

Minutes
Town of Hideout
Planning Commission Regular Meeting and Public Hearing
May 19, 2022
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on May 19, 2022 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearings

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:02 PM and referenced the current No Anchor Site letter which was included in the meeting materials. All attendees were present electronically.

II. Roll Call

PRESENT:

Chair Tony Matyszczyk
Commissioner Ryan Sapp
Commissioner Glynnis Tihansky
Commissioner Donna Turner
Commissioner Rachel Cooper (alternate)
Commissioner Jonathan Gunn (alternate)

STAFF PRESENT:

Thomas Eddington, Town Planner
Polly McLean, Town Attorney
Ryan Taylor, Town Engineer
Jan McCosh, Town Administrator
Timm Dixon, Head of Engineering and Public Works
Alicia Fairbourne, Town Clerk
Kathleen Hopkins, Deputy Town Clerk

OTHERS IN ATTENDANCE: McKay Christensen, Todd Amberry, Jack Walkenhorst, Larry Eisenfeld, Murray Gardner, Carol Tomas, David Salzman, and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

There were no comments on the draft minutes of the April 21, 2022 Planning Commission meeting.

Motion: Commissioner Tihansky made the motion to approve the April 21, 2022 Planning Commission Minutes. Commissioner Turner made the second. Voting Aye: Commissioners Gunn, Sapp, Tihansky, and Turner. Abstaining: Chair Matyszczyk. Voting Nay: None. The motion carried.

IV. Public Hearing

- 1. Discuss and possibly make a recommendation to the Hideout Town Council regarding a review of amendments made to the Boulders MDA including text amendments to the Hideout Municipal Code under this MDA**
- 2. Discuss and possibly make a recommendation to the Hideout Town Council regarding proposed zoning changes to the Boulders development**

Town Planner Thomas Eddington suggested, given the lateness in circulating the meeting materials, the discussion might begin a review of the Staff Report which listed a number of priority issues for consideration. Chair Matyszczyk asked whether there was a new version of the Town Zoning Map for review. Town Attorney Polly McLean responded that in discussions with the development team it was proposed not to request a zoning ordinance change but rather to incorporate site specific text amendment zoning change in the Master Development Agreement (MDA). She stated she had discussed the matter with the Utah Property Rights Ombudsman and was advised this would be allowable if proper process was followed including Planning Commission review and Town Council approval. She discussed her recommendation for all requested changes to the current zoning to be encompassed in the MDA, and thus a revised zoning map would not be necessary. She stated this method would be preferable to approving these up-zone requests that, in the event this project did not advance, the current zoning would not be changed.

Chair Matyszczyk stated he had experienced email problems and had not received the meeting materials and was therefore not comfortable voting on these matters without sufficient review. Ms. McLean noted on May 5, 2022, the Town Clerk had distributed the materials from the May 4, 2022 Town Council meeting with instructions that the draft MDA from that meeting would be discussed at this Planning Commission meeting.

Chair Matyszczyk asked if the hotel been removed from the draft MDA. Ms. McLean responded no, not to her knowledge. Ms. McLean stated she had a working copy of the MDA which reflected changes since the Town Council meeting, however the bulk of the matters the Planning Commission was being asked to review were reflected in the draft provided. She also noted the Staff Report provided prior to this meeting was similar to the version included in the Town Council meeting materials.

Commissioner Glynnis Tihansky asked if a survey regarding this proposed development was going to be sent to town residents. Mr. Eddington stated it was in production and would take a few weeks to collect community input. It was also noted this survey was not specific to this development, but rather covered broader topics related to overall town planning.

Ms. McLean acknowledged the materials provided, which included multiple red-lined versions of the MDA, may have been confusing, however the intention was to provide sufficient detail for the Planning Commissioners to see the progression of the MDA draft changes. She noted a vote on these matters could be postponed until all Planning Commissioners had sufficient time to review the materials, and suggested this meeting be focused on hearing from the development team and town staff on changes requested since the last Planning Commission meeting which impacted the town zoning and code.

Mr. McKay Christensen from the development team responded to Chair Matyszczyk's questions and noted the hotel was still included in the MDA, although he did not know the exact timing of when the hotel might be built. Chair Matyszczyk noted the hotel was an important component of the project to the town and he would not want to see it being delayed until a late phase. Mr. Christensen stated his understanding that the purpose for this meeting was to discuss a specific set of items related to zoning which the Town Council requested the Planning Commission review, however the development team was available to cover any other questions the Planning Commissioners might have.

