



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 5000 Royal Street
Author: Alexandra Ananth, Senior Planner
Project Number: PL-19-04374
Date: February 12, 2020
Type of Item: Work Session – Proposed 15-Lot Subdivision

Summary Recommendations

Staff recommends the Planning Commission hold a Work Session discussion for the proposed Major Subdivision located at 5000 Royal Street, and provide input to Staff and the applicant on the various issues raised in this Staff Report. The application would replace the existing Westview/Huntsman MPD within the Deer Valley MPD and approve a new 15-lot Subdivision under the Deer Valley MPD.

Description

Applicant: DV Lodge, LLC, represented by Rory Murphy
Location: 5000 Royal Street
Zoning: Residential Development (RD), Deer Valley MPD
Adjacent Land Uses: Residential- Single Family Dwellings, Open Space
Reason for Review: Subdivision Plats require Planning Commission Review and City Council Action. This is a request for a Work Session discussion prior to Review and Action.

Executive Summary/Proposal

The applicant is proposing to create a fifteen lot (15-lot) Subdivision to be known as Huntsman Estates, from a 40.69 acre site. The site is located in the Residential Development District (RD) and is also within the Deer Valley Master Planned Development (DV MPD) where it is assigned 15 Units of permitted density. The site lies between Marsac Avenue and Royal Street southeast of the runaway truck ramp off of Marsac Avenue. Adjacent Subdivisions include American Flag to the north and Belleterre to the east. The property is heavily wooded and has a pre-existing Single Family Dwelling that will remain and occupy one of the proposed parcels, utilizing one (1) of the 15 Units of density.

