

Minutes
Town of Hideout Planning Commission Regular Meeting,
Public Hearing and Work Session (Rescheduled)
May 24, 2023
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Rescheduled Regular Meeting, Public Hearing and Work Session on May 24, 2023 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting, Public Hearing and Work Session

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:01 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 Rachel Cooper
Commissioner Jonathan Gunn
Commissioner Glynnis Tihansky
Commissioner Donna Turner
Commissioner Peter Ginsberg (alternate)
Commissioner Joel Pieper (alternate)

STAFF PRESENT:

Polly McLean, Town Attorney
Thomas Eddington, Town Planner
Jan McCosh, Town Administrator
Timm Dixon, Director of Engineering
Daniel Allen, Head of Public Works
Alicia Fairbourne, Recorder for Hideout
Kathleen Hopkins, Deputy Recorder for Hideout

OTHERS IN ATTENDANCE: Ty Frisby, Jason Boal, Patrick McAlearney, Jamie Mackay, Jenni Hogan, Ryan Sapp, Jim Gruber, Ron Amdur, Michelle Croyle, Murray Gardner, Kristy Harrigan, Justin Keys, Ted Kim, Alexander Kotowitz, Lorrinda Lattimore, Carl Robinson, Crystal Robinson, David Salzman, and others who may not have signed in using proper names in Zoom.

III. Approval of Meeting Minutes

1. April 17, 2023 Planning Commission Minutes DRAFT

There were no comments on the April 17, 2023 draft minutes.

Motion: Commissioner Cooper made the motion to approve the April 17, 2023 Planning Commission Minutes. Commissioner Gunn made the second. Voting Yes: Commissioner Cooper, Commissioner Gunn, Chair Matyszczyk, Commissioner Tihansky and Commissioner Turner. Voting No: None. The motion carried.

IV. Agenda Items

1. Discussion of a concept plan for a potential development Hideout Point (parcel 00-0021-3176)

Town Planner Thomas Eddington provided an overview of this item and referenced the Staff Report which was included in the meeting materials. He noted this was a discussion item only for this meeting, and the Applicant, Mr. Ty Frisby was in attendance to take questions and hear feedback from the Planning Commissioners on the concept plan. Mr. Eddington stated the parcel consisted of approximately two acres and was currently zoned Mountain which would allow for one residential unit per acre. The Applicant was requesting feedback on a proposal to develop the property as mixed use commercial to consist of thirteen total units comprised of six flexible commercial units, two garage units for a potential boat servicing business and five cabins for short-term rentals. Mr. Eddington noted this proposal would result in a density of 6.5 units per acre and would require approvals for both a rezone and short-term rentals which were not currently allowed in the Town.

Mr. Eddington highlighted concerns listed in the Staff Report including density, potentially sensitive lands, the impact on traffic from Belaview Way and the configuration and sufficiency of parking. He also noted the steepness of the property could present building challenges. In response to a question from Commissioner Peter Ginsburg on the types of potential businesses proposed for the development, Mr. Eddington noted current zoning would not accommodate light industrial or boat storage operations.

Mr. Frisby discussed his background as a civil engineer working in the area for many years and the history of the property which had been part of a family ranch prior to the creation of the Jordanelle Reservoir. He noted his original intention to build a family home on the property, but the character of the property had significantly changed since the annexation into Hideout and build out of surrounding developments. He stated he had considered selling the property, but the only inquiries he received were from developers interested in building more townhomes.

Mr. Frisby noted the location was near the proposed Town Center development which could be an attractive feature of the project, and the proposed concept was consistent with some of the goals listed in the Town's General Plan. He discussed the proposed mixed use commercial units which could support a variety of small businesses and potentially include residential units above ground level office and retail spaces. He was hopeful the space could include business such as a coffee and ice cream shop, gym or yoga studio, artist studios, and nail or hair salon. He discussed the proposed garage units which were planned for recreational boat rentals and services with space for up to six boats, to be stored inside the facility. He also discussed the concept for rental cabins which would be located next to the Jordanelle State Park.

Mr. Frisby discussed the proposed density which he felt the ERU's were consistent with surrounding neighborhoods, taking into consideration the small units proposed versus much larger single-family homes and townhome units in the area. He stated the footprint and building mass of the proposed concept was less than the equivalents if two homes were built on property as currently zoned. He also

stated he would work with Town Staff on a re-design of the project to address concerns with parking sufficiency, and that he would meet all ordinance and zoning requirements related to sensitive lands.

In response to a question from Commissioner Jonathan Gunn, Mr. Frisby stated he did not expect the proposed project to have a negative impact on the mountain and lake views from homes on Belaview Way. Commissioner Ginsberg asked if the proposed development would be similar to one on Forestdale Drive in Park City. Mr. Frisby replied it would be similar, but with a less industrial appearance and restrictions on outside overnight parking of business vehicles, trailers and equipment. Commissioner Ginsberg asked if there would be a limit on the number of retail frontage units to which Mr. Frisby replied he hoped to see as much storefront businesses as possible across a variety of business types.

