

HIDEOUT, UTAH
10860 N. Hideout Trail
Hideout, UT 84036
PLANNING COMMISSION MEETING
January 24, 2020
6:00 p.m.

I. OPENING

Chair Dwinell called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

PRESENT

Chair Jerry Dwinell (Alternate)
Vice Chair Ralph Severini (by telephone)
Member Sara Goldkind (by telephone; joined at 6:24 p.m.)
Member Anthony Matyszczyk
Member Bruce Woelfle
Member Carol Haselton
Alternate Member Kurt Shadle

II. ADMINISTRATION

1. Welcome new Commissioners and announce role changes

Chair Dwinell announced that effective January 2020, both he and Vytas Rupinskas are now members of the Town Council. Consequently, the Mayor approved the following: Tony Matyszczyk and Carol Haselton are full voting members. Mr. Dwinell will serve as an alternate and will continue chairing the meetings until either someone on the Commission is interested in doing so, or if the Mayor designates another chairperson.

2. Approval of Meeting Minutes: December 19, 2019

Commissioner Woelfle moved to approve the minutes of the December 19, 2019 meeting. Commissioner Matyszczyk made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszczyk and Haselton. Voting Nay: None. The motion carried.

III. PUBLIC HEARING

1. Public Hearing - Continuation of public hearing to combine two lots in Forevermore Court (Lots 8 and 9).

Mr. Dwinell reviewed that this item was originally heard in November 2019 and at the time the Commission had some concerns about the frontage in Forevermore Court. Accordingly, the Commission decided to continue this item to consult with Town Attorney, Dan Dansie.

The Petitioner, Bruce Arrow, gave a brief history of his and his wife's purchase of the two lots from Bob Martino. After acquiring these two lots, the Arrows learned of the impaired ingress and egress due to the width and slope of the lots. Thus, upon the recommendation of a realtor, the Arrows are petitioning to combine the two lots to build an approximately 5,500 square foot spec house.

Discussion focused on location and lot frontage. None of the lots (6-10) have the 70-foot frontage required by the Code; further, Lot 10's frontage measures 30 feet with an electrical box in the middle, rendering it unbuildable. Mr. Dwinell recounted that the Commission was concerned with how the owner of Lot 10 would ever be able to build on that lot, and if the Commission were to approve the lot 8 and 9 combination, it would render Lot 10 as a sort of "island". Dan Dansie advised that the Arrows' petition stands on its own and has no effect on Lot 10.

Mr. Dwinell opened the meeting for public comment at 6:24 p.m.

At 6:24 p.m., Commissioner Goldkind joined the meeting by telephone.

With no public comments, the public hearing was closed.

Commissioner Woelfle moved to recommend approval of the petition to the Town Council. Commissioner Haselton made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszyk and Haselton. Voting Nay: None. The motion carried.

2. Public Hearing - Review and potential approve a Zone change request for 8.6 acres of Deer springs (tax parcel 21-3164) from Mountain (with a PPD for Townhomes) to Neighborhood Commercial

Nate Brockbank was present via telephone for the discussion on this agenda item.

Chair Dwinell explained the request concerns a mixed-use zoning for the area, which is among the redefined zones currently undergoing review and revision by the Planning Commission. Further, residents and the Council expressed concerns with how the project would look from different areas within the Town. Consequently, Mr. Dwinell met with Mr. Brockbank to go over those concerns. Mr. Brockbank agreed to provide some viewshed drawings to show what the project will look like from different viewpoints, such as the roundabout and Deer Vista. He also planned to install berms to shield portions of the project.

Discussion arose concerning the number of dwellings (96-128), parking and slope.

Parking: if constructing four-story structures, parking would be on the main floor with housing units on floors 2-4. If the structures are three-story, then parking would be outside with several garages and some covered parking.

Slope: Mr. Brockbank commented that Thomas Eddington's report regarding 60% slope was incorrect. Mr. Brockbank stated there was no 60% slope within their 8.6 acres. The Commission viewed a slope map prepared by Mr. Brockbank's engineer, delineating the various slope percentages. The engineer stated that the slope map was based on actual surveyor data, unlike Mr. Eddington's USGS mapping that could result in error. He offered to provide Mr. Eddington with all the slope mapping data.

