



## Planning Commission Agenda

Thursday, April 20<sup>th</sup>, 2023  
Regular Meeting – 6:00 P.M.  
Frederick Town Hall  
401 Locust St.

### Built On What Matters

In order to promote social distancing and to protect the health and safety of our Commission members, staff, and community this meeting will be hybrid and conducted via Zoom and in person. **Interested parties are encouraged to access the meeting via Zoom or in person at Town Hall.**

The meeting information is as follows:

Join Zoom Meeting

<https://us06web.zoom.us/j/89396063281?pwd=MStLN2FWYjcxWVBjTDNYUjNkV3k0QT09>

Meeting ID: 893 9606 3281

Passcode: 284631

Please contact Town Clerk Meghan Martinez for questions regarding the meeting. 720-382-5500 or [mmartinez@frederickco.gov](mailto:mmartinez@frederickco.gov)

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Call to Order – Roll Call

Additions to the Agenda

Action Agenda

A. Approval of minutes from the March 2<sup>nd</sup>, 2023 meeting

Discussion Item

B. Planning Commission Bylaws- Land Use Attorney- Francesceni

Other Business

1. Upcoming Meetings-

- Regular Planning Commission meeting Thursday, May 4<sup>th</sup>, 2023
- Regular Planning Commission meeting Thursday June 15<sup>th</sup>, 2023



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MINUTES  
TOWN OF FREDERICK  
PLANNING COMMISSION  
MEETING CONDUCTED IN PERSON AND VIA ZOOM  
MARCH 2, 2023  
6:00 PM

CALL TO ORDER: At 6:04 p.m., Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Commissioner Kelley, Commissioner Scott, Vice Chair Conroy, Commissioner Sammartino.
- Staff: Planning Manager Ali van Deutekom, Land Use Attorney Christine Francescani, Planner Maureen Welsh, and Assistant Town Clerk Emily Nitcher.

APPROVAL OF AGENDA:

APPROVAL OF JANUARY 5, 2023 MINUTES:

Motion by Commissioner Kelley and seconded by Commissioner Sammartino to approve the January 5, 2023 Minutes.

Upon roll call vote, motion passed unanimously, 5 to 0.

CONSIDERATION TO ADOPT THE TOWN OF FREDERICK FUTURE LAND USE MAP AS THE 3-MILE PLAN :

Planner Maureen Welsh and presented the consideration to adopt the town of Frederick future land use map as the 3-mile plan.

Chairperson Moe, questioned how the 3 mile plan would impact the future of the town and when would the revamped version be presented to the commissioners.

Planning Manager Ali van Deutekom explained that the comp plan update would be finished early next year, and the 3-mile plan next year should have the new map.

Motion by Vice Chair Conroy and seconded by Commissioner Kelley to adopt the Town of Frederick future land use map as the 3-mile plan.

Upon roll call vote, motion passed unanimously, 5 to 0.

OTHER BUSINESS:

Planning Commission Bylaws:

**Built on What Matters.**

The commissioners are encouraged by staff to look over the draft of the planning commission bylaws and provide comments to Planning Manager Ali van Deutekom.

Commissioner Kelley questioned why this draft was less wordy than the previous drafts. Land use attorney Christine Francescani suggested that if the commissioners find that items have been left out, to bring them to Staff's attention so that they can be addressed.

Upcoming Meetings:

Chairperson Moe asked if there were any joint meetings with the Board of Trustees in the future. Vice Chair Conroy stated that she believed that there were 3 upcoming joint meetings.

Alternate Commissioners:

Chairperson Moe asked if the alternate commissioners were able to come to meetings to participate, but not vote, when there was a quorum. She also asked if a alternate was able to vote if there was an absence and quorum, or if alternates were only able to vote if there was not a quorum.

Commissioner Kelley would like the threshold of the alternate vote to be in the bylaws.

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 6:27 p.m.

