

Town of Empire

30 East Park Avenue/P.O. Box 100 Empire, Co 80438

303.569.2978/f303.569.2282 fax

March 30, 2022

Planning Commission Minutes

Planning Commission Members Present Acting Chairperson, Sally Rush, Eileen Wheelock, Tony Robertson, Wendy Koch, Zoning Officer/Police Chief - John Stein

Absent Planning Commission Members Denise Tennant

Rush called the meeting to order at 6:35 p.m.

Approval of Agenda Agenda was amended that one Habitat home is being heard (not two). Master Plan Work Session to be 5/9. Public Comment is moved to the end of the meeting. Robertson moved to approve the Agenda, Koch second. Unanimous vote.

Approval of Minutes February 23, 2022. Roberson moved, Wheelock second. Unanimous vote

Mayor's and Commission Members' Reports

The Master Plan is being reviewed by the Planning Commission. Next meeting -May 9, 2022 6:30pm.

Zoning Review - 38 S. Ball Street - Single Family Home - Blue Spruce Habitat for Humanity

- Two story single family home (one more lot for Habitat's homes remaining)
- Board reviewed all requirements on checklist. All requirements were met. Signed off by Zoning Officer and Planning Commission Chair.

Pre-Annexation Review - 25 acres -Eric Hutchinson, Eric Danielson, Tim and Rebecca Cooper.

- Pre-Annexation Petition signed and submitted to Town 3/3/22.
- 1/4 mile north of Empire Boundary. Zoning officer stated the only option is "Flagpole Annexation". Not contiguous to Empire boundaries.
- Zoning requested - RC Zone
- Pre-Annexation checklist - reviewed by PC members, zoning officer, and owners. No recommendations made at this time. Further input and study is required.
- PC members comments:

a) Concern to introduce RC Zone north of existing residential neighborhood. Rezoning would set a precedent for businesses up North Main, would open a door for businesses that may not meet the items on the Pre-Annexation Checklist (current checklist attached).

b) Land Dedication of annexation area must meet ordinance requirements of 2% of perimeter of property for Commercial Zoning, or 6% for residential zoning or determined dollar amount.

c) Perimeter/adjacent boundary calculation must meet Empire ordinance or State statute (31-12-107).

d) Benefits For Town 1) stronger control on development of property. 2) Income by tourists and taxes. 3) For Owners - will be able to have Short Term Rentals (commercial use) Lack of STR's license available in County.

e) Risk & Liabilities For Town 1) Maintenance of N.Main road to north end of annexed property. 2) Fire Mitigation (does/does not meet Fire Standards) 3) Precedent for Commercial development in historically residential zone 4) Traffic.

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Short Term Rentals

- Empire Licensed applications - on hold until requirements and County approval received.
- 433 Park Avenue West - Harmony Domes request for STR in existing building within Empire Boundary.
 - a) Discussion with Harmony Domes (HD) regarding meeting requirements to obtain a Certificate of Occupancy from the County.
 - b) Review of STR checklist with HD to ascertain compliance of other items on list
 - c) The question arises as to a Building Permit issued on existing structure and to date the County does not have any documentation showing any Building Permit on property. If there is no permit, HD needs to meet this requirement with the Town Zoning Officer, present documentation to the Planning Commission for approval. Possibly can be approved by Zoning Officer and Planning Commission Chair. Zoning Officer will work with HD to meet this requirement.
 - d) Once the issue of a Building Permit is resolved, HD may apply to the County for a Certificate of Occupancy

Public Comment - and brief overview of the Administrative Process.

- The Planning Commission is the technical advisor to the governing body, The Board of Trustees, to determine if a proposal is in conformance with the Master Plan, The Three Mile Plan, and adopted regulations. Planning Commission can recommend conditions of approval or reasons of denial to the Board of Trustees. The Board of Trustees is the governing body to consider the recommendations and to enact regulations.
- Public Comment. The Public has multiple opportunities to present the Town and the Board of Trustees with their input. There are official, scheduled public meetings in the Administrative Process to formally enter public comment for consideration of regulations. Public Comment is beneficial and welcome. However to present these concerns and opinions formally, they should be presented during the official public process to be entered into the record and included in the Administrative Process of adopting regulations.
- 9 speakers regarding Pre-Annexation Request for 25 acres north of Empire made public comment during this meeting. These speakers do provide public information to the PC, but no action or response is required at this level. Concerns and questions regarding a variety of issues were noted and will be forwarded to the Board of Trustees at the proper time. Speakers were Mike Lopez (88 N Empire), Bob McGuirk (N. Main), Chad Craven, Laura Carpenter (277 N. Empire), Kent Carpenter (N. Empire), Steven Maulis (423 N. Main), Al Galesby (N. Main), Elizabeth Muskrat (N. Main), and Robin Raulf-Sager (423 N. Main)

- Adjournment Koch moved to adjourn. Robertson second. Unanimous vote. Adjourned 9:07pm.



Planning Commission Chair



Attest Town Clerk