

Town of Empire
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Planning Commission Regular Meeting Minutes
August 28, 2024 ~ 6:30 pm

1. Call to Order – Chairperson Kim Hubert called the meeting to order at 6:34 PM. The meeting was held in person and 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 Kim Hubert, Mayor Wendy Koch, Sally Rush and Eileen Wheelock. Also in attendance were Town Administrator Jeannette Piel, Deputy Town Clerk Lisa Kunze, and Zoning Officer Lon Fulton. A quorum was present.

3. Approval of Agenda - August 28, 2024 Regular Meeting Agenda
MAYOR KOCH MOTIONED TO APPROVE THE AGENDA FOR AUGUST 28, 2024, WHEELOCK SECONDED THE MOTION, CLERK BUDA CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Agenda was approved.

4. Approval of the Minutes

- Minutes July 31, 2024 Regular Meeting Minutes

WHEELOCK MOTIONED TO APPROVE THE MEETING MINUTES FOR JULY 31, 2024, MAYOR KOCH SECONDED THE MOTION, CLERK BUDA CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Minutes were approved.

5. Code of Conduct - review and sign

The Planning Commission referred to page 5 number 23 of the Code of Conduct. This section was in reference to conflict of interests regarding leaving a board seat of any kind then immediately representing another entity and putting oneself in front of the board they just left. After clarification, the code of conduct was signed by the Planning Commission members.

6. Discussion on November/December meeting dates

The Planning Commission members decided on November 20th and December 11th for regular meetings. State Law prevents us from combining these meetings over the holiday months.

7. Discussion on Tiny Homes/Houses

Town Administrator Jeannette Piel explained that the County and all the municipalities have been working together with a consulting firm to find recommendations for improving our code to encourage affordable housing, and tiny homes fall into this area. It's good to have both governing bodies discussing different parts of this issue, and at some point we will try to schedule a work session with both the Board and the Planning Commission to start setting priorities and making decisions on code changes.

Zoning Officer Fulton gave a brief explanation of tiny homes in reference to our Ordinances:

- Ordinance 170 for temporary structures in Empire.

- The Town of Empire has R1 Zoning restricting the size of a residence to a minimum of 700 sq ft.
- Ordinance 253, Article 3, Section 9.1 discussing violations of building and zoning.
- Lastly, Ordinance 255, Article 3, Section 4.1.4.1 regarding parking violations. See attachments.

The Planning Commission then discussed the following:

- ADUs within the Town of Empire. This is not possible because Empire's ordinance does not allow a secondary living space in addition to the main residence.
- Tiny Homes in reference to RVs, moving vehicles, and mobile homes.
- Distinguishing between ADUs and tiny homes.
- Aesthetics of possible tiny homes in the Town of Empire.

8. Discussion on Food Truck

Town Administrator Piel presented some important things to note: a food truck has the same obligation to pass an inspection from the State Health department as a brick and mortar restaurant. Wherever it may be parked, we have to do a traffic flow study. We would then examine the different requirements from parking on private property to parking on public property. We would also need to create a permit process and issue permits.

Planning Commission discussion included:

- Town Administrator Piel indicated inquiries have come in regarding food trucks (would be a commercial kitchen needing state regulations) and peach stands. Would we be interested in allowing a food truck? Are we going to entertain that discussion?
- This may require code changes.
- Other issues to consider include time limits, location, insurance requirements and other certifications a vendor may require.
- The Town should research what has happened in other cities, especially regulations that may give an unfair advantage to these types of businesses over local full-time restaurants.
- Staff was requested to research why counties do or do not allow food trucks.

9. Discussion on next steps for West Fork Village Subdivision

Naming of Drive West:

Town Administrator Piel explained how Avoriaz, LLC is not presenting their Final Plat and Plan during this meeting, however, there are items that need to be voted on by the Planning Commission in order for Avoriaz, LLC to move on to the next steps of the Final Plat and Plan. The Planning Commission and the Developers of Avoriaz, LLC discussed different name options for the new road currently labeled Drive West.

The Planning Commission chose 'Hilltop Circle' to replace 'Drive West' on the Preliminary Plat and Plan for the WFV Subdivision.

Discussion on Single Story Floor Height from Front Door Grade to Peak of Roofline:

- The Developers of Avoriaz, LLC explained their use by right and the willingness to lower their use by right from 35' to 25' in regards to front door grade to peak of roofline.
- Zoning Officer Fulton presented photos from around the Town of Empire of different house heights from front door grade to peak of roofline.
- The Planning Commission discussed what height would be appropriate for the height footage of a single story house to be built in the WFV Subdivision.
- The Planning commission came to a consensus on 25' from front door grade to peak of roofline.

Anticipated timeline:

Town Administrator Piel said that Avoriaz has started sending in documents to be evaluated. There will not be any major changes to the approved Preliminary Plans or maps because the majority of the requirements in the Final Plat and Plan are legal agreements, so everything needs to be sent to our legal and engineering teams who will do the bulk of the evaluating that dictates how the work is going to be done. When we have received everything back from our evaluation team, then the submission is complete and Avoriaz will present it to the Planning Commission.

The Board discussed possible meeting dates to be determined after the final submission is received.

10. Public Comment: Public comment is limited to 3 minutes per person. The Planning Commission does not respond to questions during this time. For operational questions, please email the clerk.

Andre Suissa: Wanted to say on a positive note the final plans are all put together, almost everything is ready. Thanked everyone for their time, they really appreciate it.

11. Moment of Appreciation

- I miss Sally, we are very happy to see you as well. Shared sad news with the planning commission. Our hearts are with you and appreciate you joined us for this meeting.
- Appreciate the cooler weather.
- Appreciate getting biscuits and gravy once a week now!
- I appreciate Eileen's hard work and dedication.
- I appreciate the short commute home.
- I appreciate all the hard work everyone puts into these meetings and that we all take it seriously.
- Appreciate we have a competent code enforcement officer.
- I appreciate the developer working with the town and finding a happy medium between the two.
- The massive amount of hummingbirds that are now starting to leave.
- Appreciate all the wildlife we have and see.

12. The Next Training Session of the Empire Planning Commission is September 11, 2024 at 6:30 pm. In-person with remote access. THIS MAY BE MOVED TO September 18th based on the review timeline of outside experts and the Town Attorney.

13. The Next Regular Meeting of the Empire Planning Commission is September 25, 2024 at 6:30 pm. In-person with remote access.

14. A Parks Master Plan Open House: Come Dream with Us! is October 9, 2024 at 6:30 pm. In-person only.

15. Adjourn Meeting

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

The meeting was adjourned at 9:53 PM

(Planning Commission Chair Kim Hubert)

(Deputy Town Clerk Lisa Kunze)