

Minutes
Town of Hideout
Planning Commission Regular Meeting and Public Hearing
February 17, 2022
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on February 17, 2022 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order

Chair Tony Matyszczyk called the meeting to order at 6:08 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 Bruce Woelfle
Commissioner Rachel Cooper (alternate)
Commissioner Jonathan Gunn (alternate)

STAFF PRESENT:

Thomas Eddington, Town Planner
Polly McLean, Town Attorney
Cameron Platt, 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, Andrew Moran, Jared Fields, Karen Liebrecht, Jack Walkenhorst, Carol Tomas, Bret Rutter, Lee Hutter, Nate Rapuano, 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 January 20, 2022 Planning Commission.

Motion: Commissioner Woelfle made the motion to approve the January 20, 2022 Planning Commission Minutes. Commissioner Tihansky made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Turner, Sapp and Woelfle. Voting Nay: None. The motion carried.

IV. Public Hearings

1. Discussion and possible recommendation to Town Council regarding a Subdivision/Lot Amendment to Hideout Canyon lot 37 (parcel 00-0020-7851)

Chair Matyszczyk asked Town Attorney Polly McLean whether it was appropriate for the Planning Commission to approve this item if the Homeowners Association (HOA) had not yet approved it. Ms. McLean explained the Town and HOA had separate regulations and it would be appropriate to consider this item now and ask the Applicant about the status of the HOA approval.

Mr. Andrew Moran, the engineer representing the Applicant, stated it was his understanding the HOA was onboard with the Amendment subject to Town approval however he was not aware of anything in writing to this effect.

Mr. Thomas Eddington, Town Planner, provided an update on this matter since it was last discussed at the November 2021 meeting. He reminded the Planning Commissioners the Applicant was requesting a change in driveway location to provide a new point of entry to the lot and create separate driveways for Lots 36 and 37. He discussed the conditions of approval which had been addressed since the last meeting. These items included a revised plat to change the area around the retaining walls to be designated as common space rather than limited common space, confirmed retaining walls would meet Town Code, addressed a back out area for safety conditions, and confirmed the distance from the nearest driveway was 75 feet from the proposed new driveway location which would provide sufficient site lines. It was also noted the property owners of adjacent Lot 36 had provided their approval of the driveway change. He noted the approval could also be conditioned on approval by the HOA, which may be more restrictive. He indicated the Applicant had submitted both the home design and this lot amendment to the HOA so the approval processes were running simultaneously.

Commissioner Bruce Woelfle asked whether the design provided for turnaround in the driveway or would require backing out into the road. Mr. Moran replied it could be designed to provide for a turnaround space. Commissioner Woelfle asked about the retaining wall height, slope and curb height; Mr. Moran responded curb would provide safety in addition to the heated driveway. Mr. Moran noted the maximum slope was between 8% and 9%, and the curb would be a standard 6 inches. Commissioner Woelfle asked whether the driveway would lead straight into the garage. Mr. Moran noted it would.

Mr. Ryan Taylor, Town Engineer stated he agreed with Mr. Eddington's discussion of the issues and was available to answer any questions on the engineering review. Commissioner Glynnis Tihansky asked about the "triangles" noted on the plot map; Mr. Moran responded they are site triangles and indicate the site area for view of oncoming traffic and would limit landscaping within that location.

Commissioner Jonathan Gunn asked if courtesy notices were mailed to impacted neighbors. Town Clerk Alicia Fairbourne responded the public notice was filed twelve days prior to the meeting but there was no requirement to mail the notice to surrounding property owners. Ms. McLean confirmed individual mailing of the public notice was not required for this type of plat amendment. Commissioner Woelfle stated he had reached out to the property owners of adjacent Lot 36 to inform them of the requested plat amendment and this meeting, and noted they did not oppose it as they preferred not to have a shared driveway.

