



AGENDA
Planning & Zoning Commission
Tuesday, June 16, 2020
6:00 PM

ON-LINE MEETING

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEG – townofeagle2019

Virtual Meeting Procedure

- [Register in advance for this meeting here.](#)
- Public comments can be made when the Chair opens the public comment. Please prompt through Zoom to raise your hand and you will be called on when it is your turn.
- All public attendees will be muted during the meeting, unless the Chair or meeting facilitator invites them to speak live during the meeting.
- Meetings are recorded and will be published on the Town's web page.
- For technical difficulties, please email peyton.heitzman@townofeagle.org and we will do our best to assist you.

APPROVAL OF MINUTES *Approval of the minutes from the June 2, 2020 meeting of the Planning and Zoning Commission.*

1. Minutes dated June 2, 2020

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

DISCUSSION

1. Discussion of a code amendment to create an automatic termination period for certain types of land use projects.

TOWN COUNCIL MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Town Council on various Land Use files.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files.

1. Department update and answers to questions.

OPEN DISCUSSION

ADJOURN

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jessica Lake
Planner I



MINUTES
Planning & Zoning Commission
Tuesday, June 2, 2020
6:00 PM

ON-LINE MEETING

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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6:00 PM - REGULAR MEETING CALLED TO ORDER

Chair Matthew Hood Called the meeting to order at 6:04pm

COMMISSIONERS

PRESENT

Robert Townsend, Lani Webb, Jesse Gregg,
Matthew Hood, Charlie Perkins, Kyle
Hoiland, Brent McFall, Bill Nutkins

COMMISSIONERS ABSENT

Charlie Perkins

STAFF

Chad Phillips – Community Development Director
Angie Kyle - Administrative Tech II
Jessica Lake - Planner I
Peyton Heitzman – Planner I

APPROVAL OF MINUTES *Approval of the minutes from the May 5, 2020 meeting of the Planning and Zoning Commission.*

1. Minutes dated May 5, 2020.

Commission Hoiland stated that he was not part of the Land Use Committee and that he would like that revision to be made.

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO APPROVE THE MINUTES BASED ON COMMISSION HOILAND'S REVISION REQUEST. MOTION WAS SECONDED BY COMMISSIONER KYLE HOILAND AND PASSED WITH A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person.

Chair Hood opened public comment at 6:07pm. There was no public comment.

Amendment to Title 4 of the Municipal Code, involving uses and standards within the Commercial General (CG) Zone District.

1. Project: Amendment to Title 4 of the Municipal Code, involving uses and standards within the Commercial General (CG) Zone District.
File # LURA20-01
Applicant: Town of Eagle
Location: Commercial General (CG) Zone District
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: Amendment to Title 4 of the Municipal Code, Section 4.04.070 - Schedule of uses permitted in nonresidential zone districts by adding a Special Use (S) designation to the use category dwelling units - above street level.

Mr. Phillips and Mrs. Lake presented the steps that were taken to amend Title 4 of the Municipal Code, Section 4.04.070 pertaining to the Commercial General District (CGD) from the memo.

Q&A

Commission Nutkins asked staff that, by proposing this amendment, would the dwellings above ground level not have to be accessory to a ground floor use? . Mr. Phillips replied that the proposal would result in an option of either an accessory unit or an unrelated dwelling, but either would be subject to the special use approval process. Commissioner Nutkins replied that there are not real guidelines in the CGD to apply to such applications and this is the reason why he encouraged waiting until the future land use changes are implemented. Commissioner Nutkins believes that if the code is changed to Special Use (S), that it will leave room for ambiguity for applicants.

Mrs. Lake informed the Commission that when the interpretation was made for the accessory units, there was not enough research to ensure there would be sufficient resources to provide the necessary utilities and emergency services for the area. Public Works informed her that there is a concern with emergency access and infrastructure issues with water and sewer capabilities.

Commissioner Nutkins asked if there is a specific applicant that is pushing this process. Staff answered that there may be.

Commissioner Hoiland said that this is a good “band aid” fix until the future land use code is completed.

Chair Hood agrees with Commissioner Nutkins concerns as it allows accessory uses. He is concerned that a Developer could get the impression that they could build an apartment building over a retail store in the CGD and present it to P&Z thinking it would be a viable application. Chair Hood encouraged the Commission to provide Staff with guidance as to what the Commission wants to see in the CGD so Staff may assist applicants prior to presenting to the Commission. This amendment is going to be a special use that the Commission could deny on adopted criteria, and he does not want to give the development community the wrong idea on what is expected.

Mr. Phillips informed that based on standards like 4.07.070, the required parking for each residential unit, and the maximum coverage percentage of the lot this puts a cap on how big these projects can be, and the question at-hand would be if the project proposes a compatible use.

