

Minutes
Town of Hideout
Planning Commission Public Hearing and Regular Meeting
March 18, 2021
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Public Hearing and Regular Meeting on March 18, 2021 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order and Reading of Chair Matyszczyk's No Anchor Site Determination Letter

Chair Matyszczyk called the meeting to order at 6:04 PM and read the no anchor site determination letter in its entirety. All attendees were present electronically.

II. Roll Call

PRESENT: Chair Tony Matyszczyk
Commissioner Ryan Sapp
Commissioner Glynnis Tihansky
Commissioner Donna Turner (arrived at approximately 7:00 PM)
Commissioner Bruce Woelfle
Commissioner Rachel Cooper (alternate)

STAFF PRESENT: Thomas Eddington, Town Planner
Polly McLean, Town Attorney
Ryan Taylor, Town Engineer
Alicia Fairbourne, Town Clerk
Kathleen Hopkins, Deputy Town Clerk
Kent Cuillard, Public Works

OTHERS IN ATTENDANCE: Nate Brockbank, Glen Gabler, Chris Ensign, Wade Budge, Kurt Shadle, Frank Pizz, Tom Sly, Dale Aychman, Grant Petersen, Carol Haselton, Abbi Kau, Dillon Bliler, Greg Faulconer, Brian Cooper, Gregg Straus, Bob Nadelberg, Peter Harrison, Mary Freeman, Carol Tomas, Jared Fields, Scott DuBois, Craig Jensen, Meryl Sonon, JP Gorell, Jack Walkenhorst, Carolyn Davis, Rae Sapienza, Sheri Jacobs, Liz Masciopinto, Martina Nelson, Vivian Gayol, Mike Selman, Mark Rubin and others who may not have signed in using proper names via Zoom.

III. Approval of Meeting Minutes

There were no comments on the minutes of the February 18, 2021 Planning Commission meeting.

Motion: Commissioner Tihansky made the motion to approve the February 18, 2021 Planning Commission Minutes. Commissioner Cooper made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Sapp, Tihansky, and Woelfle. Voting Nay: None. The motion carried.

IV. Agenda Items

1. KLAIM: Update regarding retaining walls (proposed changes from original approval)

Mr. Thomas Eddington, Town Planner provided background on the retaining walls under construction in the KLAIM subdivision which deviated from the plans originally approved by the Planning Commission. The Town Engineer issued a stop work order on the wall construction when it was identified to be out of conformance with the approved design, and the Planning Commission was being asked to consider approval of the new design. Mr. Ryan Taylor, Town Engineer reported the altered design was structurally sound.

Commissioner Bruce Woelfle noted the altered wall design was completely different than other retaining wall designs throughout the town and asked if there was a plan to add a stone facade to make the walls look more like the initially approved design. He also shared his concerns with the developer's decision to commence construction without obtaining the proper approvals. Mr. Taylor noted the developer may have been following procedures for making changes in the field which the previous town administration had permitted. Mr. Eddington added he was awaiting a final landscape design plan from the developer which he expected would include appropriate plantings to enhance the appearance of these retaining walls.

Commissioner Glynnis Tihansky asked if this approval could be postponed until a final landscape plan was reviewed. Chair Matyszczyk responded yes, that would be appropriate.

Commissioner Woelfle asked if the design modification was intended as a cost cutting measure. Mr. Taylor responded no, the developer had stated the change was made to enhance the aesthetics and better tie-in the wall design with the architecture of the development.

Commissioner Ryan Sapp asked about the life expectancy of the proposed walls. Mr. Taylor responded probably 50-100 years, depending on soil and environmental conditions.

Commissioner Woelfle noted his concerns with relying on any landscaping to mask the design and asked who would be responsible for ongoing maintenance of the landscaping. He also noted the proposed walls did not conform with the overall design depicted in the marketing materials for the development. In response to his question regarding potential addition of a stone front to this design, Mr. Taylor stated it may not be a viable solution, as the design did not seem to incorporate any sort of stone facade.

Commissioners Tihansky and Sapp noted this design was in use in other areas including a school and the Colony development in Park City. Discussion ensued regarding the possibility of approval of this design for the walls which were started and moving to the previously approved design for remaining walls. Mr. Eddington agreed to discuss this with the developer in addition to the landscaping design proposal.