Mr. Brockbank indicated there would be at least one parking space per unit in the four-story in-building parking. He was told that the fewer external parking spots, the better. Mr. Brockbank stated he would have that drawn up in preparation for a meeting with Mr. Eddington the following Friday. Further, Mr. Brockbank indicated the decision regarding a three- or four-story configuration will be driven by the view corridors around the Town. Commissioner Shadle expressed concern with the potential of 128 units and felt it was too

much for the area.

Dan Dansie advised that in addition to a zone change, Mr. Brockbank would need to amend the Master Development Agreement ("MDA"), because this proposal conflicts with the MDA, which provides residential only and maximum density provisions. Further, the planned exteriors would need to be consistent with the MDA.

Discussion followed regarding possible joint venture scenarios and the type of commercial property envisioned in the project.

Commissioner Severini inquired whether any revenue calculations based on occupancy had been run. He added there may be some room for expansion near the detention pond to create a larger commercial area. He also expressed concern with the slopes. Mr. Brockbank estimated revenue would fall around \$12,000 per month, however he engaged a broker to run those scenarios.

Mr. Brockbank indicated that if approved, he anticipated breaking ground this year.

Commissioner Haselton commented that external guest and overflow parking will need to be addressed. The engineer responded that the area near the detention pond underneath the power lines will be flat and could be configured for as many or as few guest parking stalls as the Town would want. Further, he could configure the commercial site for a 2-story building if preferred. Mr. Dwinell felt the viewshed illustrations would answer that question.

Commissioner Woelfle mentioned future public transportation needed to be addressed, and to include a space for a drop off or turnaround, etc., Additionally, trail access should be included. Mr. Brockbank agreed, and noted that MIDA also envisioned some type of Personal Rapid Transit ("PRT") system running from Richardson Flats along the Jordanelle Parkway to Deer Valley.

At 7:10 p.m., Chair Dwinell opened the meeting for public comment. With no comments forthcoming, the public hearing was closed.

Mr. Dwinell recommended this public hearing be continued to February 20.

Commissioner Matyszyk moved to continue this public hearing to February 20.

Commissioner Goldkind made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszyk and Haselton. Voting Nay: None. The motion carried.

IV. ADMINISTRATION

1. Review and create final draft of Title 3 changes to Town Code

Chair Dwinell provided a brief background concerning the Commission's work on the Code, and stated he invited all the developers to this evening's meeting. Western States (Walt Plumb and Nate Brockbank) was the only developer present this evening.

Appeal Authority (Board of Adjustment): This section was pulled directly from Title 11 and placed in Title 3. Dan Dansie explained the function of the appeal authority and the appeal process associated therewith. He also suggested considering streamlining this

section given the size of the Town, to create a single member appeal authority, such as is the case in other jurisdictions, namely Cottonwood Heights.

Following discussion, Chair Dwinell concluded the provision was a “lift and shift” from another title with no changes to the Town’s existing law, and it would be within the Town Council’s purview to make any substantive changes.

At 7:33 p.m., Chair Dwinell opened the floor for public comments. With no comments, the discussion on this item was closed.

2. Review and create final draft of Title 9 changes to Town Code

[Referring to Agenda Item #1, Jan McCosh, who was experiencing telephone connectivity issues, commented that the land within the rezoning request is a MIDA property, and as such, the Town would need to fully understand the underlying concept and financial framework regarding MIDA and those contracts as it would pertain to the revenue analysis discussion. Walt Plumb commented their intent was to not diminish any value and to only enhance value.]

Class B and C Misdemeanors: The discrepancy between the penalty imposed on homeowner vs. the contractor, the severity of the penalties, and assessed fines were discussed. Commissioner Goldkind suggested conducting a review of all Class B and Class C penalty clauses across the Code to consider them in more detail and make necessary revisions for consistency. Dan Dansie felt the misdemeanor clause should not be deleted, but rather adding "any violation of this section" clause detailing the penalty, set out an administrative fine schedule, and still include the misdemeanor clause for ongoing violations at the end. He suggested this could be a standalone “catchall” provision within the title to create an enforcement mechanism, but it wouldn’t preclude specifically allocating a consequence or penalty throughout the title. The Commission was agreeable to the foregoing. Commissioner Shadle volunteered to review the fee schedule.