Approved by the Planning Commission:

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Tracy Moe, Chairperson

ATTEST:

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Emily Nitcher, Secretary to Planning Commission

**Draft Bylaws for Presentation to the Planning Commission  
Town of Frederick, Colorado**

In order to properly carry out the powers and duties required of it and to transact its business in an orderly and consistent fashion, the Planning Commission of the Town of Frederick, Colorado (“Commission”), pursuant to § 2-9-20 of the Frederick Municipal Code (“Code”), hereby adopts the following bylaws.

**ARTICLE 1.**        Authority.

The Town of Frederick Planning Commission is vested with the authority set out in §§ 2-9-110, 2-9-140, and 2-9-150 of the Code.

**ARTICLE 2.**        Membership.

*Section A.* Membership in the Town of Frederick Planning Commission is pursuant to § 2-9-110 of the Code. Removal of any member from the Commission is pursuant to § 2-9-40 of the Code.

*Section B.* The regular membership of Planning Commission consists of five Town residents appointed by the Board of Trustees, pursuant to § 2-9-120(a) of the Code.

*Section C.* Alternate members are appointed pursuant to § 2-9-120(b) of the Code, and serve as a voting alternate when a regular member is absent. An alternate member vote is the same as a regular member vote.

*Section D.* Alternates are encouraged to attend Commission meetings, and may sit with the Commission in all meetings and public hearings and may participate in all discussions as though regular members. Code § 2-9-120(b)(3).

**ARTICLE 3.**        Officers.

*Section A.* The officers of the Planning Commission shall consist of a Chairperson and a Vice-Chairperson, who shall be elected annually by majority vote of the members of the Commission annually pursuant to § 2-9-120(a) of the Code.

*Section B.* The Vice-Chairperson shall succeed the Chairperson if the position is vacated before the term is completed. The Vice-Chairperson serves the remainder of the term and a new Vice-Chairperson shall be

elected at the next regular meeting by majority vote of the members of the Commission.

*Section C.* The Chairperson shall preside at all meetings of the Planning Commission. The Chairperson shall call the meeting to order and shall preserve the order of the meeting. If a person violates a rule of the Commission, the Chairperson will call them to order.

*Section D.* The Vice-Chairperson shall perform the duties and have the responsibilities of the Chairperson during the absence, disqualification, or disability of the Chairperson.

*Section E.* In the absence of the Chairperson and the Vice-Chairperson, the most senior member of the Commission, in regard to length of service, shall perform the duties and have the responsibilities of the Chairperson.

**ARTICLE 4.**

Attendance.

*Section A.* Members of the Planning Commission shall notify Town staff as soon as possible if they will not be able to attend a meeting.

*Section B.* Unexcused absences from meetings are governed by § 2-9-120(c) of the Code.

**ARTICLE 5.**

Meetings.

*Section A.* All meetings of the Planning Commission shall be open to the public and shall be held only after notice is made in accordance with the Frederick Municipal Code and shall be the responsibility of Town staff.

*Section B.* The number of meetings per month are established by § 2-9-130 of the Code.

1. Regular Meetings: Regular meetings may be held on the second and/or fourth Thursday of each month at a designated time at the Frederick Town Hall, unless otherwise notified.
2. Work Sessions: Work sessions may be called by the Chairperson, a majority of the Commission, or the Board of Trustees, as deemed necessary, provided notice is posted in the designated public location as soon as possible. Work sessions do not require a quorum and no action is taken at work sessions.

3. Special Meetings: Special meetings may be called by the Board of Trustees, the Commission, or Town Staff, provided notice is given in accordance with subsection A. of this section.

4. A majority of the Commission shall constitute a quorum. A quorum must be in attendance before the Planning Commission can call any meeting to order or take any action.

*Section C. Late Hour.* If a Planning Commission meeting goes late, Commission members may vote by a majority to adjourn the meeting at or after 9pm. In the event a meeting is adjourned due to the late hour, all items not addressed shall be continued and scheduled to either a special meeting or the next available meeting, whichever is sooner.

*Section D. Continuances and Recesses.* The Commission may, by majority vote, continue any meeting or hearing to another time or may recess any meeting or hearing if the situation may demand. However, the Commission may not indefinitely table any item before it that requires official action.

