



**EDGEWATER PLANNING AND ZONING COMMISSION
BUSINESS MEETING AND WORK SESSION**

Held at 1800 Harlan St.

Edgewater, CO 80214 and

<https://global.gotomeeting.com/join/740931333>

tel: +1 (646) 749-3122, 740-931-333#

Access Code: 740-931-333

September 18, 2024

6:30 pm

****Requests for ADA accommodations (including American Sign Language interpretation or CART) can be made by emailing cityclerk@edgewaterco.com****

Public Comment: The public is invited to be heard during the Public Comment portion of the meeting. During Public Comment you may address any topic or issue with the Commission.

The Commission may not respond to your comments opting to take your comments and suggestions under advisement. Your questions will be directed to the appropriate person or department for follow-up, if appropriate.

3 or more City Council, Board or Commission members may attend this meeting

ITEM 1. BUSINESS MEETING CALL TO ORDER

ITEM 2. Roll Call

ITEM 3. Pledge of Allegiance

ITEM 4. Approval of Agenda

ITEM 5. Public Comment (Non-Agenda Items)

ITEM 6. Consent Agenda-

1. Minutes – July 31, 2024

ITEM 7. General Business

1. Rules of Procedure

ITEM 8. Public Comment

ITEM 9. Commissioner Comments

**ITEM 10. Discussion of Upcoming Agendas; Staff and City Council Liaison
Comments**

ITEM 11. BUSINESS MEETING ADJOURNMENT

ITEM 12. WORK SESSION CALL TO ORDER

ITEM 13. Public Comment

ITEM 14. General Business

2. Comp Plan Updates
3. Zoning Code Next Steps

ITEM 15. Commissioner Comments

ITEM 19. Staff and City Council Liaison Comments

ITEM 20. WORK SESSION ADJOURNMENT



**EDGEWATER PLANNING AND ZONING COMMISSION
BUSINESS MEETING MINUTES
July 31, 2024**

ITEM 1. Call to Order

Chair Fleck called the meeting to order at 6:02pm

ITEM 2. Roll Call

Deputy City Clerk Sofia Mitchell called the roll

Present: Commissioner David Fleck, Commissioner Tim Wellner,
Commissioner Madeline Burnham, Commissioner Janka Flaska

Absent: Commissioner Thea Samson

Also Present: Deputy City Manager/Community Development Director Jocelyn
Mills, Board Liaison Joie Iten

Full and timely notice of the meeting was given, and a quorum was present.

ITEM 3. Pledge of Allegiance

ITEM 4. Approval of Agenda

Commissioner Burnham motioned to approve the Agenda. Seconded and
passed unanimously

ITEM 5. Public Comment (Non-Agenda Items)

ITEM 6. Consent Agenda-

1. Minutes – April 17, 2024

Commissioner Burnham motioned to approve the Consent Agenda as
presented. Seconded and passed unanimously

ITEM 7. General Business

1. Public Hearing - Resolution 2024-02

Chair Fleck opened the Public Hearing at 6:28pm

A resident of Edgewater appreciates the work that was put into the plan.

Chair Fleck closed the Public Hearing at 6:38

Discussion and possible adoption of Resolution 2024-02, A
RESOLUTION ADOPTING THE 2040 EDGEWATER
COMPREHENSIVE PLAN AND REFERRING THE SAME TO THE
EDGEWATER CITY COUNCIL FOR APPROVAL.

Commissioner Burnham motioned to approve Resolution PC 2401-02.
Seconded and passed unanimously

ITEM 8. Commissioner Comments

Chair Fleck gives his thanks to Edgewater City Staff and the Commissioners of Planning and Zoning

ITEM 9. Discussion of Upcoming Agendas; Staff and City Council Liaison Comments

City Council Liaison commends the Comprehensive Plan community engagement.

Deputy City Manager/Community Development Director Mills says that the Planning and Zoning Commission will review their Rules of Procedure at the next meeting.

