



**Planning and Zoning Commission  
Meeting Minutes  
January 15th, 2019**

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**PRESENT**

Jason Cowles, Chair  
Stephen Richards  
Jesse Gregg  
Matthew Hood  
Bill Nutkins  
Charlie Perkins

**STAFF**

Morgan Landers- Town Planner  
Colton Berck- Planner I  
Dawn Koenig- Admin Assistant

**ABSENT**

Kyle Hoiland  
Brent McFall

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall on was called to order by Jason Cowles at 6:31p.m.

**APPROVAL OF MINUTES**

Nutkins made a motion to approve the minutes of the December 18th, 2018 meeting. Jesse seconded. Richards and Hood abstained as they were not present at the meeting. All others present voted in favor. The motion passed.

**PUBLIC COMMENT**

None.

**LAND USE FILES**

***SU18-08 & V18-04 120 E. Third Street***

Commissioner Cowles opened file SU18-08 and V18-04, a request for a Zoning Variance for minimum lot size and Special Use permit for ground floor residential in the Central Business District (CBD).

## **STAFF REPORT AND PERSENTATIONS**

Berck introduced applicant representative Bill Pierce. Pierce gave an overview of the site and the proposal. He said that the building is full of half levels and there are no levels that go throughout the entire building. He described the proposed use of the space as being office and an ADA accessible residential unit on the main floor, and a residential unit on the second floor.

Berck gave an overview of the files including the applicants, location, and zoning. He mentioned that staff has received one letter of support from the neighboring Masonic Lodge. He presented slides on the current site conditions. The applicant got an ILC to verify the lot lines, Berck said. He said that the current use of the building is office space. He gave an overview of the parking plan.

Berck said that the Special Use Permit is a request for the inclusion of ground floor residential use. He presented the standards for approving a Special Use Permit. He sighted sections of the Eagle Area Community Plan, the Town of Eagle Strategic Plan that support of approving the Special Use Permit. Berck noted that the Major Objective in the Town of Eagle Strategic Plan calls for improving housing availability and affordability and suggested that adding an ADA accessible unit in the downtown core would be an asset.

Berck presented slides showing the surrounding uses and noted that the proposal is compatible with the existing surrounding uses.

Berck noted that as it relates to standard 3, additional parking, landscaping, loading areas are not required in the CBD.

Berck stated that Staff recommends approval of the Special Use Permit in accordance with standards 1-3 with no conditions.

Berck then described the variance request as a request for the minimum lot area in the Central Business District.

Berck presented the standards for approval of a variance request and mentioned that standard number 4 does not apply.

He presented sections of the Land Use Code, Town of Eagle Strategic Plan and the Eagle Area Community Plan in support of the proposal meeting standard 1.

Berck said that the proposal follows standard 2 and 3 in that the hardship and condition peculiar to the site is a perpetual legal non-conforming status of existing building. He said that granting the variance would allow for the highest and best use of the property.

Berck said that staff recommends approval with no conditions.

## **Q & A**

Perkins asked if the units will be for sale or for rent. Pierce said that the intention would be to rent the units. Perkins asked if someone could rent the ADA unit if it was not required. He asked if the occupant would be allowed to park in the ADA parking spot.

Landers said that the ADA parking spot is not public, it is private and could be.

Perkins asked if egress windows would have to be installed to meet code for sleeping rooms. Peirce said that there are at least 3 window that will have to be modified or added to meet code requirements.

## **PUBLIC COMMENT**

None.

## **DELIBERATION**

Hood made a motion to approve SU18-08 based on compliance with standards 1 through 3. Richards seconded. All voted in favor. Hood made a motion to approve V18-04 based on compliance with standards 1 through 3. Gregg seconded. All voted in favor.

### ***LLA18-07 101 & 115 E. Second Street***

Cowles opened file LLA18-07, a request for a lot line adjustment to remove the shared lot line between lots 18-20, block 19 of the Eagle Subdivision, creating a single lot.

