

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, December 15, 2021

6:30 PM

Meeting will be held both in person at Erie Town Hall and via

Zoom

Council Chambers

<https://bit.ly/15Dec2021PCMtg>

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga called the December 15, 2021 Planning Commission to order at 6:32pm.

II. ROLL CALL

Roll Call:

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

A quorum was present.

III. APPROVAL OF THE AGENDA

Commissioner Hoback moved to approve the agenda of the December 15, 2021 Planning Commission Meeting. The motion, seconded by Commissioner Sawusch, carried with the following roll call vote:

Commissioner Sawusch - yes
Commissioner Ames - yes
Commissioner Hoback - yes
Vice Chair Fraser - yes
Chair Zuniga - yes

Motion carries unanimously.

IV. APPROVAL OF MINUTES

[21-532](#)

Approval of the December 1, 2021 Planning Commission Meeting Minutes

Attachments: [December 1, 2021 Planning Commission Meeting Minutes](#)

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

Commissioner Sawusch - yes
Commissioner Ames - yes
Commissioner Hoback - yes
Vice Chair Fraser - yes
Chair Zuniga - yes

Motion carries unanimously.

V. PUBLIC COMMENTS

No public comments were taken.

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/Resolution P21-25 at 6:37pm.

Audem Gonzales, Senior Planner gave a presentation to the Commission on this agenda item.

John Prestwich, PCS Group provided a presentation and historical background of the property to the Commission.

Chair Zuniga opened the public comment section of the public hearing.

Public Comment was taken from the following:

Jessica Fiegland - 308 Westview Road
Shannon Savona - 5946 County Rd 3
Mike Schmidt - 5053 County Rd 3
Larry Fiegland - 308 Westview Road
Chris Nieves - 626 State Highway 52
Cassidy Orr - 620 State Highway 52
Dane Kornasiewicz - 620 State Highway 52
Brittany Johnson - 752 State Highway 52
Amber Strevey - 5185 Buffalo Rd
Dan Strevey - 5185 Buffalo Rd
Chris Johnson - 752 State Highway 52
Victor Vargas - 630 State Highway 52
Robert Love - 423 Westview Rd
Kathy Young - 85 Rivera Ct
Rob O'Dea - East of the subject property
Tina Conilogue - 5080 Weld County Road 1

Some comments and concerns were regarding height of the townhomes; what areas would begin construction first - project timeline; traffic; widening of State Highway 52; hydrology; flooding; drainage; wildlife; density; non-conformity with current Comprehensive Plan; lack of engagement; agricultural priority and inherit dangers of the site; challenges on the site; oil & gas on the site; the location of the school site in proximity to these wells; no public benefit; impacts to the ditches; direct conflict of neighboring use; good development benefits the

community; not against development but didn't expect it to be developed this way; environmental impact; objects to the density and the project's incompatibility with the comprehensive plan; and the impacts to the quality of life for surrounding properties.

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

Note: Staff and Applicant provided answers throughout Commissioner comments.

Commissioner Ames:

- Thank you to all of the participants tonight
- Realizes this is an emotional subject and a lot of different feelings with good reason
- When this property was previously brought before the Commission, they realized this was a challenging piece of land given the ditches, the Planning Areas and the wetlands
- The Planning Commission was interested in seeing how this would evolve
- Misalignment with the Comp Plan; the proximity to plugged & abandoned wells for residential and schools
- Drainage, hydrology, lack of consideration for setbacks and traffic and safety
- Who can speak to some of the concerns the Planning Commission heard tonight?
- When will we get the more detailed traffic study?
- Sticking points - zoning. Can you show the Zoning as opposed to the Comprehensive Plan? This site is LR - Low Density Residential
- Interested in the process with alignment with the Comprehensive Plan
- Making sure we're being good neighbors all around
- Wants to make sure people understand that this is a process
- It's important that we engage with the community and ongoing communication and concerns are addressed
- Noted the reminder that the Planning Commission is a recommending body to the Board of Trustees and not an approval or denial of this particular agenda item
- The Planning Commission can recommend it to the Board of Trustees one way or the other
- The Planning Commission has a true charge as a commission to ensure that this project is in line with the conditions
- Echo's a lot of Vice Chair Fraser's final round comments
- We have a specific agenda item before us which is the zoning - it's generated the right kind of discussion
- Out of pain comes growth and brings people together
- Reiterate that there's going to be a lot of opportunity to bring up your concerns through the process
- Density/housing - agrees that we need diverse housing types and good planning within each neighborhood
- The developer has done a good job introducing the mixed uses and types of housing
- Community input is important for everyone involved and hopes it continues
- Thank you for everyone's efforts