ITEM 10. Adjournment

Chair Fleck Adjourned the meeting at 6:43pm



TO: Planning and Zoning (P&Z) Commissioners

FROM: Jocelyn Mills, Community Development

DATE: September 18, 2024

RE: Planning Commission Rules of Procedure

Background: Periodically, Planning Commission reviews its Rules of Procedure (ROP) and this was completed earlier this year. Once any amendments are vetted by the Commission, a recommendation is made to City Council to adopt the ROPs.

At the City Council meeting to adopt Planning Commission's 2024 recommended updates, the Council asked staff to review both Planning Commission and the Board of Adjustment and Appeals rules of procedure to ensure consistency between the two, as appropriate.

Attachment: Attached to this cover sheet is the Planning Commission's recommended 2024 ROPs with additional possible edits to be discussed by the Commission.

Action: Review the 2024 ROPs with additional suggestions for further edits. Upon discussion with the commission, a vote will be called whether or not to recommend these new additional changes to City Council for adoption.

CITY OF EDGEWATER
PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE

DRAFT – September 2024

Blue – *Proposed Amendment*

~~Strikethru~~ – *Proposed Deletion*

ARTICLE I - Purpose and Statutory Authority

Section 1 - Adoption of Master Plan

As provided in §11.3 of the City Charter, the Planning and Zoning Commission (“Commission”) shall prepare and adopt, and may amend from time to time, the master plan for the physical development of the City. No such master plan or any amendment thereto, shall become effective until approved by the *City Council*. The Commission’s responsibilities for preparing and adopting a Master Plan are established in C.R.S. §§31-23-206 through 31-23-209.

Section 2 – Land Use Applications; Legislative Review

As further provided by § 11.3 of the City Charter, the Commission shall hold the initial hearings relative to proposed subdivision plats, proposed rezoning, and proposed changes in the zoning ordinance, and shall make recommendations thereon to the City Council. The Commission shall perform such other duties, consistent with the Charter requirements, as may be established from time to time by ordinance, such as:

A. Site Development Plan Applications

Holding public hearings relative to certain Site Development Plan (“SDP”) applications. **§16-16-40** of the Edgewater Municipal Code (“Code”).

B. Planned Unit Development Applications

Holding initial public hearings relative to Planned Unit Development (“PUD”) applications and making recommendations thereon to the City Council. Code § 16-28-70

C. Re-Zoning Applications

Holding initial public hearings and making recommendations to the City Council regarding zoning changes. Code § 16-25-50.

D. Conditional Uses

Holding initial public hearings and making recommendations to the City Council on conditional use permit applications. Code § 16-15-20.

E. Preliminary Plats

Holding initial public hearings relative to certain Preliminary Plat (“Prelim Plat”) applications. Code § 17-3-20.

ARTICLE II - Commission Members, Tenure and Vacancies

Section 1 - Number and Term

The Commission shall consist of five (5) members to be appointed by the Mayor. The members shall serve overlapping five-year terms. (Charter §11.2) To achieve overlapping terms as required by the City Charter, each member of the Planning and Zoning Commission shall be assigned to one of the five defined Planning and Zoning Commission terms.

Ref: “APPENDIX A” for term definitions.

Section 2 - Appointments to Commission

a) The Mayor shall not make any appointment to the Commission without posting and publishing notice of any vacancy thereon at least fourteen (14) days prior to the appointment, and without considering the recommendations of the Planning & Zoning Commission. (Charter §11.1 (8))

Section 3 - Officers

The Commission shall elect its own Chair and Vice-Chair. (Charter §11.1(6)(a))

Section 4 - Rules of Procedure

The Commission shall adopt and operate in accordance with its own rules of procedure. Such rules shall not conflict with the City Charter or Code, and shall not take effect until approved by the City Council. (Charter §11.1(6)(b))

Section 5 - Eligibility

The members of the Commission shall be *registered electors*, and shall have been residents of the City for at least one (1) year immediately preceding the date of their appointment. No member shall be an elected *official, officer, or employee* of the City. (Charter §11.2 (2))

Section 6 - Removal

As set forth in C.R.S. §31-23-203(3) and §11.1(5) of the City Charter, members may be removed, after public hearing, by the Mayor, for inefficiency, neglect of duty, or malfeasance in office.