## **STAFF REPORT AND PERSENTATIONS**

Berck said that the applicants have given permission for town staff to present the file without the applicants being present.

Berck gave an overview of the file including the applicants, location, and zoning. He mentioned that staff has not received any public comment to date. He presented a site image detailing the lot line that will be vacated. Beck also presented the plat that will be created with the removal of the lot line. Cowles asked if it is worth noting that removing the lot line and creating a larger lot will create a lot that will be compliant with the minimum lot size currently stipulated for this zone district. Berck agreed.

Berck presented the standards for approval. He stated that the proposal would have no substantial impact to the existing lots or the surrounding lots. Berck said that the utilities and easements have been reviewed by Town Public Works and Engineering Staff. He stated that vacating the existing lot line enables the developer to apply for a building permit for an approved project and come into compliance with the minimum lot size requirements in the CBD.

Staff recommends approval with the following conditions:

1. The final plat document will be revised to reflect final technical comments from the Town Engineering and Public Works Departments, Town Attorney, and the Town's 3rd Party Surveyor.
2. Redundant water and sewer lines to lot shall be abandoned within six months after building permit issuance, as approved by the Public Works Director.

## **Q & A**

None.

## **PUBLIC COMMENT**

None.

## **DELIBERATION**

Nutkins made a motion to approve file LLA18-07 based on compliance with standards 1 through 3 for a Lot Line Adjustment with the following conditions:

3. The final plat document will be revised to reflect final technical comments from the Town Engineering and Public Works Departments, Town Attorney, and the Town's 3rd Party Surveyor.
4. Redundant water and sewer lines to lot shall be abandoned within six months after building permit issuance, as approved by the Public Works Director.

Gregg seconded. All voted in favor.

## **TOWN BOARD OF TRUSTEE UPDATE**

Landers said that Town of Eagle Police Chief Staufer received a lifesaving award from the County Sheriff's office.

Landers reported that construction on the Lower Basin Water Treatment Plant continues.

Landers reported that the Special Use Permit for Sweetleaf Pioneer was approved by the TBOT with all the existing conditions.

Landers said the Town is moving toward a new utility billing format which will show more detailed information on every user's bill. Landers said it will roll out in March or April.

Landers reported that the TBOT is working on a policy statement for instances where interest groups request support from the TBOT.

## **COMMUNITY DEVELOPMENT DEPARTMENT UPDATE**

Landers said that there is a lot in the pipeline for the Community Development Department. Planning week will take place the last week of January, Landers said. She said the format for outreach events will be a pop-up style in locations around town as to meet the community where they are. Landers said this will include quick, fun activities to engage the community and gather feedback.

Landers said that staff and the consultant team are drafting the different development review sections of the Land Use Code. They are looking at things such as what types of files go where and what the approval requirements are for the different types of files. She specifically mentioned a re-draft of chapter 4.03 and that it will be given to the PZ Commission for input and review. She said they will have to vote to adopt those changes.

Hood asked what the process of that would be. Landers said it would be the same as an amendment to the Land Use Code.

Hood said that with these Land Use Code revisions, it would be good to have more time to review the text than the typical timeframe they are given to review their packets. Landers said that the larger sections of the code would go through a different process and would include public noticing and publication of draft versions. Cowles asked if the revisions are going through legal review. Landers said they will be and that legal review is budgeted for this process.

Landers mentioned that the Town is moving forward with efforts to adopt Home Rule. She said that if the Town moves to Home Rule, there are implications to the Land Use Code review and approval process.

Cowles asked what the implications of adopting Home Rule would be. Landers said some things will not be affected and some would be. Landers said that some requirements could be more or less restrictive depending on what is decided. Landers noted that the TBOT could decide to modify the process for appeals, and that they could change what the qualifications are for referendums, for example.

Cowles asked if it would be beneficial to flag items in the Land Use Code updates that the Town intends on changing after adopting Home Rule. Landers said that the process involves a charter that must be led by citizens, not the town board. She said that it is best to avoid giving the impression that the town is guiding the process. She also said that the process would likely not be complete until after the code revision process is finalized anyway. Landers said that she would pass information along on this topic and the town moves through the process.