Commissioner Sapp asked if the delay in obtaining approval to complete the walls would adversely affect the developer's ability to continue construction and to sell units. Mr. Taylor responded the necessary state approvals had been obtained. Chair Matyszczyk responded the developer was responsible for any delays as he had commenced this construction without obtaining the proper approvals. Town Attorney Polly McLean asked if the completion of

retaining walls was required to obtain the final plat. Mr. Taylor responded it was included in the bond posted, but before the overall project was completed and accepted, some form of wall would need to be completed.

Mr. Chris Ensign, developer of the KLAIM project, addressed the Commission and stated the changes were made to enhance the appearance of the development and to differentiate the design from other communities in Hideout. He noted the altered retaining walls were actually more expensive to build than the originally approved design but he thought it was a better look than the stacked boulder walls typical to other developments. He stated he would comply with the Commission's decision on the wall design and would submit the requested detailed landscape plans in advance of the next Planning Commission meeting. Discussion ensued regarding the photographs and dimensions of the proposed wall design which Mr. Ensign noted included the same stone used in the building construction. Mr. Ensign also stated the completion of these retaining walls would not impact his ability to complete sales of the units.

Chair Matyszczyk asked for a motion to postpone any approval of the revised retaining wall design until the Commission had the opportunity to review the final landscaping plans.

Motion: Commissioner Woelfle made the motion to table the approval of a revised retaining wall design for the KLAIM development. Commissioner Tihansky made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Sapp, Tihansky, and Woelfle. Voting Nay: None. The motion carried.

Mr. Ensign was excused and left the meeting at 6:45 PM.

V. Public Hearings

1. Public Hearing for Deer Waters Phases 3 and 4 Final Subdivision

At Chair Matyszczyk's request, Mr. Eddington provided background on this matter and noted Phases 3 and 4 of this development were originally approved as one Phase (Phase 3) and the approval expired prior to requalification. He noted the unit count of the proposed project was a bit lower than had been originally approved, to now consist of 22 units each in Phases 3 and 4, and to be located on ten acres (approximately five acres for each Phase).

Mr. Eddington referred to the Staff Review Report provided to the Commission which discussed several improvements to the plan and his recommended conditions of approval. Mr. Eddington noted the inclusion of a park and playground area in this Phase and discussed the outstanding items which included retaining wall design, landscape plans, and timing for park and trail construction. Mr. Taylor confirmed he was comfortable with the proposed street widths in the plan. In response to a question from Chair Matyszczyk regarding the amenities to be included in the park, Mr. Nate Brockbank, developer, responded the plan included two pickleball courts, a playground, picnic tables and trails and noted the park would be open to the entire Hideout community.

The Commissioners asked several questions including location of parking within the development, whether a fence would be constructed around the pickleball courts, location and types of sidewalks, landscaping and types of shade trees proposed and location of trails. Mr. Brockbank noted all the homes would have two car garages and two parking spaces in each driveway.

In response to a question from Commissioner Sapp, Mr. Brockbank clarified he was the developer of the project, in partnership with the builder Holmes Homes.

Mr. Brockbank noted the development agreement approved 112 lots, but the revised design had reduced the number to 102 lots. He also stated the new design alternated the building types to avoid a rowhouse appearance.

Mr. Brockbank discussed the status of roads within these phases and noted Shoreline Road was already completed. He added the Phase 3 road was almost done, and he would break ground on the bottom road upon approval. He also stated all the lots that were ready had been sold. Mr. Brockbank added he would also commence building Lakeview Estates this year. Lakeview Estates and Deer Springs also would have parks built next year.

Discussion ensued regarding the landscape plan, picnic tables, benches, trash cans, grilling facilities, water fountains. It was noted the Homeowner's Association (HOA) would be responsible for maintaining trash cans and it was determined there would be no grilling facilities included in the plan. Mr. Brockbank noted no bathroom facilities were included in the proposal, and was he was open to including water lines for drinking fountains.

There being no further questions from the Planning Commission, Chair Matyszczyk opened the floor to public comment at 7:20 PM.

Mr. Kurt Shadle, Hideout resident, stated he was a Town Council member when this development was initially negotiated and vouched for Mr. Brockbank's good work. He suggested adding drip irrigation in the park to help with landscaping success. Mr. Brockbank agreed to this.

Ms. Meryl Sonon, resident of Jeremy Ranch asked about pricing in Lakeview Estates. Chair Matyszczyk responded the discussion was open to the Deer Waters development only.

There being no further comments from the public, the Public Hearing for Deer Waters closed at 7:24 PM.

In response to Mr. Eddington's question regarding the expected timeline for the park construction, Mr. Brockbank responded he expected to begin this construction in July or August of 2021, once the necessary infrastructure construction was completed.