Ms. McLean noted while it would be difficult for the Chair to discuss the details of the materials which he had not yet reviewed, as the other members had reviewed the materials in varying levels of detail, she suggested this discussion focus on the text amendments included in the Appendix in the May 5, 2022 draft MDA.

Mr. Eddington provided an update on the project since the last Planning Commission meeting and noted initial engineering and survey work had been conducted and the developers held an open house for the community on April 27. Mr. Christensen detailed the unit count for the project which was currently 585 units, down from 610 units as last presented to the Planning Commission and now included 28 Affordable Housing units. He described the maximum density restriction included in the current MDA draft capped the density at 585 units or 530 Equivalent Residential Units (ERUs) and noted the 20,000 square feet of commercial space which included 7,500 square feet planned for the bottom floors of two condominium buildings. He added this space could be converted to residential if the space could not be leased for commercial use within one year of construction, however the additional condominium units would be within the 585 maximum density limits as described. He noted the hotel was planned as a 150 key condominium hotel, with the land restricted for hotel development only.

Mr. Christensen also noted there was no economic incentive for the developer not to build the hotel as it represented a significant component of the project's density plan and land commitment which would be uneconomical to remain undeveloped. He discussed the general phasing plan for the development's amenities and noted the amphitheater would be constructed after approximately 200 units were completed, with the pavilion/grand hall event space, pickleball courts, club house and food round up area to follow as increments of 100 additional units were completed. He explained the necessity of having certain levels of residential units completed to support these amenities. He noted trails would be constructed as each phase was completed.

Mr. Christensen noted the developer had agreed to contribute approximately \$300,000 (\$500/unit) to the town to support services and snow plowing expenses prior to selling completed units. The MDA also reflected the plan to contribute \$2.5 million to the town upon the closing of the Public Improvement District (PID) to help fund the proposed underpass on SR-248 or for other purposes as the town deemed appropriate.

Mr. Todd Amberry of the development team, discussed the intricacies of working with Utah Department of Transportation (UDOT) on the proposed underpass as well as other easements and access points along SR-248. He also noted the developer would provide the necessary "will serve" letters from utility providers, UDOT access approvals, and engineering approvals, as well as provide sufficient water for each phase at time of platting.

Mr. Christensen discussed the 28 Affordable Housing units which would most likely be rental apartments. He also noted the request for nightly rentals for all units in the development and referred to the financial analysis report included in the meeting materials from Lewis Young, the independent

financial consultant retained by the town, which indicated the economic benefits to the town from this tax revenue which surpassed the projected tax revenue expected from the hotel.

Regarding the proposed hotel, Mr. Amberry reiterated the economic importance to the developer to build this hotel property and noted the MDA included deed restrictions on the land designated for the hotel which would preclude any other development. He noted the development team was in discussions with Hotel Park City to operate the hotel. Mr. Christensen discussed the request to not stipulate specific deadlines for completion of the hotel in the MDA which he felt could lead to unintended negative consequences should market conditions change.

The development team showed a short video which depicted a 3-D model of the proposed development which incorporated details of slopes and grading conditions of the property.

Commissioner Tihansky asked if the video reflected the approved Concept Plan. Mr. Amberry responded it was very close to the Concept Plan approved by the Planning Commission, although with slightly less density as previously noted and based on the engineering and survey work which had been completed since the earlier Planning Commission meeting.

Commissioner Donna Turner asked about the access points to Golden Eagle and SR-248, as well as the location for the proposed underpass. Mr. Amberry noted the SR-248 access and the underpass project would be dictated by UDOT. If for any reason the underpass project was not feasible, the \$2.5 million contribution could be used by the town for other public use projects elsewhere in the town.

Chair Matyszczyk asked if the developers had discussed the plans yet with UDOT. Mr. Amberry responded they had not, but their initial priority would be the SR-248 access and acceleration/deceleration lane planning.

