

Minutes
Town of Hideout
Planning Commission Site Visit, Regular Meeting and Public Hearing
September 16, 2021
6:00 PM

The Planning Commission of Hideout, Wasatch County, Utah met in Public Hearing and Special Meeting on September 16 2021 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order

Chair Matyszczyk called the meeting to order at 6:09 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 (arrived at approximately 6:12 PM)
Commissioner Glynnis Tihansky
Commissioner Donna Turner
Commissioner Bruce Woelfle
Commissioner Rachel Cooper (alternate)

STAFF PRESENT:

Thomas Eddington, Town Planner
Polly McLean, Town Attorney
Timm Dixon, Head of Public Works and Engineering
Alicia Fairbourne, Town Clerk
Kathleen Hopkins, Deputy Town Clerk

OTHERS IN ATTENDANCE: Nate Brockbank, Paul Watson, Chris Ensign, Jared Fields, Jonathan Gunn, Carol Tomas, Mike Rost, Kathleen Shepley, Sean Philipoom 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 August 9, 2021 Planning Commission meeting.

Motion: Commissioner Tihansky made the motion to approve the August 9, 2021 Planning Commission Minutes. Commissioner Woelfle made the second. Voting Aye: Commissioners Cooper, Matyszczyk, Tihansky, Turner and Woelfle. Voting Nay: None. The motion carried

IV. Discussion of Site Visits: Deer Springs and Creekside

Town Planner, Thomas Eddington provided a brief overview of the site visits the Planning Commission conducted at 5:00 PM prior to the Regular Meeting. The Commissioners first visited a proposed apartment building site in Deer Springs and then visited Creekside, a potential annexation site consisting of approximately eight acres.

There were no actions taken by the Commissioners during this visit.

V. Work Session

Discussion regarding Apartment Building at Deer Springs for future phasing.

Mr. Eddington provided an overview of the concept plan for a potential apartment complex in the Deer Springs development which the Commissioners had visited prior to the Meeting. He noted the developer, Mr. Nate Brockbank had originally submitted an application for the Deer Springs development in January of 2020 and the area was zoned as Mountain Residential which required a density of one home per acre. Mr. Brockbank was asking the Commissioners for comment on a potential request to re-zone an eight-acre parcel of this development to accommodate the construction of a four-building apartment complex to consist of 96 units. The developer also proposed the inclusion of two small neighborhood commercial buildings as part of the project. Mr. Eddington noted the relative steepness of the proposed site and noted the complex would be constructed on the least steep sections. Commissioner Bruce Woelfle noted this project would create much more density than the original zoning.

Mr. Brockbank and Mr. Paul Watson, the project engineer, provided additional information on the proposal and answered several questions from the Commissioners. It was noted resident parking would be included beneath each apartment building as well as behind the buildings, with two parking spaces available to each apartment. The potential commercial building sites could accommodate several small businesses, perhaps with small retail on the first floor and office spaces above. The apartment complex would include an approximately 2,500 square foot club house which would most likely be open only to the apartment residents. Commissioner Turner noted the steepness of the proposed club house location; Mr. Brockbank responded it was a buildable location but he would confirm the exact grade and report back to the Commission.

Commissioner Glynnis Tihansky shared her concerns with the amount of density proposed for a relatively small and steep location. Commissioner Ryan Sapp asked if the property taxes would belong to MIDA or the Town. Commissioner Donna Turner had questions regarding the adjacent power lines and electrical transformers. Mr. Brockbank noted the proposed site was within the required 20-foot utility easement; Mr. Watson agreed to research the location of the transformer equipment which was not included in the proposed project map.

In response to Commissioner Rachel Cooper's question regarding the sizes of the proposed apartments, Mr. Brockbank stated they would consist of 1-, 2- and 3-bedroom units ranging from 750 - 1,500 square feet. Mr. Brockbank added he expected to include 10-15 units dedicated to work force housing, and he stated the project would be for long-term rentals.

Mr. Brockbank stated he was not seeking action from the Commissioners at this meeting but only feedback on the concept. He noted he would be comfortable building townhomes in this parcel as originally planned and which would be constructed at a much later phase. Commissioner Turner noted the existence of the nearby Deer Mountain apartment complex and asked if the community needed more of this type of housing. Mr. Brockbank stated Deer Mountain Affordable Housing complex received various tax credits which may provide for more lenient income levels than his proposed project.

Mr. Watson discussed the building locations relative to the slopes of the property and noted the intention to locate the underground garages in the steepest areas to minimize the need for retaining walls.

Commissioner Woelfle stated he was not opposed to the project in general but would like to see less density. He also requested the developer consider including a transit stop at the apartment complex. Mr. Brockbank answered questions on entrances to the project and potential traffic signs required and noted the access from Jordanelle Parkway was already approved by Wasatch County.