Definitions: The Commission discussed establishing consistent terms and definitions with maximum flexibility. Commissioner Goldkind volunteered to work on terms and definitions for the titles.

Potential Conflict Between Town Standards and the MDA: Dan Dansie opined that the MDA governed the development standards of a property and once developed, there was nothing within the vested law provisions of the MDA to prevent the Town from incorporating long-term landscaping standards, however the HOA’s CC&Rs do govern. Further, if there is a Town standard that is more stringent, then he didn't think the CC&Rs would prevent the Town from adopting more strict standards. If any standard is found to be less stringent than the CC&Rs, then the CC&Rs would govern.

Melyssa Davidson counsel for the HOA, stated that the MDA covers any “development application,” which is defined as any application for a building permit. Thus, she opined that when someone submits a building permit, it would in fact fall under the MDA. Ms. Davidson commented that while most of the proposed provisions were not problematic, she did see an issue with irrigation. The MDA encourages natural growth and does not permit landscaping outside of the building envelope and strongly discourages irrigation. She concluded that the lot owner under the MDA needs to be vested under those laws and the MDA runs with the land. She specifically referred to §9.04.1 ¶¶ 5-6 as a potential problem.

It was indicated the HOA standards would be reviewed and possibly integrated. Ms. Davidson agreed to send a copy of the HOA standards to Mr. Dwinell. Thomas Eddington offered to assist on the landscape design standards.

Mr. Dwinell then solicited comments from Western States. No comments were forthcoming.

Dan Dansie noted some inconsistency in the “land use authority” definition and offered to find them and send to Commissioner Goldkind for the terms and definitions section.

§9.05.10 and beyond were provided by T-O Engineering, and Mayor Rubin indicated he wanted to comment on these sections. Thus, Mr. Dwinell recommended holding off on this discussion to allow those comments.

At 8:32 p.m., Mr. Dwinell opened the floor for public comments. No comments were given.

3. Review and create final draft of Title 11 changes to Town Code

Chair Dwinell discussed his quality check of the existing Code to add any provisions that were inadvertently left out of the Planning Commission’s draft and proceeded through team comments.

Conditional Uses: It was the consensus that the Commission did not want to eliminate conditional uses, but to make sure there were enough provisions to protect the Town. Dan Dansie suggested adding a general statement that if a use isn’t permitted or conditionally permitted, it is not an approved use and is prohibited. Mr. Dansie noted the language of the existing section §11-1-24 *Administrative Determination for Uses Not Listed* basically allows exceptions to any kind of permitted use and takes zoning, which is done at the legislative level and makes zoning decisions on an ad hoc basis; he found this to be potentially problematic. Mr. Dansie agreed to review this and suggest new language.

ERU’s: Dan Dansie commented this task would require engineering input. It was decided to assign this to T-O Engineering. Thomas Eddington commented he discussed this with Ryan Taylor and would work with him on this.

Cluster Development: Dan Dansie provided some clarification on the purpose of cluster development and how utilized in other municipalities. Thomas Eddington agreed to review this.

Zoning Definitions: Regarding Infrastructure Utilities, Dan Dansie felt it needed more definition and specificity.

Short-term Rentals: It was agreed the short-term timeframe will be revised to less than 30 days; further, this item will be tabled until Dan Dansie has had an opportunity to review whether State legislation may impact this issue.

Mr. Dwinell asked the Commission to review the various data, e.g. minimum lot frontage and building heights, etc. and determine the acceptable values of each and provide comments. He also asked Dan Dansie to review the various conditional uses and provide his feedback.

4. Review and create final draft of Title 10 changes to Town Code

Due to time constraints, this item was not discussed.

V. MEETING ADJOURNMENT

Commissioner Haselton moved to adjourn the meeting. Commissioner Goldkind made the second. Voting Aye: Commissioners Severini, Woelfle, Goldkind, Matyszczyk and Haselton. Voting Nay: None. The motion carried.

The meeting adjourned at 9:30 p.m.

Allison Lutes, Town Clerk

APPROVED