noticed area for Agenda Item 21-304. He has no monetary affect by this directly and believes he can be impartial should the Commission agree.

Vice Chair Fraser made a motion noting that Commissioner Ames has made the Commission aware of the situation and that the Commission does not believe him to be directly affected or need to recuse himself from voting on this matter and can attend the hearing. The motion, seconded by Commissioner Witt, carried with the following roll call vote:

Commissioner Hoback - yes
Commissioner Sawusch - yes
Commissioner Witt - yes
Commissioner Luthi - yes
Commissioner Ames - yes
Vice Chair Fraser - yes

Chris LaRue, Senior Planner provided a presentation to the Commission regarding these agenda items.

Samantha Crowder, Norris Design, who is representing the applicant Daybreak Recovery Acquisition, also provided a presentation to the Commission.

Vice Chair Fraser asked if there was anyone in attendance wishing to provide comment on this agenda item.

Public comment was taken from the following persons:

- Theresa Wrangham, 268 Luna Circle - Ms. Wrangham thanked everyone for the presentation, and thinks the plan looks good.

- Todd Bjerkaas, 715 West Ridge Circle - Mr. Bjerkaas noted that he is in general support of the PUD Amendment. This makes sense with the Oil & Gas no longer being a part of Village 1. The higher density is consistent with the Comprehensive Plan and the additional units will help with the general funding of the metro district. Architectural standards make sense and is consistent with the area. The only 2 aspects are the townhomes and their adjacency to arterials and open space/parks- when buildings are adjacent to them, they either front or side them. Mr. Bjerkaas would ask that this be a standard and be added to the

PUD Amendment. Even if there is a buffer - alley's at the rear of the buildings, adding this standard would be appropriate. Other townhome projects in town have their buildings step down on the end units and adding some articulation to units adjacent to open space/parks would be consistent with the high level of townhomes that have been developed in the town.

Vice Chair Fraser brought it back to the Commission for questions and comments. Some questions/comments included the following:

- Good presentation
- Thorough presentation
- Nice development/great presentation
- Re: Public comment question on enhanced elevations - Is this in the plans?
- Within Village 1 - initially there were 300 dwelling units. Now within Village 1A & 1B, there are 500 dwelling units. Is this the correct increase in dwelling units?
- How did the neighbors react to the increase in density?
- Housing diversity requirements - are they met with Village 15? (Per staff, Village 15 was a typo - this should be Village 14)
- Rezoning - Comp Plan /Land zoning notes this as LDR - Is there a subdivision residential zone?
- It's either RR or LDR - There is no in between for the Comp Plan?
- Will all of the flowlines be removed prior to development?
- What is left in the overall development of Colliers Hill?
- How do we do an audit on something like this? The diversity requirements - have we evaluated where were at to date?

Commissioner Luthi moved to approve Agenda Item 21-302/Resolution P21-10. The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

- Commissioner Hoback - yes
- Commissioner Sawusch - yes
- Commissioner Witt - yes
- Commissioner Luthi - yes
- Commissioner Ames - yes
- Vice Chair Fraser - yes

Commissioner Witt moved to approve Agenda Item 21-304/Resolution P21-11. The motion, seconded by Commissioner Luthi, carried with the following roll call vote:

- Commissioner Hoback - yes
- Commissioner Sawusch - yes
- Commissioner Witt - yes
- Commissioner Luthi - yes
- Commissioner Ames - yes
- Vice Chair Fraser - yes

Vice Chair Fraser closed the Public Hearing for Agenda Item 21-302 and 21-304 at 7:36pm.

[21-304](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Bridgewater PUD Overlay Zoning Map Amendment No. 6

Attachments: [PC Resolution P21-11](#)
[Proposed Bridgewater PUD Amendment No. 2](#)
[Staff Report](#)
[Application and Narrative](#)
[Other Applicant Materials](#)
[Referral Comments](#)
[Neighborhood Meeting Summary](#)
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21-307

A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Adopt an Ordinance Amending Chapters 2, 3, 4 and 11 of Title 10 of the Erie Municipal Code to Add a New Agricultural Holding (AGH) Zone District

Attachments: [Staff Report](#)
[Resolution P21-12](#)
[BOT - Ordinance](#)

Vice Chair Fraser introduced Agenda Item 21-307.