Section 7 - Vacancy

Should any vacancies occur among the Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given by the City Clerk and to the presiding officer (Vice-Chair, in the event of vacancy in Chair). Pursuant to C.R.S. §31-23-203(3), vacancies occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term.

Section 8 - Resignation

Any member wishing to resign shall provide written notice to the office of the City Clerk. The City Clerk shall notify the Mayor and remaining presiding officer as soon as practical.

Section 9 - Absence

Any member of the Commission with three (3) absences from consecutive regular or special meetings, or four (4) absences from any regular or special meeting during twelve (12) consecutive months may be recommended for dismissal to the Mayor upon the majority vote of the Commission. The Mayor shall receive such recommendation and advise the Commission and member in writing of his or her determination and action.

ARTICLE III - Duties and Responsibilities of Officers, Staff and Members

Section 1 - Officers and Staff

A. Officers:

1) The Chair shall preside at all regular meetings, special meetings, public hearings and committee meetings of the Commission. The Chair shall certify all written findings, orders and resolutions of the Commission. The Chair or their designee shall assist the City Clerk in preparing the Commission Agenda.

2) The Vice-Chair shall in the absence of the Chair or in the case of the Chair's inability to act, have all the powers necessary to function as the Chair.

3) In the event both the Chair and the Vice-Chair are absent from a meeting, the Clerk, or in the event there is not a clerk, a member of the Commission shall call the Commission to order and call the roll. If a quorum is present, the Commission shall elect, by a majority vote of the members present, an Acting Chair who will preside over the meeting until the arrival of the Chair or Vice Chair, at which time the Acting Chair shall relinquish the chair upon conclusion of the business immediately before the Commission.

B. Staff:

1) City Clerk:

a) For purposes of these Rules of Procedure and as used throughout, the term "City Clerk" means the person holding that office or his or her designee.

b) The City Clerk notifies Commission members of the business to be brought before the Commission and serves public notice of all hearings and public meetings of the Commission in accordance with the City Charter and Edgewater Municipal Code.

c) The City Clerk records Commission meetings, including all public hearings, for retention as a public record of those meetings. The City Clerk or designee submits the minutes of prior Commission meetings, including any findings or recommendations, to the Commission for approval.

d) The City Clerk keeps on file the official records of the Commission.

2) Community Development Department

a) The Community Development Department **Director or designee** prepares evidence and data regarding matters to come before the Commission and submits this data and evidence to the Commission in a timely and acceptable form.

b) The Community Development Department **Director or designee** serves as liaison between the Commission and other City departments and boards and between the Commission and applicants appearing before the Commission

Section 2 - Election of Officers

A. The Commission shall nominate and elect by a majority vote of the entire membership of the Commission a Chair and a Vice-Chair from within its members. All officers shall serve a one-year term. Officers shall be eligible for re-election to subsequent terms without

limitation as to the number of consecutive terms served. Elections shall take place during the first regularly scheduled meeting of each calendar year.

B. If the Chair is vacated:

The Vice-Chair shall be named as the new Chair unless he or she refuses to assume the office of Chair. If the Vice-Chair so refuses, or if the office of Vice-Chair is also vacant, a new Chair shall be elected as soon as practical. All current Commissioners are eligible for nomination. The new Chair shall serve the remainder of the term.

C. If the Vice-Chair is vacated:

A new Vice-Chair shall be elected as soon as practical. All current Commissioners are eligible for nomination excluding the current Chair. The newly elected Vice-Chair shall serve the remainder of the term.