Vice Chair Fraser:

- Empathizes with everyone that showed up tonight
- The neighbors are the most impacted
- This can be incredibly frustrating because the property was annexed a

- considerable time ago and sat, it changed hands, then re-emerges, and now you have to evaluate what that impact is and how you handle it
- We focused on the Comp Plan but you're battling a little bit of the UDC
 - The Planned Development piece is trying to gain an accordance with the UDC
 - The site has constraints and requirements per the UDC - one being multiple family structure types
 - The Planning Commission will work on updating the Comprehensive Plan and get more in line with the UDC
 - Just because it's designated residential, you still have to meet the UDC, and the UDC is going to dictate how many housing types you have to have
 - Comprehensive Plan is an idea/goal set of overall development
 - Concession in development to change setback requirements
 - Over time has seen that one way to buffer higher density development is to create larger buffer zones
 - It appears that the developer and staff has done that
 - On the development plan there was a component of it that was designated as wetlands - is it that an inventory piece that we were trying to identify or is it actually a designated wetland piece designated by the Army Corp of Engineers?
 - The Town will work with the developer on the habitat/wetland and inventory to keep it natural as possible
 - Stormwater Design/Retainage - as a project comes into annexation - the intent is to tie into those utilities of the town. As housing is developed in this parcel, there's going to be curbs/gutter, stormwater - that stormwater is going to tie into the existing stormwater of the town - current code and development is going to require them to both retain and detain water as a component of natural aqua fir replenishment within that development, so the concerns of flooding to adjacent property owners is greatly diminished because the engineers will decide and design the stormwater drainage
 - Traffic - Traffic is analyzed, and evaluated - not saying there won't be an impact but there will be an analysis of what the impact is
 - The Red Boxes on the Comp Plan - (Vice Chair Fraser) was a part of that Comp Plan update - and fought for those planning pieces
 - You want to push your higher density in your development as close to those pieces (commercial) as you can get because the idea is to have foot traffic/ability in traffic counts in conjunction with those locations
 - Idea is to put higher density closer to the major road
 - There were thought and processes involved in all of this
 - Tonight the PC is voting on the Zoning criteria not the plan or whether or not it should be developed
 - We're here to analyze the zoning criteria not whether or not it should be developed. Just trying to align the current zoning in the UDC
 - We're here to analyze the zoning criteria - not here to vote on whether or not this should be developed, density, or layout
 - It's really trying to align the current zoning to the UDC
 - Sometimes the overarching impression of the public is that "the town is trying to sneak one past us or the developer is trying to one up us or trying to do nefarious things to benefit themselves" - doesn't always mean its negative in nature
 - The Comprehensive Plan in a large part is a misnomer - should be a Comprehensive Guide, suggestion or implication - you're not bound to it. You're legally bound to your zoning criteria and your UDC. These components drive design.
 - The Comp Plan and UDC are not in alignment
 - In reality, there is a market demand for a number of people that do not want a

large property

- Our UDC prescribes multiple types of housing types to encourage diversity in our communities
- Townhomes are predominately owned by single women and divorced families
- It's not the intent of the code - the UDC prescribes these to provide opportunity
- This has been a part of the plan since 2014 (diverse housing types)
- The town's goal is to have 65,000 residents
- We have to be cognizant of that
- There will be other opportunities to come to a meeting and voice your opinion
- We are doing the best we can with the information that is in front of us
- We're going to make Erie a place that people want to come to
- Thank you to everyone who's showed up - staff, applicant, public

Commissioner Hoback:

- Clarification - Oil & Gas regarding Plugged & Abandoned/Removal - what is happening on the property?
- To what depth below grade will they be Plugged & Abandoned?
- A lot of concerns raised about the possibility of what these plans will look like but as previously indicated, this is really about the UDC
- In the Approval Criteria (b) - re: modification to the UDC regulations is based on creative/innovative design and amenities incorporated in the PD zone district that could not otherwise be achieved through other zonings/standard zoning districts through another modification process - can you elaborate on what unique innovative/creative standards deliver this box to be checked?
- Criteria (i) - significant adverse impacts. Can you explain/clarify this point?
- Would take exception to that the character, impact, transitions - doesn't believe the higher density residential buildings are a good buffer to the nature of the existing buildings.
- Want the diversity and options in our Town , but where it goes is always a point of contention for people

Commissioner Sawusch:

- Thank you to all in attendance virtually as well as in person
- In terms of the 2 zoning maps - Comprehensive Plan & Zoning Map - this property is LR which allows 3-5 DU's/acre, correct?
- In its current state of being an LR zone district, it could be up to 5du's/acre but it is proposed as 2 du's/acre, correct?
- Alley loaded product is the reason for moving to a PD
- There was an item noted that the Parks Dept did not desire to own /maintain the neighborhood park in this area. Will this be the metro district that will maintain it? Why didn't the town want to acquire/maintain the neighborhood park?
- How much of the land dedication is for open space back to the town?
- In the slides, with regards to the team reviewing the comments, with the current plan as proposed, how much engagement, what type of engagement has occurred with the surrounding residents?
- Realizes this isn't the final plan on this project so there's an opportunity for engagement
- Traffic volumes/vehicular access - applicant is committed to signalization of State Highway 52 & County Road 3
- Town's master transportation plan has it as 4 lanes signalized - what discussion has ensued with regards to talks with CDOT, the town, etc. regarding signalization?
- Who is the jurisdictional entity there? Or is this within the purview of the town?
- Development Schedule/Phasing of development - has any additional thoughts

gone into the phasing of the project?

- Thank you to the applicants, staff, and Town Attorney Flanagan
- Not speaking to the majority of the room - the applicant - we received a lot of feedback but make sure when they come again that all these items are addressed, people are communicated with, and engage with the neighbors

Chair Zuniga:

- Appreciates everyone for coming out
- Apologizes for the misunderstanding re: the meeting location last time - thank for coming back
- We have a developer who jumped the gun a little bit - they put out an illustrative plan of their vision but it's not necessary in this case or where we are in the process. There's a lot of discussion ahead of us and this project is in the early stages.
- Can staff assist with the Comp Plan Map and Zoning Map - help us to understand how we get from Agricultural to Low Density. The map feels a little bit confusing.
- Vice Chair Fraser mentioned how he fought hard for those 2 pieces on the corner - it's important to note that
- Important to protect the high quality agricultural land - is this high quality agricultural land?
- Oil & Gas capped and removed - there was negotiation of the mineral rights. What was the agreement?
- Main thing to understand that we are in the early stages
- When the Planning Commission makes a recommendation, it's a recommendation based on the zoning and not the plans or any kind of detail
- A lot of the things that the Planning Commission is being asked to address are at the Pre-Plat stage
- Some people in the audience want an opportunity again to speak - we did get the emails
- Please keep future comments in mind for the next stages - keep town staff informed - the developer kept notes

Commissioner Sawusch moved to approve Agenda Item 21-513/Resolution P21-25. The motion, seconded by Vice Chair Fraser, carried with the following roll call vote:

- Commissioner Sawusch - yes
- Commissioner Ames - yes
- Commissioner Hoback - no
- Vice Chair Fraser - yes
- Chair Zuniga - yes

Motion passes 4 to 1.

Chair Zuniga called for a 5 minute break at 9:20pm.

[21-523](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Approving a Site Plan for Nine Mile Corner Lot 10A

Attachments: [PC Resolution P21-27](#)
[Proposed Site Plan](#)
[Staff Report](#)
[Application and Narrative](#)
[Parking Maximum Letter](#)
[Wall Articulation Letter](#)
[Other Applicant Materials Part 1 of 2](#)
[Other Applicant Materials Part 2 of 2](#)
[Referral Comments Part 1 of 2](#)
[Referral Comments Part 2 of 2](#)
[Neighborhood Meeting Summary](#)
[Notifications](#)

Chair Zuniga reconvened the meeting at 9:30pm.

Chair Zuniga opened the public hearing for Agenda Item 21-523/Resolution P21-27 at 9:34pm.

Shannon Moeller, Senior Planner gave a presentation to the Commission on this agenda item.

Aaron Johnston, Galloway provided a presentation to the Commission on this agenda item.

Chair Zuniga asked if there was anyone present online for public comment. There were none and no public comment was taken.

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

Vice Chair Fraser had no questions or comments.

Commissioner Ames:

- project looks pretty typical
- additional parking looks good at this location
- no other questions or comments

Commissioner Hoback had no questions or comments.

Commissioner Sawusch:

- does the resolution include the deviation from the 125% minimum parking required?

Chair Zuniga:

- looks pretty typical
- does this compare in size to the Vista Ridge King Soopers or is it more of a standard store?
- Have you considered the bike/pedestrian connection?