Commissioners Gunn and Ginsberg shared their concerns with the proposed density within the existing residential neighborhood and potential problems with traffic backing onto Belaview Way which they felt would be getting busier with the new access to Jordanelle Parkway. Mr. Frisby suggested the new commercial businesses could result in fewer resident trips into Park City and thus offset some of the increased traffic at the development. Commissioner Donna Turner asked if the amount of proposed parking was sufficient and noted an exercise class, for example, could use all twelve parking spaces. She also suggested utilizing a design without flat roofs and that would appear less industrial. In response to additional questions, Mr. Frisby stated the proposed buildings would all be in line with the street, and no utility easements ran through his property.

Chair Matyszczyk shared his concerns about the relative lack of open space for the proposed project. Mr. Frisby noted the small property abutted the state park which was all open space and stated he could include an easement for trail connections across the property. Commissioner Joel Pieper asked how committed the Applicant was to this flexible commercial plan which seemed out of place in this location. Mr. Frisby responded he was open to other uses but would need to decide soon whether he would develop or sell the property.

Commissioner Rachel Cooper asked Mr. Frisby if he would consider a restaurant rather than the cabins. Mr. Frisby replied it would be dependent on finding the right partner, but he could look into it. Commissioner Glynnis Tihansky asked if the design could be revised to move the parking to avoid traffic backing onto the street.

Mr. Eddington thanked the Planning Commissioners for their input and agreed to work with Mr. Frisby on a re-design. He also reminded them of the zoning change that would be necessary to advance this project, and which would not exceed the existing “light commercial” designation currently in Town code.

Mr. Frisby was excused and left the meeting at 6:56 PM.

2. Presentation and discussion of an updated concept plan and potential Annexation of the Benloch Ranch property

Mr. Eddington provided an overview of the project and invited Messrs. Jason Boal, Jamie Mackay and Patrick McAlearney from Benloch Ranch development team to provide an update on their concept plan since their last presentation in December of 2022. Mr. Boal reviewed the development plan which he noted had not changed significantly since the December meeting and was consistent with the plan already approved by Wasatch County. Mr. Boal noted the annexation application had been submitted and the team wanted to address any questions or concerns from the Planning Commissioners as the annexation process moved forward.

Mr. Eddington asked if Phase 1 construction was underway. Mr. Mackay responded that both Phases 1 and 2 were ongoing, and work had commenced on landscaping entrances, acceleration/deceleration lanes and trail plans. The development continued to consist of 1,901 total units (2,046 ERUs) as approved by Wasatch County, and with a diversity of housing options. The exact mix of housing types would evolve with changing market conditions over the 8–14-year buildout period. Mr. Mackay noted there was an adjacent parcel under development by another partner which was not included in the annexation application or in the unit/ERU counts under discussion.

The Benloch team responded to a variety of questions from the Planning Commissioners regarding a timeline to commence the commercial development, a potential golf course, equestrian center and other amenities, whether the developer expected to request any significant variances from existing Hideout town code, and the extent of land disturbance necessary during excavation.

The Benloch team invited the Planning Commissioners to visit the site, either on their own or on a scheduled tour which they would help organize. Mr. Mackay stated they would be ready to submit a more detailed concept plan for review and approval in the coming weeks.

Commissioner Cooper asked if a financial plan had been shared with the Town regarding costs for ongoing road maintenance and other services. Mr. Mackay stated a third party financial analysis had been provided to the Town staff and economic development committee, and he expected the homeowners association (HOA) would be responsible for various services until such time as tax revenues to the Town would support these costs. Mr. Eddington added the financial analysis was included in the Annexation application and a fiscal impact analysis would be provided at a later stage of the process.

There being no further questions from the Planning Commissioners, the Benloch team was excused from the meeting at 7:35 PM.

V. Public Hearing

1. Discuss and make a recommendation to Town Council regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8182 and 00-0020-8184 (the “Bloom in Hideout” Development) from Mountain (M) zone to Neighborhood Mixed Use (NMU), Residential 3 (R3), Residential 6 (R6), Mountain Residential (MR), Residential 20 (R20), and Neighborhood Preservation (NP)

Ms. Jenni Hogan and Mr. Ryan Sapp, developers of Bloom in Hideout, joined the meeting to provide an update on the project and discuss the requested zoning changes the Planning Commission would be asked to approve at a future meeting.

Mr. Eddington reviewed the proposed zoning map which detailed the specific zoning for each area of the development and which tied in with the concept plan. Mr. Eddington clarified that the entire 72-acre eastern parcel would be requested for rezoning as detailed on the map (including a new Casita zoning designation), and the matter of a short-term rental overlay would be addressed either under a separate Ordinance approval and/or in the Master Development Agreement (MDA).