There being no further questions from the Planning Commissioners, Chair Matyszczyk opened the floor for public input at 6:26 PM. There were no questions from members of the public. The Public Hearing was closed at 6:28 PM. Chair Matyszczyk asked for a motion to make a recommendation to Town Council regarding the matter.

Motion: Commissioner Woelfle moved to make a positive recommendation to Town Council regarding Subdivision/Lot Amendment to Hideout Canyon lot 37 (parcel 00-0020-7851), subject to the conditions of approval included in the Staff Report and pending HOA approval. Commissioner Tihansky made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Turner, Sapp and Woelfle. Voting Nay: None. The motion carried.

2. **Discussion and recommendation to Town Council regarding a concept plan for the Boulders at Hideout Development**
3. **Discussion and recommendation to Town Council regarding a Master Development Agreement (MDA) to Town Council regarding the Boulders at Hideout Development**
4. **Discussion and recommendation to Town Council regarding an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 (the “Boulders at Hideout Development”) from Mountain (M) zone to Neighborhood Mixed Use (NMU), R20 (Residential 20), R6 (Residential 6), and R3 (Residential 3)**

Chair Matyszczyk confirmed each of the Planning Commissioners had visited the proposed development site.

Mr. Eddington provided an overview and update on the project since the last Planning Commission meeting and referred to the Staff Report included in the meeting materials which reflected several items which were updated to address comments and feedback from the Planning Commissioners. He noted the proposed development consisted of 112 acres, currently zoned Mountain (M) and with proposed concept density of 610 units/keys representing 577 Equivalent Residential Units (ERUs). He noted this density amounted to 5.35 units per acre. He detailed the proposed density would include 150 hotel rooms, a 20 room Bed and Breakfast, and 400 residential units across a variety of housing types. He asked the Planning Commissioners to consider their comfort level with the level of proposed density. He noted Messrs. McKay Christensen and Todd Amberry from the development team were present and available to answer any questions.

In response to questions from Commissioner Tihansky regarding the number and building types of the condominium units, Mr. Christensen noted there would be five buildings, each three stories with underground parking to take advantage of the property’s slopes. He noted there would be additional surface level parking. Commissioner Tihansky asked if the condominiums could be mixed in with the other housing options to provide for more variety; Mr. Amberry responded that would not be feasible as different builders would work on the various building types and at differing stages of the project. He also noted it would be complicated to mix the condominiums with other home types for a variety of construction, staging and logistical reasons. Mr. Christensen added there would be a variety of building architectural designs, floorplans, and elevations to suit the property’s topography

to avoid any monotonous appearances. Commissioner Woelfle noted it was critical to include a variety of building types to avoid the appearance of row homes.

Commissioner Tihansky stated she was uncomfortable with the overall proposed density and asked if there were other options which could concentrate more of the buildings and maximize open space. Commissioner Woelfle asked about the design of the condominium buildings; Mr. Christensen replied they would not be multistory town homes, but rather a stacked flat design, with central corridors and interior stairs and elevators, with approximately 21 units per building. He also stated there would be parking both beneath the units and outside, with additional visitor parking spaces also provided.

Commissioner Ryan Sapp noted the importance of sufficient parking and asked if the small homes would have garages. Mr. Christensen responded all homes would have two car garages at a minimum. He noted a more detailed parking plan would be developed to address questions raised regarding parking plans for the hotel, restaurants, fitness center and other amenities. He also noted details for the amphitheater would be forthcoming.

Commissioner Tihansky returned the discussion to the topic of density and probed on the potential to drastically reduce the residential units from the 400 range down to 200. Mr. Christensen explained the proposed level of density was required to support the investment in infrastructure and amenities required for the project. Mr. Amberry referenced the expected costs for water and sewer infrastructure and acceleration/deceleration lanes for SR-248 as examples of expensive outlays that would not be reduced with fewer units and reduced density.

Commissioner Donna Turner asked whether water rights had been secured. Mr. Christensen responded he was confident sufficient water rights would be obtained. Chair Matyszczuk asked how water needs could be calculated without more detailed landscape and irrigation plans. Mr. Christensen replied landscape plans would be submitted at the platting phase and noted calculations would be made for both culinary and irrigation water needs. He noted the intention to minimize disturbed areas around all the buildings to minimize irrigation needs.

