

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, December 1, 2021

6:30 PM

via Virtual Meeting

**<https://bit.ly/1Dec2021PCMtg>
Council Chambers**

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga called the December 1, 2021 Planning Commission Meeting to order at 6:31pm.

II. ROLL CALL

Roll Call:

Commissioner Hoback - Present
Commissioner Sawusch - Present
Commissioner Luthi - Present
Commissioner Ames - Present
Commissioner Witt - Present
Vice Chair Fraser - Absent/Excused
Chair Zuniga - Present

A quorum was present.

III. APPROVAL OF THE AGENDA

Commissioner Witt moved to approve the agenda of the December 1, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

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

Motion passes unanimously.

IV. APPROVAL OF MINUTES

[21-516](#)

Approval of the November 17, 2021 Planning Commission Meeting

Attachments: [November 17, 2021 Planning Commission Meeting Minutes](#)

Commissioner Luthi moved to approve the meeting minutes of the November 17, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Hoback, carried with the following roll call vote:

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

Motion passes unanimously.

V. PUBLIC COMMENTS

Public Comments:

Amber Strevey called in noting that she was with a group of people that were waiting at Town Hall to give public comment and wondered why no one was there. They would like to talk about Spring Hill but can't locate the meeting. She asked if this meeting could possibly be postponed until they could give public comment.

Chair Zuniga noted that the meeting is entirely virtual.

Deborah Bachelder, Planning Manager/Deputy Director noted that the meeting was published as a virtual meeting with a link to attend the meeting.

Chair Zuniga asked Town Attorney, Austin Flanagan the protocol regarding this meeting with regards to the applicant.

Town Attorney Flanagan noted that there are deadlines that the Planning Commission has to hold a hearing and make a recommendation and would need to see when the actual application was submitted.

Ms. Bachelder noted that the public was properly noticed and the Planning Commission could choose to continue the hearing.

Chair Zuniga asked if it could be moved to the December 15th meeting date.

Ms. Bachelder noted that since this is a Public Hearing, the appropriate thing to do would be to continue the hearing to that date and then we would not need to republish the public notice.

Chair Zuniga noted this would be her proposal.

Ms. Bachelder asked Town Attorney Flanagan if it was possible for the staff and applicant to continue to make their presentations as everyone is present at tonight's meeting. The meeting is recorded so all of those wanting to watch can still do so with public comment at the next date.

Town Attorney Flanagan noted that they would both have to be part of the public hearing. The public hearing would need to be opened tonight; presentations given; continued for another public hearing where more public comment is allowed.

Chair Zuniga asked if the applicant's would be available at the next meeting to hear that public comment.

Ms. Bachelder reiterated what Town Attorney Flanagan noted regarding the process.

Commissioner Luthi asked if there was any reason why the people at Town Hall can't call in with their comments. The applicant and staff still have a presentation to give and those that want to give comment can still have that opportunity to do so.

Commissioner Ames agreed as the meeting was properly noticed and members of the public still have the opportunity to join the virtual meeting. We definitely want to hear the opinions and comments of those in attendance, the meeting was properly noticed, and there's still opportunity for those in attendance to call

in.

Commissioner Ames has a preference to hear the agenda item tonight or continue the whole thing to the next meeting instead of having to juggle between two meetings.

Commissioner Sawusch asked Town Attorney Flanagan that since we haven't actually opened the public hearing yet, can one of the Commissioners motion to open the public hearing and continue the public hearing to a date certain.

Town Attorney Flanagan confirmed this.

Chair Zuniga added that she was in agreement with Commissioner Ames.

Commissioner Witt noted that since the agenda hasn't been discussed the Commission can postpone the agenda item. It was clarified that the agenda was discussed and approved.

Commissioner Sawusch is prepared to make a motion but would like a straw poll as to where everyone stands with this agenda item.

Chair Zuniga did a straw poll.

Commissioner Ames, Luthi, Witt, and Hoback voted to hear the agenda item tonight.

Commissioner Hoback also asked to amend the notices/agenda to remove the wording regarding "council chambers" even though it says via virtual meeting.

Commissioner Sawusch added that with the straw poll as it stands, his vote wouldn't count at this point.

Chair Zuniga noted that we will have the presentation and there would be an opportunity for people to call in to provide public comment. Chair Zuniga asked if there was anyone in the waiting room that would like to speak on an item that is not on the agenda.