Ms. Hogan reviewed the updated map and stressed the project was intended as a resort development rather than a residential development, which would provide a different revenue stream to the Town than the existing residential communities. She also reported a Letter of Intent had been signed with a hotel developer. In response to a question from Commissioner Tihansky, Ms. Hogan explained the zoning change request would not include the western parcel as the team did not intend to develop it in the foreseeable future.

Ms. Hogan and Mr. Sapp answered several questions from the Planning Commissioners and discussed details of the projected tax revenues for the Town which had been presented to the Town's Economic Development Committee.

Commissioner Gunn discussed several items which he would like to see addressed. These items included written confirmation of sufficient water shares for each phase of the project, assurance that commercial development would be included in Phase 1, a limitation on flat roofs in the building design, a detailed phasing plan, a list of issues which might require approval of variances from zoning or code, and details on the plan to limit further development of the western parcel.

Chair Matyszczyk shared his concerns with the entire development being zoned for short-term rentals which could set a precedent for other developments to also request this status. Ms. Hogan reiterated that the location of this new resort development would not impact any existing neighborhoods, and the project's feasibility was tied into such rentals. Mr. Sapp noted the proposed development was less than half the density of the previously proposed development of this property.

Discussion ensued regarding parking for the amphitheater, community events planned for the space, and connectivity to the rest of the Town. Commissioner Pieper asked if there was an alternative plan if the requested short-term rentals were not approved. Mr. Sapp replied that would be a major change in plans and would require an evaluation of the economics, traffic study and infrastructure plans if certain components were excluded from short-term rental approval.

In response to questions from Commissioner Ginsberg, Mr. Sapp stated the team had secured a commitment from a financial partner with whom Mr. Sapp had worked on past projects, and that the hotel partner would purchase the property where the hotel would be located and would be responsible for obtaining design and other approvals from the Town.

There being no further questions from the Planning Commissioners, the Public Hearing was opened at 8:43 PM. Hideout resident Mr. Jim Gruber asked for clarification on terms for short-term rentals. The Public Hearing closed at 8:46 PM.

Mr. Sapp discussed feedback the team had received from a zoom call with a number of Golden Eagle property owners which was generally supportive of the project. This feedback included support for a relatively small amphitheater, and requests that views be preserved. Ms. Hogan stated the standards for managing short-term rentals could be included in the MDA.

There being no further questions from the Planning Commissioners, Ms. Hogan and Mr. Sapp were excused and departed from the meeting at 8:49 PM.

VI. Work Session (time permitting)

1. Discussion of potential Overlay Zone to allow for nightly rentals

Chair Matyszczyk noted the late hour and asked Mr. Eddington to provide a brief overview of this matter. Mr. Eddington shared a draft ordinance for a potential Overlay Zone which would allow for nightly rentals, and asked the Planning Commissioners to think about the criteria they would want to see included to set terms for such rentals. He suggested terms such as prohibiting such rentals in established developments and setting a minimum four-day stay might be worthwhile. He also noted this Overlay Zone could be broader than the Deer Springs Cottages project discussed at a prior meeting.

Commissioner Tihansky noted the HOA's in the various developments disallowed such rentals and would therefore disallow such existing neighborhoods being included in an Overlay Zone. Mr. Eddington agreed and reiterated such an approval would only be applied to new developments (or new

phases of an existing development) which could include Bloom at Hideout, Deer Waters, Deer Springs, Lakeview Estates, and future annexations.

Commissioner Ginsberg noted homeowners who have purchased homes with the understanding there were no nightly rentals in their community should be considered. Commissioner Pieper suggested the Deer Springs Cottages project could serve as a concept test. Commissioner Gunn noted the resident survey conducted in 2022 did not indicate support of nightly rentals.

Discussion ensued regarding ideas for managing such rentals and ongoing enforcement of Town policies. Town Attorney Polly McLean noted there were services available to help municipalities monitor and enforce policies related to such rentals.

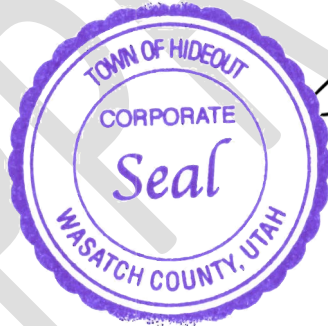
Commissioner Gunn suggested conducting a new resident survey focused specifically on nightly rentals under the conditions being discussed. Mr. Eddington thanked the Planning Commissioners for their feedback and agreed to do more work on the draft ordinance and a resident survey.


VI. Meeting Adjournment

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

Motion: Commissioner Gunn moved to adjourn the meeting. Commissioner Tihansky made the second. Voting Yes: Commissioner Cooper, Commissioner Gunn, Chair Matyszczyk, Commissioner Tihansky and Commissioner Turner. Voting No: None. The motion carried.

The meeting adjourned at 9:09 PM.




Kathleen Hopkins
Deputy Recorder for Hideout