Chair Hood reiterated that the CGD primary use is not residential, it's use is commercial. The applicant should be aware of this and understand that if they choose to present a primary residential building in CGD to the Commission, that it is likely it will be denied based on compatibility.

Commissioner Hoiland asked that assuming this amendment is approved, will staff have issues informing the applicants that primary residential projects will not be in favor of the Commission? Phillips informed the Commission that staff will work with the applicants on the intent of the CG district and addressing the “compatible use” issue.

PUBLIC COMMENT:

Chair hood opened public comment at 6:29pm, there was no public comment. Close at 6:29pm

DISCUSSION:

Commissioner Gregg is in favor of approving this amendment knowing that there have been methods discussed to ensure the projects proposed will be compatible with the CG District. He thinks keeping residential accessory units secondary to commercial in this district makes the most sense.

Commission Nutkins said he does not want to see projects similar to the Talon Flats project in the CGD. He is in favor of the amendment however he does foresee some hurdles as it may cause some applicant's confusion and animosity in trying to present projects as a Special Use Permit to the Commission.

Commission McFall is not fond of this, however the real solution will come with the Future Land Use Plan roll out. He is in favor of recommending this to Town Council as a "band aid" and his direction to the Planning Staff is for them to provide as much guidance as possible on the expectation of the Commission prior to them spending time and money on their application that would not be consistent with what the Commission believes is right for this district regarding compatible uses.

Commissioner Webb agrees with McFall. She wants to ensure there is compatibility with CGD guidelines and code. Her concern is that there will be apartment-type building projects presented to the Commission. She is also concerned with the issues addressed by Public Works, Emergency services and other problems that could arise with this added flexibility.

Commission Hoiland is in favor of this amendment knowing that it is temporary. This zoning is commercial first and residential second.

Commissioner Townsend agrees with Commissioner Hoiland and does not want large residential projects in the CGD.

MOTION: COMMISSIONER BRENT MCFALL MOTIONED TO RECOMMEND TO TOWN COUNCIL THE AMENDMENT TO TITLE 4 OF THE MUNICIPAL CODE, INVOLVING USES AND STANDARDS WITHIN THE COMMERCIAL GENERAL (CG) ZONE DISTRICT. MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 7 IN FAVOR AND 0 OPPOSED.

TOWN COUNCIL MEETING REVIEW

Staff update to the Planning & Zoning Commission on recent decisions made by the Town Council on various Land Use files.

The only update from Town Council is in regard to the CG District amendment.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Staff update to the Planning & Zoning Commission on recent work and upcoming files.

Chair hood requested information for updates on the larger projects around town such as Haymeadow and Hockett Gulch. Staff is going to provide updates at the next meeting on Hockett Gulch, Haymeadow, and the Alpine Lumber artwork.

OPEN DISCUSSION

None.

ADJOURN

**MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. MOTION WAS
SECONDED BY COMMISSIONER HOILAND AND PASSED WITH A VOTE OF 7 IN FAVOR AND 0
OPPOSED.**

APPROVED

DATE:

Matthew Hood, Chair

Angie Kyle, Administrative Tech II



To: Planning & Zoning Commission

From: Chad Philips, Director, Community Development Department
Jessica Lake, Planner I, Community Development Department

Date: June 16, 2020

Agenda Item: Discussion with staff regarding a possible amendment to the code to create an automatic termination period for certain types of projects.

REQUEST: Staff is requesting direction regarding amendments to the Municipal Code (Code) for the purpose of providing clarity, creating a simplified process, and supporting the policies of the Community Plan and other guiding documents.

INTRODUCTION:

Upon review of the code, Town Planning staff and attorneys have noted that there is no process in the Code for applicants who would like to rescind their project after approval, but prior to final action. The only option available to these applicants is to go through the original process again. After several conversations between staff, attorneys, and members of the community we are proposing to add a process to the development code to allow applicants a way out should circumstances change that would no longer make a project viable. Such process is proposed as an automatic lapse, without the need to take the project back to the approval authority.

Staff understands that there is a general reluctance of the Commission and Council to make code amendments prior to the adoption of a new Development Code. However, this change will open up a recourse to those applicants who have previously had no recourse other than to start the process over from scratch. If approved, this change to Title 4 will be included in the draft of the amended Code, so action today will reduce time spent during the whole Title 4 update process.

Staff is working towards providing consistency and standards that will be easier for the development community to understand and will provide a simplified process for current and future staff to implement.

Questions for Discussion:

- What types of files might this process be most appropriate for?
 - Suggestions of appropriate file types include:
 - Subdivisions including Lot Line Adjustments
 - Variances
 - Others?
- What are the potential consequences of adopting this addition to the Code?
 - Staff will need to tighten up post-approval actions and timeframes and effectively communicate these with applicants. Staff sees this as an advantage.