Chair Matyszczuk asked about a potential underpass at SR-248. Mr. Amberry responded this was under discussion and the development team would contribute to this project in partnership with the Town and Utah Department of Transportation (UDOT). Mr. Christensen added this matter would ultimately be determined by UDOT, and while he was comfortable contributing towards the costs, he asked why other developers in the town had not been requested to participate in such a project. Commissioner Tihansky noted other developments had been approved under prior administrations. Chair Matyszczuk noted matching grant funds may be available to help pay for the underpass project.

Mr. Eddington asked what infrastructure items would qualify for Public Improvement District (PID) financing. Mr. Amberry responded some items which would benefit the taxpayers repaying the bond would be financed under the PID.

Commissioner Turner noted safety issues should be considered with pedestrian and bike crossing of SR-248; Mr. Eddington noted this was an important factor which would help in working with UDOT and seeking grant money. Commissioner Rachel Cooper asked whether a traffic light would be required at the development's main entrance; Mr. Amberry replied this decision would be driven by UDOT, based on demand determined by traffic impact studies and community input.

Commissioner Gunn asked to hear about plans for fire and emergency response services needs based on this proposed density and the Town's expected overall growth. Commissioner Sapp asked whether there would be a connection to the adjacent property (Golden Eagle) due east of the development. Mr. Christensen replied he would like to see this connection with Golden Eagle be a break gate rather than a permanent road to better manage traffic into the development. Mr. Taylor referred to the letter from T-O Engineering included in the materials and noted the Golden Eagle development parcel below this property could be a potential connection point for the two developments and the potential location for a traffic light. Commissioner Woelfle asked if an entrance could be constructed across from Hideout Trail; Mr. Taylor replied he had not studied the location but noted the land was owned by another developer and the steep grade could be an issue.

Commissioner Sapp asked if there was a lower number of any residential unit types the developer could build which would still work for the project. Mr. Christensen responded with the additional retail space and other amenities contemplated, he felt the project was appropriate, however if any reduction in housing could be managed it would be in the count of condominium units. He discussed potentially building street level retail space beneath the condominium units which could be converted into residential units if commercial leasing was not successful. Mr. Amberry added the residential density was expected to support the retail and other amenities to make the project a success. Mr. Christensen noted each condominium building would cost \$20-25 million to build, with 25% required in cash down payments and personal guarantees for the balance to be financed. He shared his concerns with carrying a large mortgage on property that could not be leased.

Commissioner Tihansky asked if it might be feasible to set aside 5-10 acres for the Town to develop for the retail component and reduce the number of residential units. Mr. Christensen replied that much acreage was not available.

Commissioner Turner asked if a retail area could be constructed closer to the entrance of the development. Mr. Christensen replied he would be concerned with that layout given homeowners would not be comfortable living next to such an area, and he noted 5-10 acres would support 100,000 square feet of retail space and the commensurate parking, which he did not believe would be viable. Mr. Christensen suggested any retail development should consist of small, mixed-use retail, perhaps 10,000-12,00 square feet, to be located near the hotel, restaurants, and other amenities, not separated from them. He also mentioned Town-owned property near the Ross Creek entrance to the Jordanelle State Park which could be developed for some commercial or retail use, either with this development team or other partners.

Commissioner Gunn noted existing Hideout residents still needed many commercial amenities, including restaurants with takeaway services and retail. Mr. Christensen replied the developer would perform a comprehensive plan with the Town to identify priorities, such as pizza and other carryout businesses which he hoped would be included in the development. Mr. Amberry reminded the Planning Commissioners of the potential grocery store location at the Black Rock intersection which has remained undeveloped after several years and was a much better location for such a business.