In response to Commissioner Turner's question regarding the ownership of the apartment complex, Mr. Brockbank stated he and his partners would own and manage it, and he had developed several similar projects throughout the country. Commissioner Cooper asked if Mr. Brockbank had experience in managing apartment complexes to which Mr. Brockbank responded he did.

Mr. Brockbank stated he would continue working with Town Staff on the concept and research the best structure to include appropriate revenue sharing from commercial development with the Town.

Mr. Brockbank reiterated he did not wish to push through a project that did not work for the Town, and if this was not acceptable, he would proceed with the original plan to eventually construct the 32 town homes already approved. He thanked the Commissioners for taking time to visit the site and for their consideration of this concept. Mr. Brockbank and Mr. Watson were excused and left the meeting.

VI. Public Hearings

1. Ratification of KLAIM Phases 1 and 2 subdivision and plat amendment

Chair Matyszczyk asked Town Attorney, Polly McLean to provide background on this item. Ms. McLean noted the KLAIM project was well underway, with Phase 1 approved and Phase 2 in process. She noted while the original plat was approved in December of 2014, there was no record of the final plat being included. Therefore, to ensure the final plat was properly recorded, public comment was being requested at this time and the Planning Commission was being asked to consider it for formal recommendation to the Town Council. Mr. Eddington added KLAIM Phase 1 was already complete, and this was somewhat of a formality to ensure the plat was officially recorded.

In response to a question from Commissioner Cooper, Mr. Chris Ensign, developer of KLAIM described the location of the existing and future phases of the development. He noted the current excavation underway was for Phase 2 and owners had already moved into several Phase 1 units.

After further comments from the Commissioners, Chair Matyszczyk opened the floor to public comments at 7:05 PM.

Mr. Jared Fields, attorney for Mountain Resort Land Company (MRLCo), stated his comments were not intended to prevent the requested approvals, but he wanted to note an adjacent parcel between KLAIM and Soaring Hawk which was owned by MRLCo and would abut a proposed fire access road. He noted the subdivision plat did not show the parcel, and he requested future KLAIM phases consider this parcel in order to ensure it would not become "landlocked" by any secondary access road. Mr. Ensign agreed to review this matter directly with MRLCo and noted approvals had been obtained from UDOT for current and contemplated road access to SR 248. He noted the fire access road discussed was specifically for emergency use and not for vehicular traffic.

There being no further public comment, the Public Hearing for KLAIM was closed a 7:14 PM.

Motion: Commissioner Tihansky moved to accept and forward to Town Council the Ratification of KLAIM Phases 1 and 2 plat amendment. Commissioner Turner made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Turner, Woelfle and Sapp. Voting Nay: None. The motion carried.

2. Continue discussion of the Official Zoning Map of the Town of Hideout and potential recommendation to Town Council

Chair Matyszczyk reminded the Commissioners discussion of this item had been continued from the last meeting and public hearing. Mr. Eddington provided updated versions of the zoning map for discussion. He noted the Initial Map was intended to reflect zoning based on Master Development Agreements (MDAs) and existing construction. He noted the density pods previously shown were removed from this map as they were not officially zoning but rather supplemental information related to the zoning and were displayed on a secondary map. He went on to highlight various details on the map and discussed the details surrounding the Master MDA. He noted the zoning as reflected in the Town's 2009 General Plan, 2016 Zoning Map which did not reflect annexation activity or Deer Springs subdivision and the 2019 General Plan map which did not appear to accurately reflect several areas based on MDAs and existing zoning. He stated this exercise was intended to provide clarity on what was currently approved and/or built and to adopt a final official zoning map which reflected the current status.

Ms. McLean added although the 2009 and 2016 maps were labeled "zoning map," there was no record of a town ordinance which approved and adopted either map as the official Town Zoning Map. She noted the 2016 map had been used at a Town Council meeting but there was no evidence it had been officially adopted. Likewise, the 2019 map was included with the Town General Plan, but again, the map was not formally adopted. This exercise was intended to reflect the current approved zoning status and then be updated with future zoning changes. Ms. McLean stated the density pod details were not part of the official zoning map but were intended as a supplement to keep track of overall density as provided for in the MDAs which could be allocated with changing market conditions. She stated the Town Staff wanted to work with anyone who could help provide more clarity on the evolution of the town zoning map.

Commissioner Tihansky asked about the color and density shown for the golf course; Mr. Eddington noted it was based on the zoning per the MDA.

Ms McLean added the map reflected the zoning from the MDA and approved by Town Council so even though the property was used as a golf course, it was not zoned as open space.

Commissioner Tihansky went on to note her concerns if the golf course was not zoned as zero density or open space, what would happen if the owner decided to develop the land as zoned. Ms. McLean responded any request to re-develop such land would be governed by the MDA, not the zoning map. She added the density pod map would not create or remove any density limitations governed by the MDA.