Audem Gonzales, Senior Planner presented the Agenda Item to the Commission.

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

Commissioner Sawusch had many questions that would require answers from the Town's legal counsel. Commissioner Sawusch asked if counsel was available to answer questions.

Fred Starr, Director of Planning & Development noted that counsel was not available this evening due to a jury duty obligation but that staff would do their best to answer any questions of the Commission regarding this Agenda Item.

Commissioner Sawusch stated that based on the amendments to the text of this UDC amendment as described in 10.7.21 of the Town's UDC - "The Planning Commission shall make a recommendation to the Board of Trustees to approve or deny the text amendment, based on the applicable standards of this section. If no recommendation is made within 60 days, then the Planning Commission may request an extension of time from the Board of Trustees. If no recommendation is made and no extension is granted, then the Board of Trustees may act on a proposed amendment without a recommendation from the Planning Commission."

Based on this statement, Commissioner Sawusch made a motion to table this agenda item until the next meeting, at which time the Planning Commission can speak with the Town Attorney regarding the item, questions they have, and address any attorney/client privileged items. The motion, seconded by Commissioner Hoback, dies with the following 3 to 3 roll call vote:

Commissioner Hoback - yes
Commissioner Sawusch - yes
Commissioner Witt - no

Commissioner Luthi - yes

Commissioner Ames - no

Vice Chair Fraser - no

Director Starr provided additional clarification regarding the agenda item and the reason for this zone district.

Some questions/comments included the following:

- We have an AG/OS designation, why are we creating a second AG zone district?
- If they are in the AG/OS, with residential units, are they non-conforming?
- If they are in AG/OS, that does not occur if there is residential?
- Can we split out the AG/OS to just AG and just OS?
- Are we saying this is Agricultural commercial?
- But this isn't the way we're defining it - its AG holding until it can be developed.
- To suit the new district, we are removing the residential uses from being platted in the flood plain?
- Is there a way to do a grandfather clause leaving this portion in, and residential dwelling before a certain time, etc.?
- The Colorado water conservation board has noted restrictions
- Any new construction would need to follow current standards
- Under the flood plain, the town can still annex property even if its non-conforming, correct?
- Do we have a map (flood plain) of what area this would affect?
- How much of this potential newly annexed area would this fall into?
- What areas would be affected by this area of potential flood zones?
- Who has been the team that has put together these amendments?
- We don't have any conflicts of interest with the Town Attorney?
- Does the attorney have property along this area?
- We currently have annexation requests in hand but they are waiting for this to occur before they "pull the trigger"?
- Appreciates Kendra responding to questions - thank you
- What happens to property taxes after being annexed? What if Erie goes home rule? What are my new taxes?
- What currently triggers an annexation?
- Will this zone district streamline it?
- Painting it as AG property but we're giving the nod to future development and paving that way
- Comp Plan zoning in unincorporated spaces - people think the town initiates this but it's primarily the land owner
- If it says AG/OS, it doesn't preclude the county to change that
- If we had this mechanism in place, we could annex and not have to change anything
- It could also prevent other entities from developing something within our planning area
- There is more benefit than there is cost to adding this zone district
- It's good on the town to look into this avenue
- Allows Erie to protect our perimeter and protect our history

Commissioner Witt moved to approve Agenda Item 21-307/Resolution P21-12.

The motion, seconded by Commissioner Ames, carried with the following 4-1-1

(Hoback, Witt, Ames, Fraser - yes/Luthi - no/Sawusch - abstain) roll call vote:

Commissioner Hoback - yes

Commissioner Sawusch - abstained
Commissioner Witt - yes
Commissioner Luthi - no
Commissioner Ames -yes
Vice Chair Fraser - yes

Vice Chair Fraser called for a brief 5 minute break at 8:41pm.