Commissioner Sapp asked about the timeline for the project if approved. Mr. Christensen replied they were hoping for a positive recommendation at this meeting to move forward to Town Council approval. Infrastructure and engineering design phases would then commence. Commissioner Tihansky referred to the Engineer's comments in the Staff Report and noted items such as retention

basins, road locations and grading could alter the density projections. She stated she would like to see open space maximized with the density concentrated in smaller footprints throughout the project. Mr. Amberry replied the development team would address the engineering items and would work tirelessly to accommodate as much of the Planning Commission and Town Council requests as possible.

Mr. Taylor noted the concept plan could vary greatly once the actual engineering review was conducted to evaluate the slopes and grading, which could reduce the potential density. He suggested a grading study be conducted as soon as possible to ensure the project could be built as envisioned and to meet the developer's economic requirements. Commissioner Tihansky noted the extensive excavation and flattening of the land in the Shoreline development which she hoped would not be repeated in this project. Mr. Amberry replied the project would be designed to maintain as much of the property's topography as possible.

Commissioner Sapp asked whether nightly rentals were envisioned for the various housing types beyond the hotel. Mr. Christensen replied they did expect nightly rentals for the condominiums and town homes at a minimum.

Ms. McLean noted the need to discuss the draft Master Development Agreement (MDA) and rezone request in addition to approval of the concept plan. She suggested the rezone approval be contingent on having certain conditions met. She also asked if the emergency access easement with Golden Eagle had been incorporated. Mr. Taylor responded yes, this easement had been addressed.

Commissioner Sapp asked how important nightly rentals were to the success of the development and noted his concerns with potential loss of a sense of community from extensive nightly or short-term rentals. Mr. Christensen replied nightly rentals were important as they would be an attractive selling feature for the units, although a final analysis of these economics had not been completed.

Commissioner Tihansky stated that beyond her concerns with the density, she liked the concept plan and was concerned if this development project was not approved, what might a future developer propose instead. She said she was inclined to approve the proposal subject to the conditions discussed and outlined in the Staff Reports.

Commissioner Woelfle asked about the locations of the casitas and their views and shared his concerns with the related density of the villas, casitas and town homes. Chair Matyszczyk asked about the lot sizes and square footage for the single-family homes; Mr. Christensen noted work needed to be done to finalize these details, but expected the average lot size to be 0.5 acres.

Mr. Taylor noted a large drainage area which may need to remain open in order to comply with Town Code for storm water management, and could impact this concept plan and road design.

Commissioner Cooper asked what the phasing plan would look like. Mr. Christensen replied the project would begin with infrastructure construction from the two entrances at SR 248 and construction of development pods after that. In response to Chair Matyszczyk's question regarding a timeline for moving forward, Mr. Christensen noted before they could close on the property purchase, initial priorities would include finalizing the MDA, addressing the rezone conditions, completing a more detailed concept plan and creating the PID. After that, platting would take place. They would begin planning with UDOT on the lane construction on SR-248 and potential underpass. He estimated

the engineering and code vetting issues would take 4-6 months, and initial road construction one year. He noted the planning with UDOT could take some time.

In response to a question from Commissioner Turner regarding excavation and view preservation, Mr. Christensen stated these matters would be addressed in the detailed platting process. Commissioner Turner noted the increased density was a lot to ask for, but she liked what had been proposed. She stated she did not want to approve the project without having the questions regarding parking, SR-248 pedestrian access and fire safety matters properly addressed. Mr. Christensen stated the development team had been working closely with Town staff, and he expected that would continue going forward as they worked to deliver the items the Town requested.

There being no further questions from the Planning Commissioners, Chair Matyszczyk opened the Public Hearing at 8:37 PM.