## **ARTICLE 6.**

### Proceedings.

*Section A.* The Planning Commission is not required to take action on any request that is not properly represented by interested parties, or for which all documents have not been submitted.

*Section B. General Order of Business:* Any regular meeting of the Planning Commission should follow this order of business (agenda):

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Approval of minutes of the preceding meeting
5. Changes to the agenda
6. Hearing of the consent agenda
7. Public hearings
8. Citizen participation: Any citizen wishing to speak on a matter not scheduled on the agenda may do so during this time.
9. Communications with staff
10. Adjournment

*Section D. Order of Public Hearings:* Generally, the following will be the order of presentation for public hearings after introduction of any item by

the Chairperson. The order may be amended by the Chairperson if deemed necessary.

1. Chairperson opens the public hearing
2. Staff report
3. Applicant presentation
4. Any interested parties make presentations, stating their name and address, whether or not they support the application, and why or why not
5. The Planning Commission asks any questions of staff, the applicants, or others who have presented
6. Planning Commission discusses the application
7. Chairperson closes the public hearing
8. Planning Commission votes after a motion is made and seconded

**ARTICLE 7.**      Motions and Voting.

*Section A.* All members of the Commission, including the Chairperson, are required to cast a vote on each motion, except that a member may abstain in the case of a conflict of interest.

*Section B.* Votes cast shall be by voicing a “Yes” or “No.”

*Section C.* The concurring vote of a majority of the Commission members present shall be required to take any official action, including but not limited to, adoption of policy, offering of recommendations, and decisions on application.

*Section D.* Any Commissioner acting on a matter, including the Chairperson and Vice-Chairperson, may make and second motions.

*Section E.* In the event a motion is not seconded by another member, the motion shall die for lack of a second.

*Section F.* A motion shall succeed upon receiving a majority vote. Any motion failing to receive a majority vote shall fail.

**ARTICLE 8.**      Executive Session.

*Section A.* The Commission may adjourn from a regular or special meeting into an executive session pursuant to Colorado Revised Statutes § 24-6-401, *et seq.*

*Section B.* An executive session may be convened only by a vote of two-thirds of a quorum present (C.R.S. §24-6-402(4)).

*Section C.* The subject of a Planning Commission executive session may include only conferences for the purpose of receiving legal advice on specific legal issues from the Town Attorney.

*Section D.* Upon a vote to go into executive session, the Town Attorney shall announce to the public the topic for discussion in the executive session, explicitly citing to C.R.S. §24-6-402(4)(b), which authorizes the Commission to go into executive session for the purpose of receiving legal advice, and the Town Attorney shall identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

*Section E.* Attendance at the executive session shall be limited to the members of the Commission and staff members, including the Town Attorney, required for advice and information.

*Section F.* No formal action may be taken on any matter under discussion during executive session.

*Section G.* The executive session must be recorded in accordance with C.R.S. §24-6-402(2)(d.5)(II)(B).

*Section H.* Upon conclusion of the executive session, the Commission shall reconvene in open session prior to taking action or adjournment.

**ARTICLE 9.**            Ethics and Conflicts of Interest.

Members of the Planning Commission are governed by § 2-9-30 of the Town's Municipal Code. Members are encouraged to notify staff prior to the meeting if any member believes they may have a conflict, in order that staff may contact the Town Attorney, if necessary.

**ARTICLE 10.**        Quasi-Judicial Hearings.

The nature of applications pending before the Planning Commission is considered quasi-judicial. Commission members are required to consider only such evidence and testimony that is presented during the hearing. Consequently, Commission members cannot consider evidence outside of the confines of the hearing and should not engage in conversations or communications about any application with an applicant, members of the



public, or other Commissioners before the hearing or during any recess from the hearing. The purpose of this restriction is to afford applicants due process in terms of a fair and unbiased process and to allow the Planning Commission to make an impartial and objective decision.

**ARTICLE 11.**      Amendments.

Amendments of the bylaws are made pursuant to § 2-9-20 of the Code.