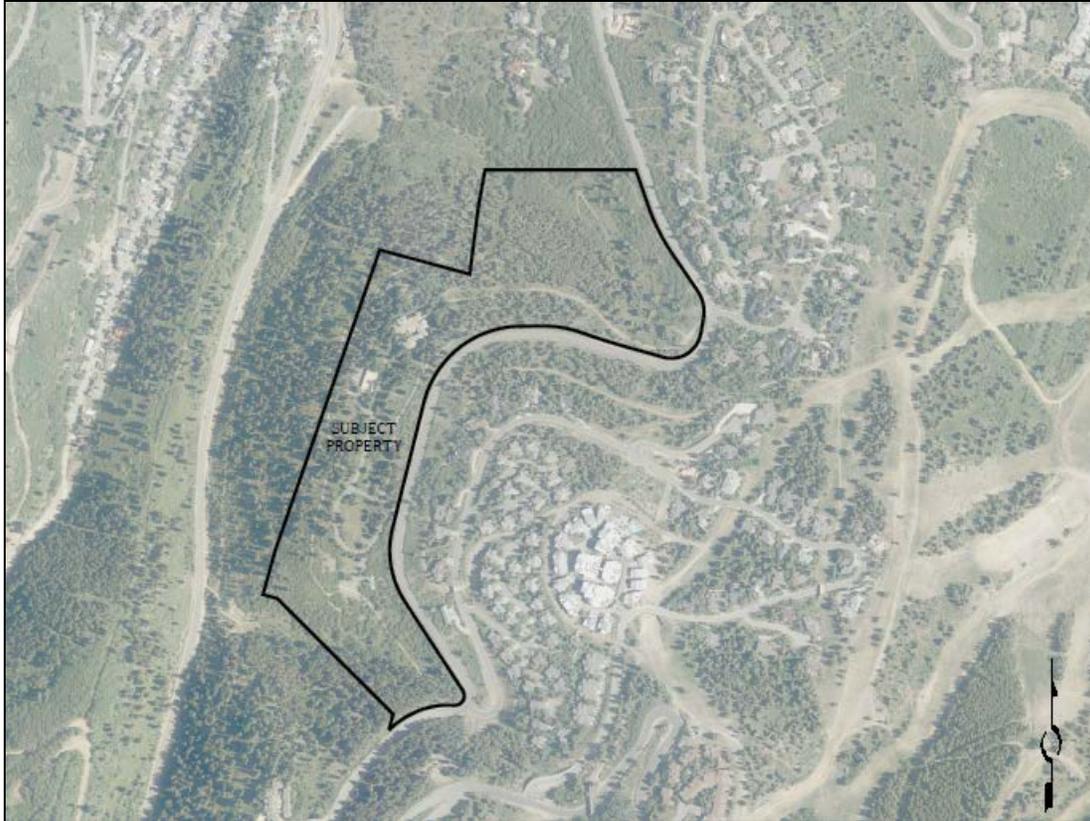


Figure 1: Subject Property located between Royal Street and Marsac Avenue

Background

The proposed Subdivision is located in the RD Zoning District which allows for a maximum Density of three (3) units per acre. However, the site is also located within the Deer Valley Large Scale Master Planned Development Permit (DV MPD) which overlays additional development requirements and restrictions on the property.

The DV MPD was originally approved in September 1977, and has been amended and restated twelve (12) times. The most recent Twelfth Amendment was approved on November 30, 2016 (Exhibit A). Among other things, the DV MPD authorizes Density within the Deer Valley area. Except for Units where the owner elects to, or is required to utilize the Unit Equivalent formula, there is no size limitation for Units provided that following construction, the parcel contains a minimum of 60% Open Space and otherwise complies with the Deer Valley MPD and all applicable zoning regulations. Employee and/or Affordable Housing obligations for this parcel were satisfied within the Deer Valley MPD. All buildings are required to be fire sprinkled.

The parcel has a long history and appears to be incorporated into the Deer Valley Second Amended and Restated Special Exception Permit dated January 27, 1982. In this Second Amendment the property is referred to at the Bench Single Family Parcel and has a Density Range of 35-36 Units in Exhibit 2 of the MPD. On May 12, 1982, the property was approved by the Planning Commission for a 34-lot Subdivision (Exhibit B) known as the Westview Subdivision which was approved and platted. A road was

subsequently graded in, but no further improvements were installed. The Planning Department has not been able to find any more information on this approval. However, by the time of the Third Amendment to the Deer Valley MPD (April 10, 1984) the Parcel is referred to as the Westview Parcel and has an approved Density of 34 Units in Exhibit 2.

This does not change in the Fourth Amendment (February 19, 1985) or the Fifth Amendment (December 23, 1986).

The property was purchased by Jon Huntsman, Sr. and his wife in 1987, and the Planning Commission approved the vacation of the 1982 Westview Subdivision Plat and a 15 Unit Conceptual MPD (which continues to be known as the Westview MPD) for a family compound of up to 15 Units. The Staff Report (Exhibit C – Planning Department Staff Report dated December 11, 1987) notes that the applicant did not intend to subdivide the parcel but that one (1) Unit would be built immediately and the remaining 14 Units were to be built over a long period of time and that the dwellings would all be family owned. This 1987 approval resulted in an overall decrease in density of 19 Units but not necessarily in buildable square footage as no maximum house size was set (Exhibit D – Notice of Planning Commission Action dated December 17, 1987. This approval was conditioned on the re-alignment of a trail easement that crossed the Huntsman property. This trail re-alignment was approved and completed in 1988. The approval also notes that it is not a Subdivision but an MPD. The Huntsman Family subsequently built a family estate on the property utilizing one (1) Unit, however, the 15 Unit entitlement remains intact with 14 development Unit entitlements remaining.

The Westview/Huntsman MPD and Parcel continues to be known as the Westview Parcel in the subsequent Amendments to the Deer Valley MPD. It is located in the North Silver Lake Community of Deer Valley and is identified in Exhibit 1 of the Twelfth Amendment. This Exhibit sets the Permitted Density (Units) at 15 with one (1) Unit already developed (the existing Huntsman Family house). It also limits building height to 28 feet which is the underlying zone Maximum Building Height. The Planning Department notes that the 1987 Conceptual MPD approval for the construction of the Huntsman Family Compound allows for exceptions to the building height for this house (Exhibit B Condition of Approval #8).