Commissioner Sawusch moved to approve Agenda Item 21-523/Resolution P21-27. The motion, seconded by Commissioner Ames, carried with the

following roll call vote:

Commissioner Sawusch - yes

Commissioner Ames - yes

Commissioner Hoback - yes

Vice Chair Fraser - yes

Chair Zuniga - yes

Motion passes unanimously.

[21-526](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending the Board of Trustees Approve the Erie Junction Preliminary Plat with a Condition

Attachments: [PC Resolution P21-26](#)

[Staff Report](#)

[Erie Junction Preliminary Plat & Landscaping Plan](#)

[Application and Narrative](#)

[Applicant Materials](#)

[Applicant Materials II](#)

[Civil Plans](#)

[Referral Comments](#)

[Neighborhood Meeting Summary](#)

[Notifications](#)

Chair Zuniga opened the public hearing for Agenda Item #21-526/Resolution P21-26 at 9:50pm.

Chris LaRue, Senior Planner gave a presentation to the Commission on this agenda item.

Nick Jacobs, Diverge Homes also provided a presentation with additional background regarding the project.

Chair Zuniga asked if there was anyone present online for public comment.

Public comment was taken from the following:

Kate Louis - 464 Main Street

Pamela Piekarski - 3382 Tipple Parkway (Exploring Minds Daycare - 4051 E. County Line Road)

Jason Colon - 654 Moffat Street

Some comments/concerns included traffic and peak traffic times; traffic with school time/dismissal; density of the project; old town known for its ambience; felt that the applicant did a thoughtful job with the site plan and appreciates the variety of housing; seems to comply with the regulations; how it fits and becomes a good neighbor remains to be seen; fence/landscape requirements.

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

Vice Chair Fraser:

- When he (Fraser) chose Erie to reside in, he was drawn to the history and nostalgia of the town
- There was limited infrastructure/pavement when he came here in this downtown area
- The residents that resided in Old Town were protective of the history of downtown
- We have to have an identity as a community and the Planning Commission has to define what that identity is
- This property is a step to that
- Change is inevitable - evolution is necessary to growth

Commissioner Ames:

- No questions
- Site plan and use of Lawley Street was well thought out
- Sees the continuity instead of just shoving homes into a spot
- Good job integrating the features that need to be there

Commissioner Hoback:

- Comparing the lot size to some of the units on Jackson Drive by the Erie Police Department
- Doesn't think it will be as cramped as one might think
- Loves some of the proposed amenities
- Agrees that a western entry way into old town is much needed
- Fully appreciates the traffic concerns
- The town need to keep on that (traffic)
- It's a nice addition to the community

Commissioner Sawusch:

- Traffic concern - what is happening at County Lin Road and how does it relate to the project?
- There was a previous developer looking at this site that proposed many dwelling units
- 5' setback from fence at northeast corner?
- This fits better than what was initially proposed previously

Chair Zuniga:

- Agrees that this plan is a better fit than what was previously proposed by another developer
- Thoughtful organization of space and circulation
- Concern about County Line Road and the school
- Important connection - no further questions

Commissioner Hoback moved to approve Agenda Item 21-526/Resolution P21-26. The motion, seconded by Commissioner Ames, carried with the following roll call vote:

Commissioner Sawusch - yes
Commissioner Ames - yes
Commissioner Hoback - yes
Vice Chair Fraser - yes
Chair Zuniga - yes

Motion passes unanimously.

22-02

Study Session: Comprehensive Plan Prep, Current State of the Plan

Chair Zuniga proposed that Agenda Item 22-02 be tabled given the current hour and checked in with staff and the Commission.

Commissioner Sawusch moved to table Agenda Item 22-02. The motion, seconded by Commissioner Hoback, carried with the following roll call vote:

Commissioner Sawusch - yes

Commissioner Ames - yes

Commissioner Hoback - yes

Vice Chair Fraser - yes

Chair Zuniga - yes

Motion passes unanimously.

VII. STAFF REPORTS

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development noted that there is nothing on the schedule for the Planning Commission in January or the first meeting in February. Any of these dates are available to reschedule the study session that was tabled tonight.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Chair Zuniga wanted to share that Commissioner Sawusch was campaigning for a vacant Board of Trustee seat in the April election and wished him good luck.

Commissioner Sawusch confirmed that he filed today his candidate affidavit as well as his committee registration for the upcoming April 2022 election.

Chair Zuniga also congratulated Patrick Hammer and Luke Bolinger on being awarded a prestigious grant for Coal Creek Park; the GoCo Community Impact Grant. Congratulations!

IX. ADJOURNMENT

Chair Zuniga adjourned the December 15, 2021 Planning Commission Meeting at 10:43pm.