Mr. Bret Rutter, Hideout resident, noted the requested density of this project and the 20,000+ approved units in the surrounding Jordanelle area, and asked for specific analysis of “gets and gives” for the Town. He noted conflicted discussions regarding the challenges for successful retail as well as increased tax revenue for the Town. He asked for more specifics including analysis of a hotel’s expected tax revenues on both a gross and net basis. He did not see the need for more residential development in the Town and noted the sense of community would not be enhanced by overnight and short-term rentals. Beyond another pond, beach, pickleball courts, amphitheater and some possible retail, he stated he did not see what the Town would be gaining. He requested the Planning Commission be provided a summary of the financial “gets and gives” from the development. He noted the PID would be paid back, so there was not an out-of-pocket expenditure by the developer. He asked for specifics on what the Town would get versus its additional responsibilities to support the development.

Commissioner Woelfle stated he had not seen these financial details. Mr. Eddington said initial estimates for the specialty hotel’s tax revenue was between \$200,00 and \$250,000 per year, transient taxes were estimated between \$150,000 and \$200,000 per year, sales tax revenue for the remaining retail and residential property taxes at \$450,000 per year.

Mr. Christensen stated he estimated first year tax revenues of \$658,000 from hotel sales taxes, all property taxes, transient and retail taxes. He estimated growth to \$850,000 per year at buildout and \$1 million per year by year 5 in total tax revenues.

Mr. Rutter noted property taxes typically were spent on services, so should be netted out of additional tax revenue estimates. He noted these figures were not that compelling and suggested a better plan might be to maximize overnight accommodations in order to maximize tax revenues. He also asked if the rezone was approved and the developers were not able to proceed for any reason, could another developer come in and build more. He asked if another project might provide higher net revenues for the Town.

Ms. McLean asked about the methodology used to calculate Equivalent Residential Units (ERUs) and if it might be evaluated under different zoning classifications. Mr. Christensen suggested the MDA specify a limitation of ERUs granted to 577.

Mr. Jared Fields, attorney for Mustang Development, developer of the adjacent Soaring Hawk and Golden Eagle communities, asked if the rezone was granted and the project fell through, should a restriction on the total number of units be included in the approval. He noted the number of units was not included in the draft MDA included in the meeting materials. Commissioner Tihansky asked if the rezone approval could be granted specific to this development.

Ms. McLean discussed the rezone amendment ordinance which had just been circulated to the Planning Commissioners and would be included in the updated meeting materials and noted the rezone approval would be contingent on all conditions of approval being met and would be repealed if not so met within one year. She also discussed the draft MDA which was a placeholder and would be updated to include the various conditions discussed here and with the Town Council. She noted one of the main conditions included the developer's obligation to obtain sufficient water rights.

Ms. McLean suggested the Planning Commissioners vote on a motion which would contain all the conditions included in the Staff Report and added in this meeting's discussion. She reminded the Planning Commissioners they were being asked to make a positive or negative recommendation to Town Council, which would be meeting on this matter on March 3 and March 10.

There being no further public comments, the Public Hearing was closed at 8:55 PM.

Discussion ensued regarding the list of subject conditions to be considered in the approval. Mr. Christensen stated he was not comfortable with items which were not under his control, such as the potential underpass project, an access road from Golden Eagle or fire safety issues which would be guided by the county fire marshal, being listed as a condition of approval. Discussion also ensued regarding the maximum ERUs to be approved based on the final engineering and infrastructure analysis. Mr. Christensen stated he needed to know the number of ERUs to close on the property purchase.

Commissioner Gunn asked if the fire department determined a half-acre site was necessary to build a new fire station, would that be a deal killer for the developer. Mr. Amberry stated this fire marshal discussion would occur during the plat approval process, not the rezoning approval.

Motion: Commissioner Tihansky moved to approve a Concept Plan for the Boulders at Hideout Development, subject to the conditions of approval to be outlined in the Master Development Agreement. Commissioner Turner made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Turner, Sapp and Woelfle. Voting Nay: None. The motion carried.