The current use of the site includes a large existing residence (approximately 22,000 square feet) and accessory buildings including a 1,000 square foot carriage house and a 6,000 square foot underground parking garage.

Adjacent to the property to the west is a 19.51 acre parcel also owned by the Huntsman Family that is located outside of the Deer Valley MPD. This parcel is zoned Estate (E) which requires a minimum of three (3) acres per Unit. The applicant has stated that they would be interested in transferring the density located on this adjacent parcel into the proposed Huntsman Estates and as such have designated an area in the Subdivision to accommodate this should this effort be pursued in the future.

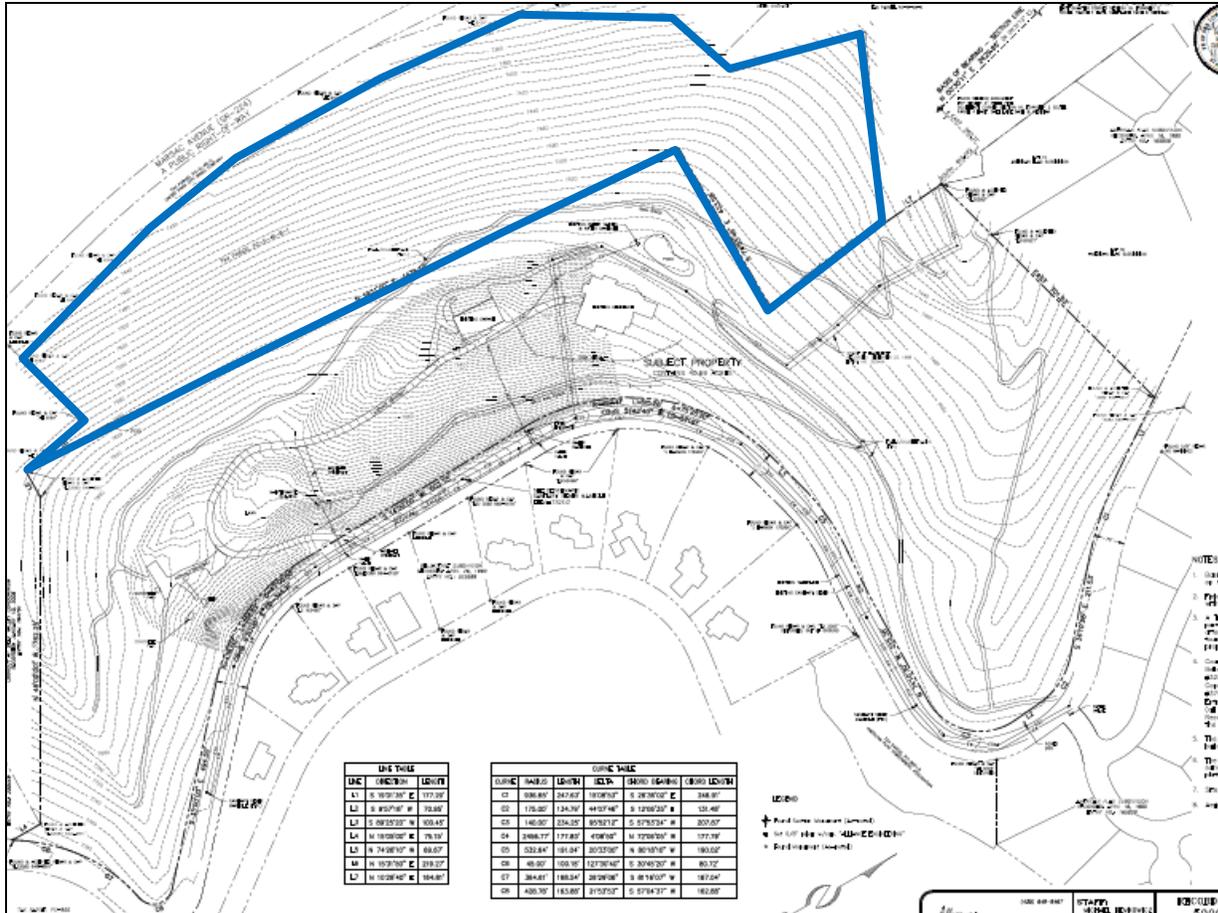


Figure 2: Adjacent 19.51 acre parcel also owned by the applicant

Adding land and/or Density to the Deer Valley MPD requires the support of Deer Valley and an Amendment to the Deer Valley MPD. The Planning Department believes this may be worth pursuing in exchange for a Conservation Easement or ownership of this parcel so that this heavily wooded and very visible site adjacent to Marsac Avenue remains undeveloped in perpetuity. This parcel is located within the [Sensitive Lands Overlay Zone](#) (SLO Zone), and contains trails used by the public and wildlife habitat. Due to its location in the SLO Zone, the Planning Commission may consider a transfer of up to 25% of the Densities of this site to Developable Land subject to a Sensitive Lands Analysis and a Site Suitability Determination. Although the applicant has expressed interest in pursuing this further they have not submitted a Sensitive Lands Analysis to the Planning Department yet. ***This is explained further in the Analysis Section of this Staff Report and Staff is requesting input from the Planning Commission on whether or not the Planning Commission would be receptive to this idea.***