Commissioner Jonathan Gunn asked about the requested exemptions from town code related to required open space, roads, retaining walls, setbacks and visitor parking requirements. Mr. Christensen discussed these items. He noted the space dedicated for various amenities, which amounted to 7 acres, was not included in the open space calculations. He also noted the detention areas identified in the engineering survey could be used as park or other open space and were also not included in the open space calculations. Regarding the road cross section exemptions requested relating to road width requirements, Mr. Christensen explained the intention was to meet the town code requirements for paved road widths however they were requesting the 10 foot public utility easements (PUEs) be on just one side of certain roads given the topography of the property. He explained this request would minimize the amount "cut and fill" in the road construction but would not impair road safety in any way. He noted this was the same reasoning for the exemptions requested for setbacks for homes located in steep areas.

Mr. Christensen discussed the request for exemption for retaining walls, and stated given the hilly terrain, the engineering survey had identified specific areas where they would like to utilize higher retaining walls than provided for in the town code. He noted these areas were primarily around the hotel and a couple other locations where they would prefer to use higher retaining walls to match the grade, protect views and minimize disturbance to the surrounding land.

Commissioner Tihansky asked whether these items could be addressed through site-specific variance requests, rather than a blanket exemption from town code. She stated her preference to grant each specific variance rather than to apply such exemptions to the entire development. Mr. Christensen responded the developer would not want to be held up by requesting individual variances which might not be granted and could result in reducing the number of units built. He noted the development

team had completed the preliminary grading plan at the town's request and had a clear idea of where they would need to vary from the code as detailed in the Land Use Tables.

Commissioner Gunn suggested each of these items be specified in the MDA rather than granting a blanket exemption. Mr. Amberry agreed to work on this.

Chair Matyszczyk departed the meeting at 7:28 PM. Commissioner Tihansky assumed his place as Acting Chair and Commissioner Cooper assumed a voting role for the remainder of the meeting.

Commissioner Gunn asked for more detail regarding the reduction in required parking spaces waiver requested. Mr. Christensen discussed the different parking needs for the hotel and condominium properties than for single family homes. He noted the plan called for 200 parking stalls for the commercial area. Acting Chair Tihansky asked about the parking and driveways for the Villas. Mr. Amberry explained the model shown did not adequately capture these items. He stated there would be space for parallel parking behind each two-car garage for these units and a visitor space would be included between each unit. In response to Mr. Eddington's question, he confirmed there would not be on-street parking in front of these units.

Commissioner Tihansky asked if town code set limits on impervious surfaces. Mr. Eddington replied town code set limits for some lots, but the developer was seeking waivers. Mr. Amberry stated the intention was to limit the amount of disturbed space around every unit and the developer would not de-nude large areas before construction. He stated 15% of the property would remain undisturbed and 35% would be open space. He explained open space may consist of land which had been disturbed during excavation but restored or re-vegetated whereas undisturbed land would remain untouched.

Commissioner Tihansky noted the plan seemed to include a large number of cul-de-sacs and shared her concerns with snow removal and emergency access for these roads. Mr. Christensen noted the final layout for the town house units on these cul-de-sacs may change with the final platting and engineering approvals, but they would meet all safety standards. Timm Dixon, Head of Engineering and Public Works, stated any such changes needed to be made now, rather than after Planning Commission approval. He stated the cul-de-sacs did not all appear to meet town code as currently shown. He also requested the plan show areas of disturbance, preliminary engineering grading and specific variance requests at this stage rather than at the later platting stage.

Commissioner Tihansky asked about the storm water drainage plan. Mr. Christensen responded they had a complete storm water retention plan, although this was not typically included at this early stage. Mr. Amberry shared his experience with other projects where zoning and the MDA outline high level umbrella approvals which later get distilled down at each phase from preliminary through final platting. He noted the development team had made a significant investment in time and money to get to this point and was concerned to spend more if the town was not committed to the project.

Town Engineer Ryan Taylor stated he agreed with Commissioner Gunn's suggestion to detail specific items requesting variance from town code in the MDA. Commissioner Gunn added it should be fairly easy to enumerate the locations of these items as they were all known at this time. Mr. Amberry stated such refinement could be included in the MDA, however he stressed the importance for the MDA to include the maximum density and for the Town to make a commitment to the project.

Commissioner Gunn responded the Planning Commission had previously approved the Concept Plan and recommended the project's approval to Town Council. At this time, the Planning Commission was being asked to review certain details which had since arisen in the Town Council approval process. Mr. Taylor acknowledged the updated plan had addressed many questions and concerns

from the town, but specific items needed to be addressed including the slopes of Lots 13, 14 and 23 which do not appear to be buildable lots. He stated he would prefer to keep town code unchanged and provide specific exemptions through text amendments in the MDA.