Section 3 - Compensation

All members of the Commission shall serve without compensation.

ARTICLE IV - General Procedures

Section 1 - Meetings

A. Public Notice and Public Comment

- 1) All meetings shall be posted and published as required by the City Charter and applicable state and federal laws.
- 2) All meetings shall provide members of the public an opportunity to address the Commission.
- 3) All meetings for the transaction of business shall be open to the public, except that the Commission may go into executive session for the purpose of considering matters permitted by the statutes, as from time to time amended, to be considered in executive session. No formal and legally binding action shall be taken at any such executive session.

B. Quorum.

- 1) ~~A quorum of the Commission shall be a majority of the entire membership of the Commission.~~ **Three (3) members of the Commission shall constitute a quorum for the transaction of any business.**

No official business of the Commission shall be conducted without a quorum.

2) If a quorum is not present a member of the Commission shall adjourn the meeting due to lack of a quorum.

C. Regular Meetings.

Regular meetings of the Commission shall be on the third Wednesday of each month in the City Council Chambers at City Hall and/or virtually, unless otherwise determined by a majority vote of the entire Commission.

Any regular meeting may be canceled or rescheduled by the City **staff** Clerk if there are no hearings, reports or other business to bring before the Commission. In the event of such cancellation or rescheduling, the City **staff** Clerk shall provide notice to each Commissioner, as well as post notice of such cancellation or rescheduling on the City web site, as soon as practical.

D. Special Meetings.

Special meetings may be called by the Chair or by a majority vote of the entire membership of the Commission. Notice of any special meeting of the Commission shall be given to all members at least 48 hours in advance of such meeting.

E. Minutes.

The City Clerk or designee shall keep the minutes of all Commission meetings. The minutes shall become public record after proper certification as to their accuracy.

The approved minutes of the Commission shall be retained in the City Clerk's office. The adopted minutes shall become public record as required by law. (CRS Title 24, Article 72, Part 2)

Section 2 - Order of Business

The order of business shall be by Agenda. The Commission Chair or **Vice Chair** ~~its designee~~ shall **may** assist the City Clerk in preparing the Commission Agenda prior to the preparation of Commissioner Packets.

Section 3 - Matters of Business

All formal matters decided by the Commission shall be introduced by motion. Recommendations to City Council shall be by Resolution. The City Attorney and the City Planner **Community Development Department Director or designee** shall review all resolutions prior to being placed on the agenda.

Section 4 - Voting

A. All members have the right to full participation of debate and voting at all meetings. Each member of Commission shall be entitled to one vote on all matters that come before the Commission. No proxy votes shall be allowed.

B. Any Commissioner shall be permitted to explain their vote.

C. A Commissioner may change their vote either:

1) Before the result has been announced, but not thereafter, or

2) Upon the proper reconsideration of the question, as defined by Robert's Rules of Order.

D. Any Commissioner absent from a public hearing shall not vote on matters regarding said public hearing, unless such Commissioner has reviewed the recordings of tapes and any documentary evidence related to the portion(s) of the public hearing at which they were not present.

E. Voting shall be by show of hands, voice (ayes and nays) or electronic as permitted by the City Charter. Members must be present to vote.

For purposes of this section, a Commissioner is "present" if they are physically present in the meeting room or attending virtually or telephonically with the ability to clearly listen to and participate in the proceedings by voice.

F. All advisory actions must be approved by a majority vote of the members present.

G. Comprehensive planning matters must be approved by a majority vote of the entire membership of the Commission.

"The adoption of the plan, any part, amendment, extension, or addition shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the entire membership of the commission." C.R.S. § 31-23-208

H. The Regular Meeting Date shall be established by a majority vote of the entire membership of the Commission.

I. No Commission member shall be permitted to abstain from voting, unless they indicate a conflict of interest.

1) As defined in §21.11 by the City Charter, a "conflict of interest," for purposes of this Article, means a pecuniary, property or commercial benefit of a Commissioner, or of any relative of a Commissioner, but does not include any matter involving the common public interest or any matter in which a similar benefit is conferred, or is available to all persons or property similarly situated.