District Purpose

- The purpose of the Residential Development District is to:
- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Analysis

The proposed Major Subdivision has been reviewed for compliance with the following Land Management Code Sections: [15-2.13](#) Residential Development (RD) District; [15-7](#) Subdivision General Provisions; [15-7.1](#) Subdivision Procedures; [15-7.3](#) Requirements For Improvements, Reservations and Design; [15-12-15\(B\)\(4\)](#) Subdivision Approval; and [15-12-15\(B\)\(9\)](#) Subdivision and Condominium Plat and Plat Amendment Review as well as the Deer Valley MPD.

Single Family Dwellings are an Allowed Use within the RD District, as are Duplex Dwellings. Lockout Units require a CUP. Nightly Rentals are allowed in the area. Lot and Site Requirements are as follows:

Zone Allowance:	Residential Development	Deer Valley MPD Overlay
<i>Lot Size</i>	<i>No Minimum</i>	<i>Same</i>
<i>Density</i>	<i>3 units per acre, (or up to 5 units per acre with a MPD)</i>	<i>15 Units</i>
<i>Setbacks</i>		<i>Same</i>
<i>Front Setback</i>	<i>20 feet</i>	
<i>Front Setback – New front facing garages</i>	<i>25 feet</i>	
<i>Rear Setback – Main Buildings</i>	<i>15 feet</i>	
<i>Rear Setback – Accessory Buildings and detached garages</i>	<i>10 feet</i>	
<i>Side Setback</i>	<i>12 feet</i>	
<i>Building Height</i>	<i>28 feet from existing grade</i>	<i>Same</i>

The proposed Huntsman Estates Subdivision Plat creates fifteen (15) Lots of record from the existing 40.69 acre site. The proposal is as follows:

Lot	Size
Lot 1	.76 acres
Lot 2	3.02 acres
Lot 3	2.76 acres
Lot 4	1.02 acres
Lot 5	1.20 acres
Lot 6	.85 acres
Lot 7	.37 acres
Lot 8	.65 acres
Lot 9	.64 acres
Lot 10	.60 acres
Lot 11	.57 acres
Lot 12	23.67 acres 21.82 acres*
Lot 13	.76 acres
Lot 14	.71 acres
Lot 15	.70 acres
Common Area Parcel	.75 acres
Additional Land A*	1.12 acres
Additional Land B*	.73 acres

