

# **TOWN OF ERIE**

*645 Holbrook Street  
Erie, CO 80516*



## **Meeting Minutes**

**Wednesday, August 3, 2022**

**6:30 PM**

**In Person Meeting**

**Virtual Link for Viewing & Public Comment Only:**

**<https://bit.ly/3Aug22PCMtg>**

## **Planning Commission**

**I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG**

Chair Zuniga called the August 3, 2022 Planning Commission Meeting to order at 6:30pm.

**II. ROLL CALL**

Roll Call:

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

A quorum was present.

**III. APPROVAL OF THE AGENDA**

Vice Chair Luthi moved to approve the Agenda of the August 3, 2022 Planning Commission Meeting. The motion, seconded by Commissioner Burns, carried with the following roll call vote:

Commissioner Burns - yes  
Commissioner Booth - yes  
Commissioner Baham - yes  
Vice Chair Luthi - yes  
Chair Zuniga - yes

Motion passes unanimously.

**IV. APPROVAL OF MINUTES**

[22-285](#)

Approval of the July 20, 2022 Planning Commission Meeting Minutes

**Attachments:** [July 20, 2022 Planning Commission Meeting Minutes](#)

Vice Chair Luthi moved to approve the Meeting Minutes of the July 20, 2022 Planning Commission Meeting. The motion, seconded by Commissioner Booth, carried with the following roll call vote:

Commissioner Burns - yes  
Commissioner Booth - yes  
Commissioner Baham - yes  
Vice Chair Luthi - yes  
Chair Zuniga - yes

Motion passes unanimously.

**V. PUBLIC COMMENTS**

No public comments were taken.

**VI. GENERAL BUSINESS**

[22-284](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town

of Erie Recommending that the Board of Trustees Approve the Erie Highlands Preliminary Plat No. 5 with Conditions

- Attachments:**
- [1. Resolution P22-06](#)
  - [2. Proposed Preliminary Plat](#)
  - [3. Staff Report](#)
  - [4. Application and Narrative](#)
  - [5. Other Applicant Materials 1 - Title Commitment, ALTA, and Legal Documents](#)
  - [6. Other Applicant Materials 2 - Reports Part 1](#)
  - [7. Other Applicant Materials 3 - Reports Part 2](#)
  - [8. Other Applicant Materials 4 - Engineering Plans](#)
  - [9. Other Applicant Materials 5 - Landscape Plans and Other Exhibits](#)
  - [10. Other Applicant Materials 6 - Peltier Well Letter](#)
  - [11. Referral Comments](#)
  - [12. Neighborhood Meeting Summaries](#)
  - [13. Notifications](#)
  - [14. Erie Highlands PUD Zoning Map Amendment No 3](#)
  - [15. Staff Presentation](#)
  - [16. Applicant Presentation](#)
  - [17. Sewer Line Reimbursements Email & Attachments](#)

Chair Zuniga announced Agenda Item 22-284/Resolution P22-06: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve the Erie Highlands Preliminary Plat No. 5 with Conditions.

Chair Zuniga opened the Public Hearing for this agenda item at 6:33pm.

Shannon Moeller, Senior Planner provided a presentation to the Commission regarding this agenda item.

The applicant, Layla Rosales, Terracina Design, also provided additional history and background information to the Commission regarding this agenda item.

Chair Zuniga read the rules regarding Public Comment at this time.

In-Person Public Comment was taken from the following:

Dennis Francis Crooks, 96 Piney Creek, Erie, CO, had the following questions:

- What is the average square footage of the townhomes?
- Are there any plans to expand the amenities that are currently in the community? For instance, the pool?
- What about increasing municipal services, such as police?

Dan Handenschild, 129 Piney Creek Lane, Erie, CO stated that he is relatively new and has owned his house since it was built. He moved to Piney Creek Lane 7-8 months ago. He loved the scenery here but what's disturbing him the most is that it's starting to remind him of Brooklyn. It's house on top of house and traffic

down Erie Parkway toward I-25 is horrendous. How will this traffic be addressed? He's lived in New York all his life, knows what traffic is, just beware - this is going to happen. The pool is going to be jammed and just like a city pool. Concerned about the overall outlook of the area. There are houses built as quads, common driveways with no property in the back or sides. We're developing Brooklyn out here. Not a good or healthy thing. It's a beautiful place and he doesn't want to see it get ruined.

