



Planning Commission Agenda

Thursday, May 4, 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

Call to Order – Roll Call

Additions to the Agenda

- A. Approval of minutes from the April 20th, 2023, meeting

Discussion Item

- B. Parks and Open Space Update- Parks Director- Colby Johnson

Action Item

- C. Approval of the Planning Commission Bylaws- Town Land Use Attorney Francesciani

Other Business

1. Upcoming Meetings-

- Regular Planning Commission meeting Thursday June 15th, 2023



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MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
MEETING CONDUCTED IN PERSON AND VIA ZOOM
April 20, 2023
6:00 PM

CALL TO ORDER: At 6:06 p.m., Vice Chair Conroy called the meeting to order and requested roll call.

ROLL CALL:

- Present: Vice Chair Conroy, Commissioner Kelley, Commissioner Sammartino.
- Not present: Chairperson Moe, Commissioner Scott, Alternate Commissioner Mahoney, Alternate Commissioner Stark.
- Staff: Planning Manager Ali van Deutekom, Land Use Attorney Christine Francescani, and Assistant Town Clerk Emily Nitcher.

APPROVAL OF AGENDA:

APPROVAL OF MARCH 02, 2023 MINUTES:

Motion by Commissioner Kelley and seconded by Commissioner Sammartino to approve the March 02, 2023, Minutes.

Upon roll call vote, the motion passed 3 to 0.

Discussion Item:

Planning Commission Bylaws:

Land Use Attorney Christine Francescani presented the draft of the Planning Commission Bylaws.

Vice Chair Conroy had a question about the Bylaws stating meetings are held the 2nd and 4th Thursdays when it should be the 1st and 3rd Thursdays. She also questioned in the order of operations the pledge is listed, she wanted to know if the Planning Commission is going to adopt the pledge. Commissioner Kelley agreed with both items and added that the Pledge would make the Planning Commission appear more official.

Vice Chair Conroy asked for clarification on Article 7, section F, as the wording used is complicated.

Commissioner Kelley brought up the language surrounding the definition of a Quorum. Commissioner Kelley asked how there not being a quorum, how can a meeting be motioned to end. He also asked how many people a quorum is. There was discussion surrounding the quorum definition, should it be defined by a number value, or state that a quorum is a majority of the Planning Commission. The commissioners would like language added for 1 or

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2 commissioners to open a meeting when there is not a quorum, so a new dated can be announced and the meeting closed.

The commissioners discussed adding a 6:00 pm start time to the bylaws, with a provision for special meetings. The commissioners also discussed adding a time limit for public comment.

OTHER BUSINESS:

Upcoming Meetings:

Regular Planning Commission meeting Thursday May 4th, 2023

Regular Planning Commission meeting Thursday June 15th, 2023

There being no further business of the Planning Commission, Vice Chair Conroy adjourned the meeting at 6:34 p.m.

Approved by the Planning Commission:

Kristie Conroy, Vice Chair

ATTEST:

Emily Nitcher, Secretary to Planning Commission



TOWN OF FREDERICK

Planning Commission

Tracy Moe, Chairman

Dennis Stark, Alternate Commissioner
William Mahoney, Alternate Commissioner
Roger Kelley, Commissioner

Kristin Conroy, Vice-Chair
Nathan Scott, Commissioner
Joseph Sammartino, Commissioner

Planning Commission Bylaws

Agenda Date: May 4, 2023

Attachments: A. Planning Commission Bylaws

Submitted by: Ali van Deutekom
Planning Manager

Summary Statement:

This is a request to consider approving the Planning Commission Bylaws.

Strategic Plan Alignment:



Effective, Efficient & Strategic Government Operations

Detail of Issue/Request:

Over the last few months, the Planning Commission has worked with Town Staff and the Town's Land Use Attorney, Christine Francescani, to update the Commission's bylaws. For many years the Commission worked from a simple, one page set of bylaws. The goal in updating the bylaws is to give Staff, the Commission and residents clarity and direction on the rules of order for the Commission. Staff believes the final product, found as Attachment A in this report, will seamlessly guide the Commission for many years to come.

Public Notice:

No public notice was required.

Legal/Political Considerations:

The Town's Land Use Attorney drafted the bylaws with direction from the Planning Commission.

Alternatives/Options:

Approval: I move to approve PCR-2023-03A, which recommends approval of the Planning Commission Bylaws.

Approval with Conditions: I move to approve PCR-2023-03C, which recommends approval of the Planning Commission Bylaws with the following conditions: 1. (list conditions)

Denial: I move to approve PCR-2023-03B, which recommends denial of the Planning Commission Bylaws.

Staff Recommendation:

Staff requests that the Planning Commission consider approving PCR-2023-03A, which recommends approval of this request without conditions.

**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 first and/or third Thursday of each month at 6pm at the Frederick Town Hall, unless otherwise noticed.
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, except that a number smaller than a quorum may adjourn the meeting to another date.

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. The Commission may choose to limit the time allowed for interested party presentations. If the Commission imposes a time limit, each interested party shall be given the same amount of time for presentation.
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 in favor of the motion. Any motion failing to receive a majority vote in favor of the motion 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.