**Lot 12 contains the existing Huntsman Family House. As mentioned earlier in this Staff Report the applicant has reserved two lots within the Subdivision should they be approved to transfer Density from the adjacent Estate zoned parcel into this Subdivision in the future. For the purposes of this application the square footage from these lots is part of Lot 12, the lot that includes the Huntsman House. If in the future the applicant is approved to transfer the Density, Additional Land A and Additional Land B Lots would be created and the size of Lot 12 would decrease from 23.67 acres to 21.82 acres to accommodate these lots.*

All of the proposed lots meet the requirements of the RD District and the Deer Valley MPD. Prior to the issuance of Building Permits for individual lots the Planning Department must review proposed plans for compliance with the Architectural Design Guidelines. This is in addition to the Deer Valley Design Guidelines. Although there is no Maximum House Size Limitations within the Deer Valley MPD for this parcel, the

Planning Commission and/or Director of Planning may designate maximum house sizes to ensure Compatibility with the surrounding neighborhood. Not including the existing Huntsman house (approximately 22,000 SF), the average size of the homes in the adjacent Belleterre and Flagstaff neighborhoods is approximately 7,000 square feet (Exhibit E). If we were to assume development of the remaining 14 Huntsman Units at 7,000 square feet this would equate to 98,000 square feet of development on the 40 acre parcel. **Staff requests discussion of whether or not there should be Maximum House Size Limitations on this Subdivision at the Work Session.**

Common Area Parcel

The applicant is proposing one .75 acre parcel as Common Area that will likely contain amenities exclusive to the property. These may include an outfitters cabin with outdoor equipment and a stocked fishing pond. Tennis and pickleball courts are also being considered.

Visibility of the Site

The Planning Department notes that there should be minimal impacts on surrounding properties including shadows, loss of solar access, air circulation, views or ridgeline intrusion due to required setbacks and because the building height limitation of 28 feet is less than the height of surrounding trees. Nevertheless, the Planning Department has requested that the applicant submit a Visual Assessment of what the development will look like at build out from the Historic District so that the Planning Commission may fully evaluate the impacts of the proposed Subdivision and necessary tree removal. The Planning Department notes that the Sensitive Land Overlay Zone Regulations [Section 15-2.21-3\(A\)\(4\)](#) requires a Visual Assessment of the Property from nine (9)

Typical Vantage Points including:

- a) Osguthorpe/McPolin Barn
- b) Treasure Mountain Middle School
- c) Intersection of Main Street and Heber Avenue
- d) Park City Ski Area
- e) Snow Park Lodge
- f) Park City Gold Course Clubhouse
- g) Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
- h) Highway 248, 2 miles south of the intersection with Kilby Road.

However, the proposed subdivision is not located in the Sensitive Land Overlay Zone and the Planning Department expects this project to be minimally visible from any of the above Vantage Points and suggests the Commission consider substituting the top of Main Street, Prospect Avenue or Daly Avenue instead. **Staff requests discussion of appropriate Vantage Points in order to get an effective Visual Assessment of the project at the Work Session.**

Vegetation Protection and Soils

Section [15-2.13-10](#) of the LMC requires that Property Owners protect Significant Vegetation during Development activity including large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller

trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3 and Title 14. This is typically done at the time of individual building permits.

The Planning Department suggests the applicant work with a certified arborist to evaluate the health and viability of Significant Vegetation on the site overall and consider thinning and removing dead standing trees for overall forest health and wildfire prevention.

In addition, it will be important to balance the need for tree removal on individual lots for both construction and wildfire prevention with the visibility of the site from the Main Street core/Historic District. The Planning Department notes that care should be taken when siting houses and driveways on the lots in order to minimize disturbance of Significant Vegetation. We have also asked the applicant to work with a certified arborist to propose Limits of Disturbance for individual lots on the Plat for evaluation by the Planning Director and to be cognizant of best practices for forest fire prevention.