Jason Manley, 216 Highlands Circle, Erie, CO stated that he is a Board Member on the Erie Highlands Metropolitan District No.1. Some of the common things he encounters are police, security, and the pool. There have been many issues with the pool, having to call police, increasing their resources from both the Town of Erie and having their resources as a district destroyed due to vandalism. With the increase in medium density homes, they are going to have an additional increase. What are the plans of the builder to secure their pool area and make it more inaccessible for people to climb on fences, break-in, and make it secure? What are the plans for fees? What district are the townhomes going into? Currently their O&M, they are tapped at it. The last 2 budgets have been passed by the builder, there are no homeowners allowed on the O&M Board. The last 2 budgets were approved with unknown funds. Budget are approved with no money going into them. From their reserve study, they are at less than 5% of their reserve study. They are at high risk of having a special assessment placed, if anything happens. With this increase, what is the builder going to do get us out and to put our reserves where they need to be, to make up for late maintenance, and to make the district whole, and come up with a budget sharing plan? Since the builder is the second district, if they roll anything out as an amenity for us, they assume it, and the residents have to pay for it. The builder is trying to pass a special fee even though the homes were built as no fee on Metro District tax. What is the builder going to do and can the Planning Commission help by looking into this as part of the contingencies that we need these addressed before more homes built? That they are not going to build homes and disappear - they are not funded properly. What's the long term solution once Oakwood pulls out? Not looking good and at very high risk. He can provide approved budgets and reserve study if needed. The approved meeting minutes can be obtained from the DORA website. They've had many issues with the builder trying to maintain the community. They (builder) are doing what they can to delay. Many calls have been made to the police. The developer will not increase their fence size, the gates don't close, no alarm system. He goes over every night to kick people out of the pool because the builder won't pay for a security team. People jump the fence at 2am; the SRO at the school has been reached out to, to identify students who have jumped the fence. The builders have done nothing including funding.

Ken Iverson 336 Highlands Circle, Erie, CO stated that the existing residents have issues that need addressing before the development is extended. Is it possible for us to have a better dialogue with Oakwood Homes or whoever is making these plans in order to have true dialogue instead of unanswered questions? The other concern as he has talked to people in Erie Highlands is regarding subsidized housing. You've mentioned apartments and townhouses. Which is it going to be: townhouses or apartments? Townhouses are preferred. Apartments obviously, are less desirable. They don't have a history of taking care of property as well as property owners. He would be concerned about subsidized housing. In your agreement, is there anything limiting a developer from coming in and buying all of them and turning them into subsidized housing? That's a question he would

like answered. Where can he get the answers to the questions tonight? Will this occur in Executive Session? Or when will this occur? He doesn't understand how this works. The Reserve that was brought to their attention is a real concern - the 5% is pretty meager and should be addressed.

There were no emailed Public Comments and no virtual public comments were taken for this agenda item.

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

Some questions/comments included the following:

- Question on setbacks regarding the 24 and 36 distance. Was it just one townhome?
- Regarding Parks - Was there a park specific to this area or do they hook into the rest of Erie Highlands?
- Regarding abandoned well in close proximity - How many townhomes are affected by this/or that require the radon detection system or notice of disclosure?
- Are any houses in the adjacent development close to this location?
- After the drilling company recaps this abandoned well, who carries the liability for monitoring & future remediation? The homeowners? The HOA?
- Is there any additional monitoring that would be occurring besides what Erie is doing now?
- Is Oakwood building across the street? Will they get the same remediation/monitoring disclosure/monitoring systems?
- Regarding Parking - There's 13 guest spots noted - The report referenced 1 spot per every 3 - Where is this guest parking? Street parking?
- Heard concern that parking is tight with the driveways/garage access
- Is there any consideration/standard for garage size?
- Trash collection - individual units with individual services
- Regarding fire access down the alleys - Is it approved?
- What about the lot to the north - Is there fire access?
- Regarding Oil & Gas - 10.6.14 of the UDC talks about a 50 x 100 triangle - Does that need to be on the Final Plat?
- Is the on-street parking going to be on Glacier Drive as well?
- Regarding the smaller alleyways between the units - are they privately owned by the Metro District or HOA?
- For clarification, this is being proposed as townhomes?
- Don't disagree, we will get more traffic with the growing community but we're doing what we can based off of traffic studies to make this work
- The Town is following the requirements of the code
- The areas with no fire access - how do the 2 units on the far NE get access?
- Regarding connectivity: The Southern most area "through-ways" - are they utility easements/can people have access to move through that area?
- The main road through this area on the East - its lined up to the Oil & Gas. Was this an intentional access point?
- Would this area be future development?
- What is the average square footage of the Townhomes?
- Plans to extend amenities - Are there additional amenities associated with this area?
- The relationship regarding the whole development - Can you help us to understand how it relates to municipal services? Is there a fee in lieu?
- The impact of the development would've happened in the beginning stages of