- It could be challenging for some applicants to meet conditions of approval within a specific timeframe. However, this could help to keep applicants and staff accountable.

ANALYSIS:

To aid in this discussion of amending the Code, staff has identified several areas of the 2010 Eagle Area Community Plan and the Town of Eagle Strategic Plan for consideration.

2010 Eagle Area Community Plan

Chapter 3: Land Use

#6 Community Needs

Meeting the needs of an evolving community is a strong factor in local land use decisions.

2017 Eagle Strategic Plan

Standards – to provide consistent value to the community, and to be transparent in its decision making and communications, it is essential that the Town develop and comply with standards... They also provide a mechanism for having a more meaningful dialogue with the community and empowering the Town's staff to enhance quality of life in Eagle.

Transparency and Community Engagement – The Town is committed to maintaining on ongoing, meaningful, and substantive dialogue with the community that is based on clearly defined standards and compelling arguments for proposed policies and investments.

RECOMMENDED ACTION OR PROPOSED MOTION:

We look forward to our conversation and the Planning and Zoning Commission's comments and direction at our meeting on June 16th.



To: Planning & Zoning Commission

From: Chad Philips, Director, Community Development Department
Jessica Lake, Planner I, Community Development Department
Peyton Heitzman, Planner I, Community Development Department
Angie Kyle, Administrative Technician II, Community Development Department

Date: June 16, 2020

Agenda Item: Department update and answers to questions posed by the Commission at the June 2nd public hearing.

REQUEST: At the June 2nd Planning and Zoning Commission hearing, the Commission posed several questions to staff. Staff has passed these questions along to other departments and has provided summary answers below.

QUESTIONS AND ANSWERS:

Haymeadow – How is the design process for the road extension going? What still needs to be done before building permits can be pulled?

- Kari Schroeder is preparing a traffic forecasting methodology and Community Development is assisting by providing them with potential land uses along the Road Extension.
- Per the Annexation and Development Agreement, the developer has another year to complete the design and construction documents for the Brush Creek Road Extension.
- The Road Extension is required to be completed by Spring 2024 or the 300th building permit application.
- Haymeadow is looking into an amendment to the PUD and is working with the School District currently to determine feasibility for their plan.
- Design Guidelines for the design and construction of all buildings, and the fire station, will need to be created and approved by the Commission and the Town Council through the Major Development Permit process.
- The Town's building department is not to accept building permit applications that have not been approved by the Design Review Board.

Reserve at Hockett Gulch – Has there been any progress or new developments with this project?

- Brue Baukol is looking for a buyer or a development partner to move forward with the project.

Alpine Lumber Fence / Art Wall – What is the status of this project? Can Alpine Lumber build the fence first and we can do the Art Wall later?

- The Town is waiting on Alpine Lumber to sign a letter of intent to ensure the art would be hung. Alpine Lumber is unsure if they are in a position to upgrade the wall. If they don't replace the wall and they don't agree to allow a removable art frame to be hung, the Town is not in a position to force the issue.

COMMUNITY DEVELOPMENT DEPARTMENT UPDATE:

Comprehensive Plan / Land Use Code Update

- Staff will be contacting Logan Simpson to determine how much work is remaining on the Comprehensive Plan. Staff and Logan Simpson will be working to finish up the Comprehensive Plan.

Sub Area Planning

- Hwy 6 Corridor Study
- Red Development / Chambers East Sub Area Plan

Code Enforcement

- Staff is working on (4) code enforcement cases currently.

Community Core Software

- Planning staff is working on migrating land use files to the Community Core software. This software is currently used for building permits.

Planner of the Day has been instituted to field zoning questions from the public. The department receives an average of (7) zoning questions per week.

APPLICATIONS IN PROGRESS:

Red Mountain Ranch – work continues to bring the Annexation, PUD and Final Plat to Town Council, hearing dates have not been scheduled yet.

Annexations

- (3) petitions for annexation are currently in various stages of the process, hearing dates for these annexations have not been set yet.

Administrative Files

- (2) administrative files are pending; including a condo/townhome plat and an encroachment permit.
- An encroachment permit was issued on June 10th for Landshark Food Truck and Catering to sell food at the Eagle River Park.
- A temporary use permit was issued on June 10th for Eagle Tubing and Photography to rent gear at the Eagle River Park.

Noticed Files

- V20-02 770 Castle Drive Variance – noticed for July 7, 2020 Planning and Zoning Hearing
- SU20-01 263 & 483 Sawatch Special Use – noticed for July 7, 2020 Planning and Zoning Hearing

TOWN COUNCIL:

- Council adopted Ordinance 13-2020 Amending Section 4.04.070. of the Eagle Municipal Code to Allow Residential Dwelling Units Above Street Level as a Special Use in the Commercial General (CG) Zone District on June 9th.