Mr. Brockbank agreed to include four to six additional parking spaces near the park, bike racks, benches near the pickleball courts, fences around the pickleball courts, and water lines for drinking fountains and drip irrigation.

Motion: Commissioner Tihansky made the motion to approve the Deer Waters Phase 3 and 4 subdivision, subject to the developer meeting the conditions outlined in Mr. Eddington's Staff Review report which would also include the addition of four to six additional parking stalls near the park, approval of the final landscape plan, the addition of bike racks and benches in the park, inclusion of fencing around the pickleball courts and water lines for drinking fountains and drip irrigation in the park. Commissioner Woelfle made the second. Voting Aye: Commissioners Matyszczyk, Sapp, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried.

2. Public Hearing for Shoreline Phase 2 (amended) and Phase 3 of the Shoreline Subdivision (continued from February 18, 2021 meeting)

Chair Matyszczyk stated the discussions and public comment sessions would be separate for the two Shoreline Phases under consideration. He stated the public comments would be limited to these two items only, and any specific Shoreline homeowner issues should be discussed directly with the developer and/or the HOA.

Mr. Eddington provided an overview of the amended Shoreline Phase 2 application. He noted the proposed development consisted of 46 lots on 9.5 acres. He noted several terms of the Master Development Agreement (MDA) and Master HOA which were under review, including compliance with the 25% open space requirements. In response to a question from Chair Matyszczyk regarding the status of a secondary access road, Mr. Taylor noted this was a condition discussed in his report to the Commission and was tied in with the construction schedule for Lakeview Estates. Mr. Taylor stated the secondary access road for Shoreline Phase 2 was expected to be shared with Lakeview Estates, but it was not certain whether Lakeview Estates construction would commence this year which left an open question regarding the status of such access for Shoreline Phase 2.

Mr. Eddington noted the developer was requesting an exemption to allow for 23-foot road widths versus the current town ordinance requiring 26-foot widths. He stated the development was originally approved by the Planning Commission and Town Council in 2016 as preliminary and the Commission was being asked to consider a final approval of the plan.

Mr. Eddington discussed trail connectivity, density allotment and open space. He noted he was still working with the developer to understand the calculations for open space which were described in the Master Development Agreement with Mustang, LLC. He hoped to have this analysis completed before the next Planning Commission meeting. He noted there were outstanding questions on the scale of the proposed retaining walls, the impact of steep slopes and a final landscape plan.

Mr. Glen Gabler, developer of the Shoreline project, addressed the Commission. He discussed the amended Phase 2 proposal which reduced the number of lots, eliminated 4-plex units and modified the driveway design along a new road. He noted the architectural style of the development would be comparable to Shoreline Phase 2.

Commissioner Woelfle asked about setbacks. Mr. Gabler responded the driveway sides would be a minimum of 20 feet minimum with more along the back sides of the lots.

Commissioner Tihansky asked about road widths and sidewalks. Mr. Gabler responded Phase 2 road widths were previously approved for 23-feet, and Phase 3 was proposed for 26-feet which was wider than the original approval and comparable to the roads in Deer Waters. Chair Matyszczyk asked about secondary road access and the status of Fire Marshall approval of the design. Mr. Wade Budge, attorney for the Shoreline development, responded discussions with the Fire Marshall were ongoing and he was confident they would be able to satisfy all safety requirements. He added they were seeking input on the proposed design at this meeting and would be ready to submit their final proposal at the next Planning Commission meeting. Mr. Gabler discussed the location of a temporary access road which would be discussed with the Fire Marshall.

Mr. Gabler discussed the proposed retaining walls and noted the plans were under review by the Town Engineer. He stated he had also submitted his geo-tech engineering report on design and inspection criteria. Regarding the slope stability concerns which Mr. Eddington discussed, Mr. Gabler referred to a recent submission of updated civil engineering plans which should address those issues. He also reported updated landscape design plans were recently submitted for review.

In response to a question from Chair Matyszczyk regarding the status of an aspen grove, Mr. Eddington noted it was still there and he would inspect to confirm it was still close to the plan. Mr. Gabler stated none of the aspen trees had been removed.

Commissioner Tihansky stated Phase 2 was fairly well-designed, with nice open spaces and sufficient space between the rows of buildings. She noted her concerns with this amendment to Phase 2 and Phase 3 which appeared to be very closely situated with a resulting rowhouse appearance. Mr. Taylor noted the Phase 3 amendment changed the fronting of the units which really

connected it with Phase 2. He suggested the Phase 2 amendment be changed to become part of Phase 3 given their similarities. Mr. Gabler agreed to do this if the HOA would approve the change.