Landers said that the Red Mountain Ranch and Reserve at Hockett Gulch public hearings have been scheduled. The first PZ Commission hearing will be on Feb. 5<sup>th</sup>. Part of the requirements will be a site visit by at least 3 of the commissioners, she said. These are not group visits and applicants will not be present, Landers said. Landers said that if commissioners would like staff present, they can request it. Staff will put together a site visit packet of information for the commissioners.

Cowles said the process as described has not been what has happened in the past and that group visits could be beneficial especially if there are commissioners that do not have backgrounds that would inform them of relevant information.

Landers suggested that the individual site visits take place ahead of the first meeting. She said she would provide the necessary information for the commissioners about a week in advance. Landers said that staff is not expecting the commissioners to make a recommendation at the first meeting. There is a possibility to schedule a group visit between the first and second meetings, she said. Landers said that if they want to do a group site visit, it would have to be publicly noticed and recorded. Landers said she would be open to working out a way to make this happen.

Landers said she is working on having the contract planning firm give an overview of the request and the approval process for the Reserve at Hockett Gulch PUD zoning map, potentially at the next work session. She asked if the commissioners thought there would be enough time for this before the meeting in the work session or would another meeting or conference call be desired. Landers said a recommendation will be asked for and staff may not have a recommendation to provide at the first meeting. Landers encouraged the commissioners to direct any questions they may have ahead of the next meeting to her so that issues could get clarified before the meeting.

Cowles said that he wants to make sure that everyone understands the focus of the PZ Commission vs the TBOT. Landers said that in general the PZ Commission is focused on issues that apply to the Land Use and Development Code and that there is a financial delineation in the responsibilities. She gave an example that the PZ Commission focuses on the determination of adequate public services and the TBOT would consider items such as tap fees and fiscal impact.

Landers said that the Town Attorney, Town Manager, and a representative from the Public Works staff will be attending these meetings as well.

Nutkins asked if the applicants are aware that the decisions will not be reached at the first meeting. Landers assured him that the expectations have been clearly communicated.

Cowles asked if the referral agencies have been given the chance to submit comments. Landers said that they have, and the comments will be included in the packets.

Landers said that there are pieces of the files that have not been resolved with the negotiations that have taken place so far at the staff level and there may be policy decisions that the PZ Commission and the TBOT will be asked to make.

Perkins asked about the Census that will be taking place next year and what the impact would be to the services or amenities the town could expect from the numbers. Landers said the Census is used as a data point that recalibrates assumptions from DOLA. Other indicators are used more for future projections for services, Landers said.

Hood mentioned that there is a sign on the door of the Post Office indicating that they are out of PO boxes. He asked how the town would have the ability to serve any more development if new residents cannot get

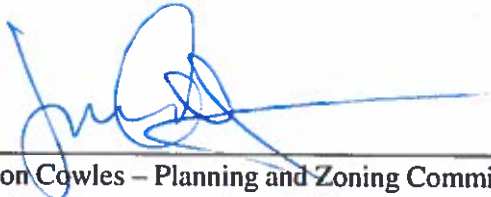
mail service. Landers said that mail delivery is not considered a public service from a regulatory standpoint, so it does not factor in to a finding of adequate public facilities.

Landers said that the town may need to leverage legislatively to increase postal service amenities. Landers said that the US Postal Service is not technically a federal entity, so they are not required to provide services to communities. Landers said that in past conversation the town has had with the Postal Service, they indicated that they would only expand, but would not entertain home delivery.

**ADJOURN**

Richards made a motion to adjourn and Gregg seconded. All voted in favor and the meeting adjourned at 7:43 PM.

2/5/19  
Date

  
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Jason Cowles – Planning and Zoning Commission Chair

1.31.19  
Date

  
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Dawn Koenig – Administrative Assistant