The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore is not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

Open Space

The applicant has stated that Open Space will be greater than 90% for the development. Planning Department Staff has requested an Open Space Plan showing proposed building envelopes to verify this calculation.

Trails and Sidewalks

No sidewalks are proposed within the Subdivision. Although walkability is important to the Planning Department, given that the road will be private and maintained by the Homeowners Association, the Planning Department has no objection to this at the current time.

There are existing hiking trails, recognized on public trails maps, that run through the subject property linking Deer Valley and the Historic District. There are also single and double-track bike trails on the adjacent 19.51 acre parcel. The City doesn't currently have easements for these trails but would like to either acquire a blanket easement to maintain and improve these trails as necessary or to own the adjacent parcel outright as Open Space. The Planning Department recommends a Condition of Approval that these trails be deeded to the City via a blanket easement so that they can be properly maintained as necessary. Alternatively, in exchange for the ability to transfer some

density into the Deer Valley MPD the applicant may wish to consider donating this land to the City as Open Space for trails and wildlife habitat.

Traffic

The traffic impacts for this 15-lot Subdivision are expected to be relatively insignificant and well within the capacity of Royal Street. Additionally, in order to reduce traffic from the Subdivision, the applicant is proposing an on-call van that will transport owners and guests to the Silver Lake area as well as the Main Street core and the surrounding resorts utilizing Royal Street. The on-call van service will reduce parking needs and provide an easy ride to the slopes and town, particularly during peak periods. The Planning Department would make this a Condition of Approval and does not believe a traffic study is warranted for this project given that the proposed 15 Units of Density are contemplated in the Deer Valley MPD.

Sensitive Land Overlay (SLO) Zone Regulations

Adjacent to the subject property to the west is a 19.51 acre parcel also owned by the Huntsman Family that is located outside of the Deer Valley MPD. This parcel is zoned Estate (E) which requires a minimum of three (3) acres per Unit. The applicant has stated that they would be interested in bringing this parcel into the Deer Valley MPD so that they may transfer the Density from this parcel into the proposed Huntsman Estates. As such, they have designated an area in the Subdivision to accommodate this should this effort be pursued. **Adding land and/or Density to the Deer Valley MPD requires the support of Deer Valley and an Amendment to the Deer Valley MPD.** The Planning Department believes this may be worth pursuing in exchange for a Conservation Easement or ownership of this parcel so that this heavily wooded and very visible site adjacent to Marsac Avenue is not developed in the future.

This parcel is located within the [Sensitive Lands Overlay Zone](#) (SLO Zone), and contains trails used by the public and wildlife habitat. This parcel is also steeply sloped. Due to its location in the SLO Zone, the Planning Commission may consider a transfer of up to 25% of the Densities of this site to Developable Land subject to a Sensitive Lands Analysis and a Site Suitability Determination.

The purpose of the SLO is to:

1. require dedicated Open Space in aesthetically and environmentally sensitive Areas;
2. encourage preservation of large expanses of Open Space and wildlife habitat;
3. cluster Development while allowing a reasonable use of Property;
4. prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
5. protect and preserve environmentally sensitive land.

The overlay review process has four primary steps:

- A. The Applicant must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas and provide at time of Application a Sensitive Land Analysis. The Planning Department may require the Applicant to submit the following as applicable: Visual Assessment, Soil Investigation Report,

Geotechnical Report, Additional Slope Information, Fire Protection Report, Hydrological Report.

- B. Regulatory standards apply to the type of Sensitive Land delineated.
- C. Staff shall prepare a Sensitive Land Determination report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.
- D. Hardship Relief. If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may modify application of these regulations to provide the Applicant reasonable Use of the Property.