the development

- Public Hearing Notices were published, is this correct?
- Who in the area gets the mailed notices? People within 500ft?

Chair Zuniga closed the Public Hearing at 7:21pm.

Chair Zuniga allowed for Commissioner final comments.

Some final comments included:

- Application seems to meet the medium right
- This project has been in the making for several years.
- Sympathizes with resident's concerns
- Here to decide if the plat meets the criteria for approval
- Would like to see more policing but would let (his) voice be heard with the Board of Trustees
- Project has been coming for sometime and so much has come up and we're at the last stage
- Asked a lot of tough questions regarding Oil & Gas and the roadways
- It did meet requirements
- Staff has reviewed it very carefully

Commissioner Burns moved to approve Agenda Item 22-284/Resolution P22-06 with Conditions. The motion, seconded by Vice Chair Luthi, carried with the following roll call vote:

Commissioner Burns - yes  
Commissioner Booth - yes  
Commissioner Baham - yes  
Vice Chair Luthi - yes  
Chair Zuniga - yes

Motion passes unanimously.

### [22-275](#)

PUBLIC HEARING: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve with Conditions the Parkdale P.U.D. Overlay Map, Amendment No. 3

**Attachments:** [Staff Report](#)

[PC Resolution P22-05](#)

[Existing Parkdale PUD Overlay Map](#)

[Proposed PUD Overlay Map Amendment No. 3](#)

[Application and Narrative](#)

[Other Applicant Materials](#)

[Referral Agency Comments](#)

[Neighborhood Meeting Summary](#)

[Notifications](#)

[Applicant Presentation](#)

[Staff Presentation](#)

Chair Zuniga introduced Agenda Item 22-275/Resolution P22-07: A Resolution of the Planning Commission of the Town of Erie Recommending that the Board of Trustees Approve with Conditions the Parkdale P.U.D. Overlay Map, Amendment No. 3.

Chair Zuniga opened the Public Hearing for this agenda item at 7:25pm.

Audem Gonzales, Senior Planner, provided a presentation to the Commission regarding this agenda item.

The applicant, John Prestwich, PCS Group, also provided a presentation to the Commission regarding the agenda item.

Chair Zuniga asked if there was anyone in the virtual waiting room wanting to give Public Comment on this agenda item as there were no residents in person for this agenda item.

Virtual Public Comment was taken from the following person:

Jerry Howard, 12025 Baseline Road, Lafayette, CO had a couple of questions and clarifications. The applicant is requesting smaller setbacks on the alley and is assuming the houses are being moved closer together. He is looking for clarification as it seems that the developer is cramming homes already in a very small area. Second comment is regarding the exit streets - providing an additional exit street on the south end through the Penner property. Will it be a left/right turn onto Highway 7? It's already close enough to a light that's already one block over or less where it's the main development. Next question, it appears the setback on page 8 (from staff's presentation) it shows the houses close together but he couldn't read the setback from house to the fence. Is it 8 ft, 5 ft, 6 ft? He couldn't read it.

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

Some questions/comments included the following:

- The PUD was previously approved, nothing changed but some architectural elevations? The only change was the extra piece at the bottom? Everything else would be exactly the same, correct?
- Did the PUD change anything with the development? Regarding the 5ft setback on the porch; did it affect anything else?
- Adding the "T" access - is the main access to the East of this location?
- Curious as to why we need another access point
- Was this area (portion of the Penner property) always owned by the developer?
- The smaller alley setbacks: In a normal setting the 20ft setback would apply. Can you explain the reasoning for the smaller alley setbacks in the PUD?
- Regarding the Conditions to this Resolution: The technical provision required - have we seen this already? What is the technical revision?