Motion: Commissioner Turner moved to recommend to Town Council a Master Development Agreement regarding the Boulders at Hideout Development, subject to the following list of conditions of approval discussed per the Staff Reports:

- ***Maximum density allowance: +/-610 Units/"Doors" (or +/-577 ERUs; or 5.35 units per acre proposed)***
- ***Undisturbed area requirements shall be 45% of the site***
- ***A minimum square foot (or acreage allotment) for commercial development***
- ***All roads must meet the Town Code standards***

- *All trails and open space must be approved by the POST Committee*
- *Design Standards and review process shall be included in a Development Agreement*
- *Traffic analysis must be at a level B or higher for all areas of the proposed development*
- *Any updated zoning standards shall be applicable for the development*
- *An easement across The Boulders property to Golden Eagle to connect the two neighborhoods, for emergency access at a minimum*
- *Visitor parking shall be included to adequately address commercial, parks, trails and other users' needs*
- *The Applicant will work with the Town, Utah Department of Transportation and other parties to explore the feasibility of construction of a tunnel under SR-248 and will contribute to the cost of the project*
- *A plan for storm water drainage and retention basins will be created and meet Town Code and Engineering approvals*
- *A pond maintenance plan shall be created and approved by the Town Engineer*

Commissioner Tihansky made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Turner and Sapp. Voting Nay: None. Abstaining: Commissioner Woelfle. The motion carried.

Motion: Commissioner Tihansky moved to recommend to Town Council an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 (the "Boulders at Hideout Development") from Mountain (M) zone to Neighborhood Mixed Use (NMU), R20 (Residential 20), R6 (Residential 6), and R3 (Residential 3), subject to the conditions a) to limit Equivalent Residential Units (ERUs) to 577, b) the rezone will not take effect for one year, and c) the conditions of approval listed in the Master Development Agreement are met and inclusive of the following conditions of approval as discussed per the Staff Reports:

- *The density for the entire Boulders Concept Plan should be reduced or, at a minimum, shall be capped at 577 ERUs and in approximately the same configuration as included in the Applicant's ERU calculation table included in the Staff Report.*
 - *The Applicant indicated a reduction of density in the 'big house condos' could be considered, specifically to accommodate additional commercial development on the first floor(s)*
- *If infrastructure or site conditions limit are not suitable to allow a density up to 577 ERUs, the Planning Commission and/or the Town Council may limit the maximum allowable ERUs*
- *A minimum of 45% (or 50 acres) of the proposed Boulders Concept Plan (112 acres) shall remain undisturbed – trees, vegetation, slope, etc. shall remain in a natural condition.*
- *The Boulders Concept Plan layout shall take precedent at time of Subdivision application (Preliminary Plat) when considering massing and building typology.*

- *A Public Infrastructure District (PID) may be requested by the Applicant. This requires approval by the Town Council.*
- *Determine a minimum threshold for NMU commercial development – a minimum square feet dedicated to commercial uses. This development (retail pad) as well as the hotel, the bed-and-breakfast, and the community center (fitness center, etc.) must be incorporated into the first phase or two of any permitted development activity (complete by award of any building permits for ERUs associated with the second half of the project).*
- *A financial contribution to an underpass under SR248 (location to be determined) in the amount of \$2.5mn - \$5mn; Town Council to review and determine.*
- *Any approved rezoning approval would be contingent upon the Applicant successfully addressing all conditions (as incorporated into a Master Development Agreement) within one year. If any of the conditions of the Development Agreement aren't met by February 17, 2023, (one year) then the Rezone Ordinance will no longer be effective and shall be repealed. The zoning for the full 112-acre site will revert back to the original Mountain (M) zoning designation.*
- *Consider finalizing (and reducing the breadth of) the zoning district boundary lines at time of subdivision application.*

Commissioner Sapp made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Turner, Sapp and Woelfle. Voting Nay: None. The motion carried.

V. Meeting Adjournment

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

Motion: Commissioner Woelfle moved to adjourn the meeting. Commissioner Tihansky made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Tuner, Sapp and Woelfle. Voting Nay: None. The motion carried.

The meeting adjourned at 9:17 PM.



Kathleen Hopkins
 Kathleen Hopkins, Deputy Town Clerk