Mr. Eddington asked how zoning could be overlaid on the plan and noted the only area that seemed to meet current zoning was the estate lots. Mr. Christensen noted this detail was included in the Land Use Tables.

Mr. Christensen noted the importance of the road cross sections and setbacks. Ms. McLean responded these items could be accommodated through the detailed text amendment in the MDA. Mr. Christensen stated the Land Use Tables create pods for each type of use and would include details on setbacks and building envelopes. He noted the retaining walls were a separate code issue and agreed the MDA could be more specific on the retaining wall variances requested.

Mr. Amberry stated the option to not include the zoning change requests had just been proposed within the past week or so and the details were still being worked out on how the MDA would overlay existing zoning. Mr. Eddington suggested the Land Use Tables be included in the MDA with detail on where deviation from zoning or town code was requested.

Commissioner Tihansky suggested this might be included by housing type. Mr. Christensen stated this detail would be provided in a Lot Typical for each unit type. Mr. Amberry added they would also provide depths for each detention pond. Mr. Dixon agreed that would be helpful, and noted Lots 20, 22 and 23 seemed to be located on severe slopes.

Commissioner Gunn asked about a Public Safety Facility and whether the developers would work with the County Fire Department if such a facility was determined to be necessary. Mr. Amberry responded yes, they would comply with such a request.

Commissioner Turner stated she was not comfortable with all the variances requested and asked if the development team had considered town code prior to the approval of the Concept Plan. Mr. Amberry stated his team had considered town ordinances throughout the process and noted the project's unique circumstances had led to the zoning change requests after completion of preliminary survey work conducted since the prior Planning Commission meeting. He stated the requested variances were not intended to provide carte blanche exemptions.

Commissioner Rachel Cooper asked about the topics to be covered in the upcoming community survey. Mr. Eddington responded it would cover general town planning topics, recreation amenities, fiscal direction, and consideration of potentially higher taxes. He stated it would not be specific to this development project. Commissioner Cooper asked whether the survey results would be expected to impact the town's decisions for this project. Mr. Eddington said yes, for example feedback on increased density versus higher taxes. He added the survey had been planned separately from this development consideration. Commissioner Turner requested a joint planning work session be scheduled for the Planning Commission and Town Council to work on long range town plans.

Commissioner Cooper shared her concerns with parking and setbacks which may not provide sufficient space for larger vehicles to safely park. She requested a more detailed plan for the development's parking including visitor parking. Mr. Taylor stated there would be no on-street parking permitted. Commissioner Turner added she had concerns with road widths accommodating delivery vehicles. Mr. Amberry stated the exemption request regarding roads would not provide for narrower roads but was intended solely to require the PUE's on just one side of certain roads. Mr. Christensen agreed to provide an updated parking exhibit for review.

Commissioner Ryan Sapp noted with the completion of the engineering study, the grading requirements seemed to be known. He asked if certain lots, such as within the Casita units, were actually buildable given the grading. He also shared his concerns with granting any variances or zoning changes which another developer could utilize if this project did not proceed as planned. Commissioner Sapp also cited his concerns with nightly rentals which could have an adverse impact on the community.

Mr. Amberry replied his team was working with the Town Engineer on the grading issues, as well as drainage, detention ponds and retaining walls. He stated Commissioner Sapp's comments on nightly rentals were duly noted and he stated communities designed for such accommodations should have better results than other communities which were not planned for such rentals. Mr. Christensen added the development's Covenants, Conditions and Restrictions (CC&Rs) would dictate the terms of such rentals and prohibit excess noise and other types of problems for the neighborhood. Commission Turner noted enforcement of such problems would be an issue as the town did not have a police force.

Commissioner Gunn stated he would be interested in hearing more details on the water costs and source expected for the project. Mr. Christensen stated the current costs for obtaining water was triple what they had expected, but he was not comfortable sharing more specific details at this time. He stated they would not officially acquire water until they closed on the property purchase.

There being no further questions from the Planning Commissioners, Acting Chair Tihansky opened the floor for public comment at 8:32 PM. She noted an email received prior to the meeting from Hideout resident Carol Tomas which would be entered into the public record. She summarized Ms. Tomas's concerns regarding 1) sourcing of water, 2) proposed undisturbed areas and mass grading, 3) whether sufficient demand for the planned hotel existed and 4) expected demand for the amphitheater.