Commissioner Rachel Cooper asked about guest parking spots. Discussion ensued and Mr. Gabler agreed to add a number of additional visitor spots.

Commissioner Donna Turner asked whether there could be any single-family homes included in the proposed development. Mr. Gabler responded these homes would most likely be part of Phases 4 through 9.

Commissioner Woelfle asked about open space, trails, and parks in the overall Shoreline development. Mr. Gabler stated the park in Phase 2, trails and benches would be completed this summer. Mr. Gabler also noted the trail system would connect to other trails. Mr. Eddington noted there was not a large open space area and referenced the very broad definition and calculation of open space in the MDA which did not require contiguous open space in the design.

Chair Matyszczyk asked about various amenities described in the plat approval and preliminary MDA which did not appear to be included in the proposal. Mr. Gabler responded the planned clubhouse with community pool and other amenities was approved in 2016 and would probably be constructed during Phase 4 development upon completion of the necessary infrastructure.

Commissioner Cooper asked about the compaction of fill dirt recently moved to this area. Mr. Gabler responded ongoing compaction had been conducted and independent geo-tech reports had been provided to the Town Engineer.

Commissioner Turner asked about the changes in building layout, the number of proposed units and what the variability of the facades would be to break up the rowhouse appearance. Mr. Gabler noted there were two different building types with changing elevations, different color palettes and varying amounts of stone, stucco, and wood on the exteriors. Mr. Eddington noted this monotony was one of the concerns noted in his report which did not meet the current town code.

There being no further questions from the Planning Commissioners, Chair Matyszczyk opened the meeting to public comment at 8:17 PM.

Mr. Bob Nadelberg, member of the Hideout Town Council, asked about the status of a large dirt pile visible from his home and which appeared to be in violation of HOA guidelines. Mr. Gabler responded this was stockpiled topsoil and fill material which would be moved over the summer to a location in the Phase 4 area.

Mr. Kurt Shadle stated the Shoreline development had been approved by a previous town administration in a non-arm's length manner, with the result being a highly dense, unvaried layout lacking sufficient open space. He noted the view of the community from SR 40 showed a tightly packed design of row houses which he hoped would not be repeated in the upcoming phases of development. He added this development design would be cited as a future case study in poor town planning and he urged the developer GCD to reexamine its proposal to deliver a better design plan.

Mr. Tom Sly, Hideout resident, concurred with Mr. Shadle's comments and shared his concerns that Shoreline would look like a public housing development.

There being no further public comments, the Public Hearing on the Shoreline Phase 2 amendment closed at 8:26 PM.

The discussion moved on to the Shoreline Phase 3 proposal. Mr. Eddington referred to the comments included in his report, many of which were similar to the concerns previously noted regarding the Phase 2 amendment. Mr. Gabler discussed the proposed design which consisted of 47 mostly duplex units to be built on 9.3 acres. He highlighted new roads which complied with the town's 26-foot widths. He noted the landscape plans had been submitted, the architectural plans

were under review by the Design Review Committee and the civil drawings were submitted to the Town Engineer.

Chair Matyszczyk noted the same questions regarding the secondary access road as previously discussed regarding the amended Phase 2 proposal. Mr. Gabler noted the location for a potential temporary road within Phase 3; Mr. Budge added the discussions with the Fire Marshall were ongoing and they would report back on the results of this discussion.

Commissioner Woelfle asked if there would be both uphill and downhill facing models in the development. Mr. Gabler responded the proposal represented mostly downhill oriented buildings with similar style architecture and with varying elevations.

In response to a question from Commissioner Woelfle regarding setbacks, Mr. Gabler noted the driveways would be staggered to break up the building layouts.

Mr. Eddington noted comments from his report regarding the trail plan which differed from the initial approval. Mr. Gabler provided an overview of the trail plan which would connect with the surrounding trail system and which he anticipated constructing this summer.

In response to a question from Commissioner Tihansky regarding the feasibility of mixing in some duplex units with the proposed 4-plex units to break up the layout and preserve neighboring views, Mr. Gabler noted the design had been made to maximize the views for the proposed units.

In response to a question from Commissioner Cooper regarding the landscape plan, Mr. Gabler noted there would be landscaping around each building and pocket areas as well as at the entrances and along roads. Mr. Eddington asked for the final landscape design to take into consideration potential slope erosion.

