

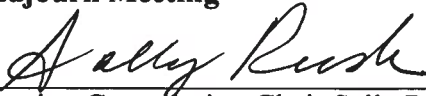
**Empire Planning Commission Combined November/December  
Regular Meeting Agenda  
December 6, 2023 ~ 6:30 pm**

Remote Meeting using the Zoom Platform. Meeting ID: 878 0971 3379 Passcode: 048833  
<https://us02web.zoom.us/j/87809713379?pwd=bjU0cXlqdGpqYjFXL0ZFQWJVc3FOQT09>

*If you would like to address The Planning Commission at this meeting, please place your name on the sign-up sheet or indicate that through the chat function on the online Meeting Platform. You will be recognized to speak during the "Public Comment" portion of the agenda. Discussion is limited to 5 minutes and please state your name and address your comments to the Planning Commission. Thank you for your cooperation.*

1. **Roll Call** – The Empire Planning Commission requires a simple majority of three commission members present at the meeting for a quorum.
2. **Approval of Agenda** - December 6, 2023 Combined November/December Regular Meeting Agenda
3. **Approval of the Minutes** – Planning Commission
  - a. October 25, 2023 Minutes & Attachment
  - b. November 15, 2023 Minutes
4. **Mayor and Commission Member Reports** –
5. **Planning Commission convenes as Board of Adjustment** - To receive a variance application for 53 West Park Ave
  - a. Administrative recommendation: Drawing was submitted. No permit is needed for the fence. The Gate is higher than 6 ft, it is 7.5 ft above the retaining wall. Variance application has been submitted for the gate. Applicant is requesting a reduction or waiver for the \$300 fee.
  - b. Discussion on Variance and/or associated fees.
  - c. Public Hearing on Variance will be scheduled for January 31<sup>st</sup>, 2023.
6. **Public Comment:** Public comment is limited to 5 minutes per person. The Planning Commission does not respond to questions during this time. For operational questions, please email the clerk.
7. **Moment of Appreciation**
8. **The Next Regular Meeting of the Empire Planning Commission is January 31, 2023, at 6:30 pm. In-person with remote access.**

9. **Adjourn Meeting**

  
\_\_\_\_\_  
(Planning Commission Chair Sally Rush)

  
\_\_\_\_\_  
(Town Clerk Jeannette Piel)

**Town of Empire**  
*30 East Park Avenue/P.O. Box 100 Empire, Co 80438*  
*303.569.2978 - 303.569.2282 fax*

**Empire Planning Commission Combined November/December  
Regular Meeting  
December 6, 2023 ~ 6:30 pm**

In Person and Remote Meeting using the Zoom platform.

**1. Call to Order –**

Chairperson Sally Rush called the meeting to order at 6:33 PM. The meeting was held in person and remotely through Zoom.

**2. Roll Call –** The Empire Planning Commission requires a simple majority of three commission members present at the meeting for a quorum.

**Present:** Chairperson Sally Rush, Mayor Wendy Koch, Eileen Wheelock, and Lon Fulton. Also in attendance were Officer Andre’ Johnson and Clerk Jeannette Piel.

A quorum was present.

**3. Approval of Agenda - December 6, 2023 Combined November/December Regular Meeting Agenda**

\*Amend Agenda: Add Call to Order as Item #1.

**MAYOR KOCH MOTIONED TO APPROVE THE AMENDED AGENDA FOR OCTOBER 25, 2023, FULTON SECONDED THE MOTION, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

The amended Agenda was approved.

**4. Approval of the Minutes – Planning Commission**

a. October 25, 2023 Minutes & Attachment

**FULTON MOTIONED TO APPROVE THE MEETING MINUTES FOR OCTOBER 25, 2023, WHEELOCK SECONDED THE MOTION, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

The October 25, 2023 PC Meeting Minutes, including Attachments, were approved.

b. November 15, 2023 Minutes

**WHEELOCK MOTIONED TO APPROVE THE MEETING MINUTES FOR NOVEMBER 15, 2023, MAYOR KOCH SECONDED THE MOTION, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

The November 15, 2023 PC Training Workshop Minutes were approved.