Mr. Christensen discussed the planned and existing hotels in the area and acknowledged the proposed hotel in this development would be competing with ski in/out resorts, and that the proposed Mayflower development had an advantage through the MIDA funding for the project. He stated however, that there was a compelling story to support this resort hotel including beautiful views, and proximity to Park City but without the traffic congestion. He stated the proposed location for the amphitheater was superior to other locations in Hideout. He also discussed other open spaces which could serve as parks.

Mr. Larry Eisenfeld, Hideout resident, shared his concerns with 1) water availability and sourcing and 2) public transportation and increased traffic associated with nightly rentals. Mr. Christensen responded water rights was not specifically tied to the Jordanelle Reservoir. He also noted the development would be self-contained from a traffic and access standpoint, with no impact on the rest of the town's other roads. He also noted the projected occupancy rates of the nightly rentals was consistent with the rest of Hideout.

Ms. McLean mentioned an issue raised by Town Council regarding whether the developer would maintain and plow roads in the development. Discussion ensued regarding various arrangements for such maintenance and how upon completion of the roads, they would be plowed and maintained. Commissioner Tihansky asked if it would be feasible for the developer to utilize temporary roads throughout the construction process and wait to pave roads until construction was complete. Mr. Amberry stated this was not the accepted building standard, and the developer would provide a one-year warranty on roads turned over to the Town. Mr. Christensen added the developer was responsible for providing warranty bonds on roads as a further protection to the town.

There being no further public comments, the public hearing was closed at 8:54 PM.

Commissioner Turner asked about the genesis of the idea for nightly rentals for the entire development. Discussion ensued regarding the economic analysis report and its underlying assumptions. Ms. McLean suggested inviting the analyst to a future meeting to discuss this fiscal analysis in more detail. Acting Chair Tihansky noted the purview of the Planning Commission was to focus on the town's planning needs rather than the economic matters which were the responsibility of Town Council.

Commissioner Sapp departed the meeting at 8:50 PM. Commissioner Gunn assumed a voting role for the remainder of the meeting.

Discussion ensued regarding potential dates for a Special Meeting and continued public hearing on these matters. It was determined that June 2, 2022 at 5:00 PM would be the date for that meeting, and it was requested that updated exhibits regarding the location of potential exemptions be provided. Ms. McLean stated the MDA would be considered to be the same as a Zoning Ordinance, and the public hearing notice for this meeting could be continued to the June 2, 2022 date. Mr. Eddington suggested including a detailed discussion of the Staff Report at the next meeting. Acting Chair Tihansky stated she would not be comfortable voting on this matter without a version of the MDA which incorporated the comments discussed at this meeting.

Commissioner Gunn stated the Planning Commissioners' concerns should be allayed if the matters discussed and the requested variances were detailed in the MDA and its Exhibits. Mr. Christensen agreed to update the appropriate exhibits and provide the updated parking plan. Ms. McLean asked Mr. Christensen to also provide details on how the amenities compare with the required 18 acres per town code. Mr. Christensen noted he had provided 35 different maps and documents which had been updated each time the concept plan was revised. He stated he would provide a Lot Typical report for each building type.

Motion: Commissioner Gunn made the motion to continue this Public Hearing to a June 2, 2022 5:00 PM Special Meeting and Public Hearing. Commissioner Cooper made the second. Voting Aye: Commissioners Cooper, Gunn, Tihansky, and Turner. Voting Nay: None. The motion carried.

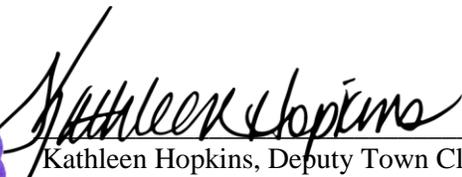
V. Meeting Adjournment

There being no further business, Acting Chair Tihansky asked for a motion to adjourn.

Motion: Commissioner Turner moved to adjourn the meeting. Commissioner Cooper made the second. Voting Aye: Commissioners Cooper, Gunn, Tihansky and Tuner. Voting Nay: None. The motion carried.

The meeting adjourned at 9:25 PM.




Kathleen Hopkins, Deputy Town Clerk