Vice Chair Fraser reconvened the meeting at 8:47pm.

[21-310](#)

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 Regarding Improvement Guarantees

Attachments: [Performance Guarantees Resolution](#)
[Performance Guarantees Ordinance](#)

Vice Chair Fraser introduced Agenda Item 21-310.

Fred Starr, Director of Planning & Development gave a brief presentation to the Commission regarding this agenda item.

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

Some questions/comments included the following:

- How does the town currently fund the COL's /requirements for development?
- What does the town do for TOEURA owned properties - Example: Nine Mile?
- We have other locations that have tiff's under the URA - Do we have the necessary funds on hand to fund the items we have going on within the town?
- What do we put up as collateral in these situations?
- There was a mishap with the town not receiving the tiff funds and now the town has to figure out other ways to provide the funds to the developers as pledged, otherwise the town pays out of pocket?

Commissioner Hoback moved to approve Agenda Item 21-310. The motion, seconded by Vice Chair Fraser, carried with the following roll call vote:

Commissioner Hoback - yes
Commissioner Sawusch - yes
Commissioner Witt - yes
Commissioner Luthi - yes
Commissioner Ames - yes
Vice Chair Fraser - yes

[21-259](#)

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

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

Vice Chair Fraser introduced Agenda Item 21-259 which has been continued from previous Planning Commission meetings.

Vice Chair Fraser asked for an update on how far the Commission has gotten with this discussion.

Commissioner Sawusch asked if Chair Zuniga had a prepared a report/presentation that is due to the Board of Trustees on August 14th.

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development noted that she has not seen anything as of yet. This report needs to be submitted by 9am on August 13th. This report should be submitted to either Deborah or Melinda Helmer for entry into Legistar to go through the review process.

Commissioner Sawusch asked if it would make sense to request pushing the presentation to a later date with everything going on?

Vice Chair Fraser noted that we can find out how far Chair Zuniga has gotten with this report/presentation.

Commissioner Sawusch reiterated that it would be helpful to have legal counsel available to discuss the thoughts/ideas that the Commission has in mind.

Mr. Starr noted that the annual update could be used to state that the Commission is working on formulating ideas/thoughts etc. regarding expanded powers and duties. This is just a general update on what the Commission has been working on and what they will be working on. It doesn't need to be in a final form and that the Commission will be reaching out to the Board in the future for discussion.

Vice Chair Fraser confirmed due dates with Mrs. Bachelder regarding the report/presentation.

Commissioner Sawusch noted that the Commission's number one responsibility was the Comp Plan but unfortunately, the Commission doesn't know when they will be able to proceed. The Communications Department was going to take the lead on community engagement and getting the information to the residents. Is this still the case?

Mrs. Bachelder noted the intent was that staff be the support for whoever is hired. The community engagement would be with the consultant and communications department to assist.

Commissioner Witt stated the Commission should present a brief synopsis of what the Commission has done over the year and note what we want to work on. Make it simple and bullet point it. Note what's on the horizon with the

role/responsibility of the Commission.

After some further discussion, the Commission agreed to go forward noting that their efforts are on-going and provide an update on what they have been working on/need to work on. (Roles/responsibilities, Comp Plan, By-laws, etc.)

Vice Chair Fraser noted that he would follow up with Chair Zuniga.

VII. STAFF REPORTS

[21-296](#)

Planning & Development Monthly Report

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

Staff has nothing to report.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Vice Chair Fraser asked if there would be future representation from legal counsel at Planning Commission meetings.

Mrs. Bachelder noted that an attorney specifically for Planning Commission has been assigned.

Commissioner Luthi wanted to give a friendly reminder to the residents that the school year is upon us. Please be mindful of Stop signs and crosswalks as our children return back to school and keep their safety in mind.

IX. ADJOURNMENT

Vice Chair Fraser adjourned the August 4, 2021 Planning Commission Meeting at 9:44pm.