**5. Mayor and Commission Member Reports –**

Chairperson Rush thanked Lisa Kunze, Town Administrative Staff, for the November 15th training session. She feels it was valuable and the commission engaged with the information. The next training will be on January 10th, 2024.

Town Clerk Piel:

- Read a resignation letter from Denise Tennant from her service as Planning Commission member.
- Informed the Planning Commission that Staff received an email from Avoriaz LLC regarding the West Fork Village Preliminary Plat and Plan. The next step is for the Town Clerk to confer with experts to verify that the plans are complete and accurate before presenting them to the Planning Commission and the public for review.
- Invited all to the Empire Christmas Celebration this Saturday, December 9th.

**6. Planning Commission convenes as Board of Adjustment - To receive a variance application for 53 West Park Ave.**

**MAYOR KOCH MOVED TO ADJOURN AS THE PLANNING COMMISSION AND CONVENE AS THE BOARD OF ADJUSTMENT, FULTON PROVIDED THE SECOND, A ROLL CALL VOTE WAS CONDUCTED AND THE MOTION WAS APPROVED.**

**a. Administrative recommendation:** Drawing was submitted. No permit is needed for the fence. The Gate is higher than 6 ft, it is 7.5 ft above the retaining wall. Variance application has been submitted for the gate. Applicant is requesting a reduction or waiver from the \$300 fee.

**b. Discussion on Variance and/or associated fees.**

Discussion included:

- This decision will not set a precedent for future applicants for variances in front of the Board of Adjustment.
- The applicant explained this is his first permit application, and he would like to correct the drawing to show that the circle will be constructed in cedar and forge the hardware for aesthetics, designed to be open. Two posts are 79" from the grade of the yard, the panel between is 74", both of which would be above the 72" as well.
- Materials will be stone, mortared together to match the construction of his house currently. Two panels will be steel, a diagonal section of cedar wood, and horizontal cedar planks around the window.
- Applicant has been gathering rocks over the past 8 years and has been building the fence and gate very frugally and environmentally soundly. He will complete the job regardless but because only a small section of the design is over the 6 ft requirement, he feels a reduction of fees would be worth asking for.
- There is no permit required, except for this small part of the gate, which creates less administrative work. A reduction would not negatively impact the Town's general funds and would only require a few phone calls and the meeting time to approve the application.
- Reducing the fee would cover town fees but still offer a compromise for a nice design that also functions as a sound barrier from Highway 40.
- We should be advocating for these kinds of quality beautification construction projects and could inspire other projects like this throughout Empire.
- Questions about having fees be more related to the scope of the project because the town's fees don't discriminate between a tiny gate and an entire subdivision.
- As Board of Adjustment, a consensus was to make a recommendation for Staff to study the fee structure for Land Use fees within Ordinance 170.
- The final consensus of the Planning Commission was to reduce the fee to \$75 for this applicant.

**WHEELOCK MOVED TO REDUCE THE FEE FROM \$300 TO \$75 FOR THIS VARIANCE APPLICATION FOR 53 W. PARK AVENUE, FULTON PROVIDED THE SECOND, CLERK PIEL**

**CALLED THE ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**c. Public Hearing on Variance will be scheduled for January 31<sup>st</sup>, 2023.**

**FULTON RECOMMENDED TO HAVE STAFF EXAMINE AND RESEARCH VARIANCE FEES TO PRESENT TO BOARD OF ADJUSTMENT FOR REVIEW, MAYOR KOCH PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**MAYOR KOCH MOVED TO ADJOURN AS BOARD OF ADJUSTMENT AND RECONVENE AS THE PLANNING COMMISSION, WHEELOCK SECONDED THE MOTION, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

**7. Public Comment:** Public comment is limited to 5 minutes per person. The Planning Commission does not respond to questions during this time. For operational questions, please email the clerk.