Commissioner Tihansky asked if the density depicted in the beige MDA area totaled the approximately 1900 units described in the MDA to which Mr. Eddington responded the total allowance in the MDA listed 1,975 units which the area would consist of upon completion of all future development.

Commissioner Tihansky asked if there was a theoretical chance of a hotel being built on the golf course property to which Ms. McLean responded she could not speculate on a hypothetical situation; she would need to review a specific application against the vested rights in the MDA.

Commissioner Woelfle acknowledged this was a backward process to attempt to approve the map at this stage and did not reflect how the planning process would work under the current town

administration. He noted the original agreement was written in the developer's favor and allowed the developer considerable latitude.

Commissioner Tihansky asked whether a zoning board would be asked to provide any future potential variance. Mr. Eddington responded no, such a process would involve a Planning Commission recommendation to Town Council, and if disputed an administrative law judge could be called on to hear the case.

Commissioner Woelfle noted most of the comments raised at the last meeting had been addressed in the updated maps.

There being no further questions from the Commissioners, Chair Matyszczyk opened the floor to public comments at 7:36 PM and asked each speaker to limit comments to three minutes.

Mr. Jonathan Gunn, Hideout resident, noted a secondary access road near his property was shown on the map as a road, but was actually a utility easement. He requested this designation be corrected on the final map. Mr. Eddington agreed to correct the map.

Ms. Carol Tomas, Hideout resident, asked about the zoning designation of the Longview Estates subdivision which was designated as Residential Mountain (RMD) rather than Resort Specially Planned Area (RSPA) as all the surrounding developments were zoned. She expressed her concerns that a developer could construct higher buildings under the RMD zoning which could negatively impact the views of adjacent property owners. Mr. Eddington agreed to confirm the zoning and any restrictions in the Lakeview Estates MDA.

Ms. Tomas asked about model home construction in Longview Estates; Mr. Eddington responded the design review may be underway or would be started soon. Ms. Tomas requested the zoning for Lakeview Estates be changed from RMD to ensure building heights would not impact her views. Mr. Eddington responded he would research the MDA on this subject.

Mr. Jared Fields, also representing Mustang Development, shared his concerns with the noticing of this public hearing as a continuation from the original July 29, 2021 notice rather than as a separate notice. He also noted the late posting of the maps in the meeting materials may not have provided sufficient review time for members of the public. He went on to state his disagreement with the density pod map which he believed was inaccurate and potentially confusing. He also stated the neighborhood commercial re-zoning designation for the Deer Springs property under current discussion should be corrected on the map. Mr. Eddington and Ms. McLean agreed to follow up on these concerns with Mr. Fields.

Mr. Mike Rost, Hideout resident, stated he agreed with Mr. Gunn's earlier comments regarding the designation of the utility easement and supported Ms. Tomas's request for the Lakeview Estates property to be re-zoned.

Commissioner Tihansky asked if the zoning of the Todd Hollow Affordable Housing development as single family should be changed to reflect its higher density. Mr. Eddington noted this would require a change in the approved zoning.

Commissioner Turner asked if the Planning Commission had authority to change the zoning designations for Lakeview Estates. Ms. McLean responded the Lakeview Estates area noted on the proposed zoning map was not part of the Master MDA but rather had a separate MDA or was annexed as medium density. Ms. McLean stated she would review the Lakeview Estates MDA with Mr. Eddington to confirm the zoning.

Mr. Eddington stated Todd Hollow was designated as affordable housing which was not a zone in the Town' code so was designated as Residential Medium Density which was the closest option.

Ms. Tomas asked if Lakeview Estates was re-zoned as single family, could limits on building heights be set. Mr. Eddington responded this would require a zoning change, deed restriction or a zoning variance.

There being no further comments, the Public Hearing was closed at 8:04 PM. Chair Matyszczyk suggested postponement of the approval of the official town zoning map until Mr. Eddington could complete his research and make the updates and corrections as discussed.

Ms. McLean noted the emails with public comments received had been shared with the Commissioners and would be included in the meeting materials.

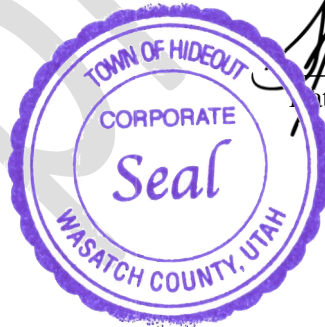
Motion: Commissioner Turner made the motion to continue the discussion of the town zoning map until the next meeting. Commissioner Tihansky made the second. Voting Aye: Commissioners Matyszczyk, Tihansky, Turner, Woelfle and Sapp. Voting Nay: None. The motion carried.

VII. Meeting Adjournment

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

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

The meeting adjourned at 8:09 PM.



Nathleen Hopkins
Nathleen Hopkins, Deputy Town Clerk