The Applicant has not submitted a Sensitive Land Analysis identifying the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas and therefore the Planning Department has not been able to confirm the amount of Density that may be transferred into the Huntsman Estates Subdivision. However it is anticipated that this parcel may qualify as a Steep Slope greater than 15% but less than or equal to 40% therefore Section [15-2.21-4\(H\)\(2\)\(c\)](#) Density Transfer may apply. This Section states that "Upon proof of a sensitive Site plan, the Applicant may transfer up to 25% of the Densities from the Open Space portion of the Site to the Developable Land. The applicant believes that if allowed, they may be able to transfer up to two (2) Units of Density to the adjacent Huntsman Estates. In exchange for this additional Density the applicant has stated that they would be willing to donate a Conservation Easement to the City on the 19.51 acre parcel so that this site remains undeveloped in perpetuity. ***Staff requests discussion of this issue at the Work Session.***

Development Review Committee

The Development Review Committee reviewed this project on December 17, 2019. The applicant is proposing a 40-foot right of way for the private road that would serve this Subdivision from Royal Street. The private road will be maintained by the Homeowner's Association and will have no more than a 10% grade. Sewer and water mains will be placed under the road and the road will be built to Park City road construction standards. Underground power and gas will be trenched along the outside of the road. A Plat Note shall indicate that no private driveways will be permitted from Royal Street. The Fire Department asked that the width of the cul-de-sac be increased from 75 feet to 96 feet in order to accommodate their trucks. A Construction Management Plan that explicitly prohibits parking on Royal Street during construction will be required.

The Snyderville Basin Sewer Improvement District (SBSID) has an easement for a sewer line through this property. The applicant has agreed to work closely with the SBSID as plans for development progress. Storm water plans must be reviewed and approved prior to the issuance of building permits.

Consistency with the Park City General Plan

The Upper Deer Valley Neighborhood was platted within the Deer Valley Master Plan to create a limited number of single family homes as well as clustered multifamily and

hotel development in this resort oriented neighborhood. Housing in this neighborhood is primarily used as second homes as well as nightly rentals supporting this resort neighborhood. Development clusters exist within pods and each pod is surrounded by recreation open space. An extensive single track trail system provides for hiking and biking in the summer and connects Deer Valley to the Main Street Area.

Access from Marsac Avenue and Royal Street provides connections to the Main Street Area. This project will create an on call van service program that will support carpooling to the ski slopes and the Main Street area, particularly during peak periods.

It has been well documented (including in the City's General Plan) that empty second homes consume a significant amount of energy even while empty. Part of this is due to their size, number of appliances, hot tubs, snowmelt systems, lighting, etc. The Planning Department encourages the applicant to consider ways in which this subdivision's HOA can regulate energy consumption. Some examples of strategies to consider include limits on house size, limits on allowed areas of disturbance, consideration for small accessory units, taking into account the contours of the land and minimizing excavation, minimizing driveways and impervious surfaces, encouraging the inclusion of solar panels and geothermal systems, water conservation strategies, super insulated homes, consideration of house orientation, etc. ***Staff requests discussion whether or not this is something the Planning Commission would like the applicant to consider or if there are other measures the applicant should take.***

Process

The approval of this Subdivision application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § [15-1-18](#).

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Recommendation

Staff recommends the Planning Commission hold a work session discussion for the Huntsman Estates Subdivision Plat located at 5000 Royal Street, and provide input to Staff and the applicant on the proposed Subdivision.

Exhibits

Exhibit A: Deer Valley Resort Twelfth Amended and Restated Large Scale MPD

Exhibit B: Notice of Planning Commission Action, December 17, 1987

Exhibit C: Approved 34 Lot Subdivision, 1982

Exhibit D: Planning Department Staff Report December 11, 1987

Exhibit E: Neighborhood House Size Analysis American Flag and Belleterre

Exhibit F: Applicant's Letter of Intent/Description of the Project

Exhibit G: Huntsman Estates Proposed Subdivision Plat

Exhibit H: Record of Survey and Existing Conditions

Exhibit I: Ownership Exhibit

Exhibit J: Aerial Photograph

Exhibit K: Additional Site Photographs