Andrew Ratliff: Spoke in favor of the applicant to rent the Hard Rock Cafe' and is excited to have the space rented to a local who has the community's best interest in mind.

**8. Moment of Appreciation:** What do you appreciate about Empire? What's the first thing that comes to your mind, what's the first thing you show people when they visit, what do you miss the most when you are away? Short and sweet answers – please keep it positive!

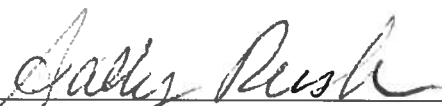
- The SMELL OF wood burning stoves in the winter; is nostalgic and reminds her of childhood.
- Giant lego blocks to protect the post office!
- Christmas and Halloween decorations and events are very sweet and Americana; they used to give out bags on the highway!
- Loves the chances to WALK around Empire, go look at old mining areas, or see all the neighbors on Bard Creek and have the chance to ask Bob what the tracks are!
- Focus on lifetime fitness because of the mountain opportunities.
- Hard to leave when you see the surprises that nature and people give you.

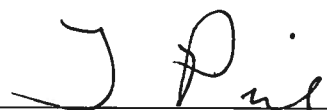
**9. The Next Regular Meeting of the Empire Planning Commission is January 31, 2023, at 6:30 pm. In-person with remote access.**

**10. Adjourned Meeting**

**MAYOR KOCH MOTIONED TO ADJOURN THE MEETING, WHEELOCK SECONDED THE MOTION, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.**

The meeting was adjourned at 7:27 PM.

  
(Planning Commission Chair Sally Rush)

  
(Town Clerk Jeannette Piel)

**From:** Denise Tennant <dtennant@clearcreekcounty.us>  
**Sent:** Wednesday, December 6, 2023 4:51 PM  
**To:** Jeannette Piel  
**Subject:** RE: Planning Commission

I would like to thank the Planning Commission for the time I have spent with them but, at this time I must resign my seat on the Board.

Thank you,

**DENISE TENNANT**

**CLEAR CREEK COUNTY**

**PLANNER 1**

**303-679-2362**

**FAX 303-569-1103**

*The Planning Department is currently experiencing an unusually high volume of inquiries and applications, therefore, please allow additional time for us to get back with you. Thank you for your patience.*

**Town of Empire**  
30 East Park Avenue - P.O. Box 100 Empire CO 80438-0100  
303/569-2978 - 303/569-2282 fax

***Petition for Variance***  
(Article III, Section 2.3, Page 16)

General Information

Petitioner: Andrew Ratliff  
Mailing Address: PO Box 223 Empire CO 80438  
Telephone Number: 303 775 9302 Fax Number \_\_\_\_\_  
Email Address: acr-ratliff@gmail.com

Property Information

Location: 53 west park ave Empire Co 80438  
Tax Identification Number: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page: \_\_\_\_\_  
Zoning District: \_\_\_\_\_

Variance Information

Section of Ordinance 170 for which variance is requested: Article 6 1.4.7.b  
On a separate page, please present your request, and the necessary justification:

**Additional Requirements:**

The names and addresses of the owners of all properties within one hundred (100) feet of any part of the land or adjacent to the property line of the property in question.

I certify that I am the owner of the property or have provided written notarized authorization that I am acting in his behalf in petitioning for this variance. Further, all information presented in this petition is accurate to the best of my knowledge and belief. Further, I grant permission for members of the Board of Adjustment and Town Staff to visit the site in question for informational and advertisement needs. I agree that if this variance is granted on any of the information presented, it may be revoked in the event of any breach of representation or conditions which may be attached.

Property owner  Date 11/29/23

Received by Jeannette Piel Date 11-29-23 Fee \_\_\_\_\_