2) If a member of the Commission intends to abstain from voting on the basis of conflict of interest, such intention shall be stated at the beginning of the hearing or at such time as such personal bias or conflict of interest is ascertained.

3) If the Commission determines that disqualification is necessary, the disqualified member shall not participate in the discussion and shall not vote on the matter.

4) If the abstention of a member results in the loss of a quorum, no action will be taken.

a) If all members of the Commission are present and abstentions result in the Commission's inability to take action, the Commission shall inform the City Council that the Commission was unable to take action and that no recommendation could be made. The matter shall then move directly to the City Council.

b) If one or more members of the Commission are absent, and abstentions result in the loss of a quorum, the hearing shall be opened and immediately continued to a date certain.

J. In the case of a tie vote on any motion, the original motion is lost and the Chair shall reopen the discussion to solicit a second motion. A majority vote to approve or deny the second motion shall constitute the Commission's final recommendation on the motion. If the Chair is unable to secure a second motion, or if there is a tie vote on the second motion, the motion shall be considered defeated.

ARTICLE V - Rules of Order

Unless these Rules of Procedure specifically state otherwise, Robert's Rules of Order Newly Revised (RONR) shall govern the proceedings of the Commission.

ARTICLE VI - Public Hearings

In addition to those hearings required by law, the Commission may, at its discretion, hold public hearings when it decides that such hearings will be in the public's interest. Such hearings shall be posted and published as required by law.

ARTICLE VII - Amending the Rules of Procedure

~~These Rules of Procedure may be amended at any Commission meeting provided that notice of the proposed amendment is given to each member in writing at least 48 hours prior to the meeting. The affirmative vote of a majority of the entire membership of the Commission shall be required for the adoption of any proposed amendment to the Rules of Procedure, excepting only those administrative amendments to the dates of term expiration set forth in Appendix A. It shall be the responsibility of the Commission to review these Rules of Procedure each December, or as soon as practical thereafter as meeting schedules and agendas allow, to ensure their compliance with the City Charter and~~

~~Edgewater Municipal Code. Excepting the administrative amendments to term expiration dates set forth in Appendix A, Any adopted amendments shall not take effect until approved by the City Council.~~

These Rules of Procedure may be amended at any Commission meeting provided that notice of the proposed amendment is given to each member in writing at least 48 hours prior to the meeting. The affirmative vote of a majority of the quorum of the Commission shall be required for the adoption of any proposed amendment to the Rules of Procedure. It shall be the responsibility of the Commission to review these Rules of Procedure periodically, to ensure their compliance with the City Charter and Edgewater Municipal Code. Any adopted amendments shall not take effect until approved by the City Council.

APPENDIX A

Planning and Zoning Commission

Term Definitions

To achieve overlapping terms as required by the City Charter, each member of the Planning and Zoning Commission shall be assigned to one of the following terms. *Ref:* Charter § 11.2

Term #1 – Expires August 31st, 2025, 2030, 2035, etc in 5-year increments

Term #2 – Expires August 31st, 2026, 2031, 2036, etc in 5-year increments

Term #3 – Expires August 31st, 2027, 2032, 2037, etc in 5-year increments

Term #4 – Expires August 31st, 2028 2033, 2038, etc in, 5-year increments

Term #5 – Expires August 31st, 2024, 2029, 2034, etc in 5-year increments

At no time shall a Commissioner's term be defined as anything other than that which is listed above. At no time shall a term have more than one Commissioner assigned to it.

To maintain this Term List as perpetually current, the City Clerk shall annually update the expiration dates set forth in this Appendix to remove each reference to a lapsed calendar year and to add another future expiration date to the term from which that reference is removed. These administrative updates do not require the review or approval of the Commission to become effective.