Chair Zuniga closed the public hearing at 7:54pm.

Chair Zuniga re-opened the public hearing at 7:54pm to allow for an additional question.

The additional question(s) was as follows:

- Can the porches encroach into the setbacks?

Chair Zuniga closed the public hearing at 7:55pm.

Chair Zuniga allowed for Commissioner final comments.

Some final comments included the following:

- It meets the requirements

Commissioner Booth moved to approve Agenda Item 22-275/Resolution P22-07. The motion, seconded by Vice Chair Luthi, carried with the following roll call vote:

Commissioner Burns - yes  
Commissioner Booth - yes  
Commissioner Baham - yes  
Vice Chair Luthi - yes  
Chair Zuniga - yes

Motion passes unanimously.

### [22-283](#)

Discussion: Planning Commission Bi-Annual Report to Board of Trustees

Attachments: [General Report](#)

Chair Zuniga introduced Agenda Item 22-283: Discussion: Planning Commission Bi-Annual Report to Board of Trustees

Chair Zuniga noted that she did hear some of the comments from the last meeting. She has added in the items that were done since the last meeting. The "B" was changed from the presentation and it will make sense now.

Discussion among the Commissioners commenced regarding the goals, changes, and updates to the goals.

Some discussion points included the following:

- Commissioner Swikoski had questions regarding the goals and
- These goals were created by the previous Commission
- The goals noted were in an effort to assist the Board of Trustees and take anything off of their plate
- We can add/amend these goals as needed for this Commission
- Are we making any progress with any of these?
- The goals the Planning Commission ended up with had a lot to do with conversations the Commission had
- Has the RFP already gone out on the Comprehensive Plan?
- How proactive are we (Commission) being involved in the process?
- Goal #1 - has progress and staff is moving forward with this item
- Goal #2 - Trying to be as an effective Commission as we can be
- The bulk of responsibility is quasi-judicial
- Explore ideas of what the Commission can do to alleviate some of the burdens of the BOT
- Its a great idea and the Commission could stand to learn a lot
- Visiting other jurisdictions in no official capacity when visiting other jurisdictions



- Many of them are online to watch (other jurisdictional meetings)
- Extensive revision of the UDC to streamline the process and note responsibilities of the Boards/Commissions
- Are there any concerns that the Commission needs to look at or challenges that the PC had?
- Some of the original concerns have been addressed through the UDC updates
- Goal #3 - Is this a measurable goal?
- Looking at best practices to put in place
- Leave Goal 2 on there though some items have been addressed but re-iterating that the PC is here to help the BOT
- Look to staff to help the PC understand the criteria
- Goal 3 - APA training, legal training, they will be able to meet this goal
- Goal #4 - Comp Plan update will allow for increased engagement of the PC with the community
- Goals can left as they are
- The map was updated in Google MyMaps. The maps can be shared.
- If the maps are shared with the other Commissioners, does it constitute a meeting?
- It can be sent to staff to forward to the Commission.
- On Page 1 - There's still a Commissioner vacancy noted. When will we have the vacancy filled?

Deborah Bachelder, Planning Manager/Deputy Director of Planning & Development noted that staff did a lot of streamlining and revisions to the UDC to aid in the land use processes. Elimination of the Sketch Plan, making certain processes administrative, so a lot of processes have been streamlined in Chapter 7 which should help a lot as many items have been updated and clarified.

In addition, Mrs. Bachelder noted that staff has been re-interviewing for the Long Range Planner so the Comp Plan training/presentations will be coming.

## **VII. STAFF REPORTS**

Deborah Bachelder mentioned we will be having a meeting on August 17th with a UDC Amendment.

It was also noted that the Annual Report due to the Board of Trustees is on September 13th.

## **VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS**

No Commissioner Reports.

## **IX. ADJOURNMENT**

Chair Zuniga adjourned the August 3, 2022 Planning Commission Meeting at 8:20pm