In response to comments from Commissioners Tihansky, Turner and Woelfle regarding the dense, rowhouse appearance of the plan, Mr. Budge responded the density had previously been approved and they were following the terms of the MDA. Mr. Budge added they evaluate the comments received and make changes where appropriate, but generally did not see any examples where they were not in conformance with the guidelines and restrictions of the MDA.

Commissioner Cooper asked if there would be a new mailbox location for this new phase of the development, and if so, where would it be located. Mr. Gabler stated the decision for additional mailbox locations was up to the postmaster.

Mr. Eddington asked about heights for retaining walls in the plan. Mr. Gabler replied a geo-tech report was recently sent to Mr. Taylor with those details. He added he may be able to eliminate some retaining walls depending on the adjacent development of Deer Waters and Lakeview Estates.

There being no further questions from the Planning Commission on the Shoreline Phase 3 proposal, the meeting opened for public comment at 8:44 PM.

Mr. Dale Aychman, Shoreline Phase 1 resident, noted the previously discussed photo of Shoreline taken from SR 40 was actually a few years old and did not reflect the additional building completed in the development. He went on to ask whether the snaking design of Deep Water Drive was safe for emergency vehicle access and inquired whether it could connect with the existing road along the southern section. Chair Matyszczyk commented this was part of the discussion underway with the Fire Marshall. Mr. Gabler cited the grading and slope of the land and restrictions in civil engineering code which limit the distance between road stubs were factors in the road design.

Mr. Aychman asked about the heavy equipment utilizing Shoreline Drive and the resulting damage in the Deer Waters area. He noted traffic of up to 50 dump trucks per day in this residential neighborhood and asked how to get them off Shoreline Drive and also asked who was responsible for making repairs to the road. Chair Matyszczyk noted enforcement issues were outside the

purview of the Planning Commission and the scope of this public hearing. Mr. Aychman noted his frustrations with GCD not accepting responsibility for such road damage. Mr. Budge responded this was an operational matter and not part of this discussion.

Mr. Brian Cooper, Shoreline resident and member of the town's Infrastructure Committee stated his concerns with the many construction problems identified in Shoreline Phase 1 being repeated in future phases and requested GCD prepare a suitable plan for slope erosion remediation in the design.

Mr. Cooper also asked about the status of the trail along Shoreline Drive which did not appear to be finished. Mr. Gabler stated this trailhead was temporary and would be finished and appropriately tied into future trails.

Town Council Member Carol Haselton concurred with the comments of Messrs. Shadle and Aychman regarding the excess of straight building rows and density within the proposal which she felt were not what homeowners expected when moving to Shoreline. She stated her concerns regarding the service road issues discussed and noted the situation would worsen with the upcoming mud season. Mr. Gabler responded his firm had not recently had trucks carrying fill on these roads, and other developers and builders were also currently using the roads for construction. Ms. Haselton reiterated these trucks were causing damage to the road.

Mr. Nate Brockbank asked whether there was asphalt down on the roads in Shoreline Phase 3, to which Mr. Gabler responded no. Mr. Brockbank commented that in addition to the proposed Shoreline plan blocking the views in his development, he stated the GCD heavy trucks had caused damage to Shoreline Road which Mr. Brockbank was responsible for repairing at a cost of over \$100,000.

Ms. Carol Tomas asked about connectivity of the Shoreline development with future neighborhoods. Chair Matyszczyk noted this public hearing was only open to discussions of Shoreline Phase 3 and the Planning Commission was not able to comment on development plans not yet proposed.

There being no further public comments, the public hearing closed at 9:07 pm.

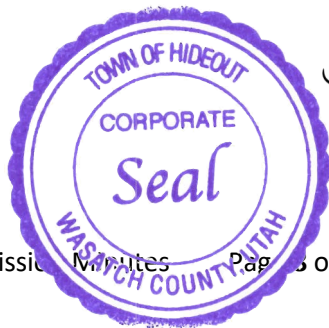
Mr. Budge stated he and Mr. Gabler would take into consideration the comments heard at this meeting and would come back to the Planning Commission at its next meeting to seek approval of final proposals for both the Shoreline Phase 2 amendment and Phase 3. Chair Matyszczyk stated he would like to see the road and safety issues resolved with the Fire Marshall before moving forward.

VI. Meeting Adjournment

There being no further business, Chair Matyszczyk asked for the meeting to be adjourned.

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

The meeting adjourned at 9:10 PM.




Kathleen Hopkins, Deputy Town Clerk