Larry Fiegland spoke and stated that he has the public notice that was sent to his house and it states that the meeting place is "Erie Town Hall Board Room or Via Zoom" and that many of them that can't get back to their homes in time to watch the presentations and would like the Commission to follow what the notice says or to reschedule the meeting.

Ms. Bachelder clarified that the notice is written that way so if there is a quorum to meet in person, the meeting will held at Town Hall and it's advertised on the agenda center on the website. This is why it states "or" and not "and" it's not both or advertised that we are always at town hall.

Chair Zuniga would like to propose to hold this item until the next meeting date.

Commissioner Hoback moved that Agenda Item 21-513 be postponed to the December 15, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Luthi, carried with the following roll call vote:

Commissioner Hoback - yes

Commissioner Sawusch - yes

Commissioner Luthi - yes

Commissioner Ames - yes
Commissioner Witt - yes
Chair Zuniga - yes

Motion passes unanimously.

Chair Zuniga apologized to the applicant as we are still working through some of the challenges of remote meetings.

Commissioner Sawusch asked Town Attorney Flanagan if we needed to officially open the public hearing in order to make the vote binding, to which Town Attorney Flanagan confirmed.

Commissioner Sawusch moved to open the public hearing for Agenda Item 21-513/P21-25 to a date certain of December 15, 2021.

Town Attorney Flanagan confirmed that the agenda item needs to be officially opened and the item continued.

VI. GENERAL BUSINESS

21-513

PUBLIC HEARING: A Resolution Of The Planning Commission Of The Town Of Erie Recommending That The Board Of Trustees Approve The Spring Hill PD - Planned Development

Attachments: [1. PC Resolution No. P21-25](#)
[2. Proposed PD zoning map](#)
[3. Staff Report](#)
[4. Application and Narrative](#)
[5. Other Applicant Materials](#)
[6. Referral Agency Comments](#)
[7. Neighborhood Meeting Summary](#)
[8 Notifications](#)
[9. Public Comment](#)

Chair Zuniga opened the Public Hearing for Agenda Item 21-513 at 6:52pm.

Commissioner Hoback moved to continue Agenda Item 21-513 to a date certain of December 15, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Luthi, carried with the following roll call vote:

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

The motion passes unanimously.

Chair Zuniga asked that we do something to make it clear that this agenda item will be heard on December 15, 2021.

VII. STAFF REPORTS

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development opened the Schedule of Meetings document to share with the Commission the agenda items for the next Planning Commission.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Commissioner Sawusch asked Ms. Bachelder if she could read verbatim what the public notice said for tonight's agenda item that was mailed out to the residents regarding the meeting.

Ms. Bachelder pulled up the document to share for the Commission to review. Ms. Bachelder confirmed that the notice includes a physical location and the Zoom information. Ms. Bachelder noted that there's notice in the paper, by mail, and the site is posted with meeting information as well as the Town Agenda Center with the final agenda posting.

Chair Zuniga asked if additional clarifying language could be added to the notices and the challenge is that the notice

Commissioner Hoback asked if we could state one location or the other but not both and to please check the website.

Commissioner Ames asked if there's any chance that we wouldn't have a Zoom link for any meeting in the foreseeable future.

Ms. Bachelder stated not currently because if the meeting is held as a hybrid, we still do Zoom.

Commissioner Ames asked if we could clarify to join via Zoom. People have the ability to join in person but it's impossible to know if the Commission will meet in person prior to the notices going out.

Ms. Bachelder agreed that staff can add some clarifying language to direct people to the agenda to verify the meeting location.

Commissioner Luthi noted that the process has been done pretty well up until this point.

Commissioner Sawusch added that we have been virtual up until this point.

Chair Zuniga wants to make sure that the people who are really trying to be a part of the process can be.

Ms. Bachelder noted that this is our goal as well and will make the modifications need to be clear.

Commissioner Sawusch noted that if we're going hybrid this may not be the last time this issue comes up. Commissioner Sawusch asked if Ms. Bachelder could bring this to the attention of Town Administrator Fleming with regards to any future meetings.

Chair Zuniga asked for clarification purposes on how to contact staff to let them

know that a Commissioner would like to appear in person for a meeting and reminded others of the process.

Ms. Bachelder restated the procedure for contacting staff should a Commissioner want to meet in person at the Planning Commission meeting.

IX. ADJOURNMENT

Chair Zuniga adjourned the December 1, 2021 Planning Commission Meeting at 7:03pm.